

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STOP THE MEGA-DUMP,            )  
   )  
                                   Petitioner, ) PCB NO. 2010-103  
   )  
                                   v.            )  
   )  
   ) DEPOSITION OF  
 COUNTY BOARD OF DEKALB        ) LISA WILCOX  
 COUNTY, ILLINOIS and WASTE    )  
 MANAGEMENT OF ILLINOIS,        )  
 INC.,                                    )  
   )  
   ) Respondents. )

DEPOSITION OF LISA WILCOX, taken at the DeKalb County Legislative Center, 200 North Main Street, Sycamore, Illinois, on September 15, 2010, commencing at 9:10 a.m., before Callie S. Bodmer, Certified Shorthand Reporter and Notary Public in and for the State of Illinois, in pursuance to agreement of the parties in the above-entitled action.



1 APPEARANCES:

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4  
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5  
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9 County, Illinois.

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12  
Counsel for the Respondent,  
13 Waste Management of  
Illinois, Inc.

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1                   LISA WILCOX,  
2           being first duly sworn, was examined and  
3           testified as follows:

4                   EXAMINATION

5           BY MR. MORAN:

6           Q.   Could you state your full name for us, please,  
7           and spell your last name.

8           A.   Yes. Lisa G. Wilcox, W-I-L-C-O-X.

9           Q.   And what is your address?

10          A.   My home address?

11          Q.   Yes.

12          A.   1466 Moluf Street in DeKalb.

13          Q.   Ms. Wilcox, my name is Don Moran, I represent  
14          Waste Management of Illinois, Inc., the  
15          Applicant, in connection with a site location  
16          application that has been filed with the DeKalb  
17          County Board and which the DeKalb County Board  
18          approved on May 10th of 2010. The Stop The  
19          Mega-Dump group has filed an appeal of that  
20          decision, which appeal is currently pending  
21          before the Pollution Control Board. Pursuant to  
22          that appeal I have and we have agreed to set  
23          your deposition here today in which I will ask  
24          you a number of questions that relate to that

1 appeal.

2 A. Okay.

3 Q. I will try to ask questions as clearly and  
4 succinctly as possible, goodness knows I rarely  
5 succeed at that. When there's any lack of  
6 clarity or uncertainty about any questions I  
7 ask, I would simply ask you to request  
8 clarification so that we can ensure that your  
9 responses indeed are directly related to the  
10 questions that I have asked. Does that sound  
11 fair?

12 A. Yes, sir, it does.

13 Q. And also as we go forward, the court reporter  
14 can't take down any nonverbal gestures, so if  
15 you could always answer audibly to any question,  
16 that will help the process as well.

17 A. Okay.

18 Q. How long have you lived at your address?

19 A. I have lived at 1466 Moluf since January of  
20 2005 -- excuse me, 2004, I apologize.

21 Q. Do you have any children?

22 A. Yes, I do. I have two children, 18 and 6.

23 Q. And what is your business or occupation?

24 A. I own Web Girl Consulting, a web design firm in

1 DeKalb.

2 Q. Is that the title, Web Girl Consulting?

3 A. Yes, sir.

4 Q. And how long has Web Girl Consulting been in  
5 business?

6 A. 10 years.

7 Q. And you're the owner?

8 A. Yes, I am.

9 Q. When did you first become aware that a site  
10 location application to expand the DeKalb County  
11 Landfill was filed with the DeKalb County Board?

12 A. I became aware in February of -- let's see,  
13 this is -- 2010 of the application when I saw  
14 the article in the Chronicle and the public  
15 notice for the hearing.

16 Q. And you saw that public notice sometime in  
17 February of 2010?

18 A. That's correct.

19 Q. And did the notice indicate that the public  
20 hearing on the application would begin March  
21 1st, 2010?

22 A. I don't recall the exact date.

23 Q. But was it a date in March as far as you know?

24 A. I believe it was a date in March.

1 Q. And you saw that notice in the Chronicle?

2 A. That's correct.

3 Q. I think you said you also saw articles that  
4 were appearing in the Chronicle about the  
5 hearing?

6 A. That's correct.

7 Q. And that was also in February 2010?

8 A. Correct.

9 Q. In the early part of the month, the middle  
10 part, the latter part, do you remember?

11 A. I recall I believe, just a rough estimate, the  
12 middle of February.

13 Q. Prior to that time had you become aware that  
14 DeKalb County and Waste Management of Illinois,  
15 Inc. were negotiating a host community agreement  
16 for a proposed expansion?

17 A. No, sir.

18 Q. Had you ever become aware that Waste Management  
19 of Illinois and DeKalb County had entered into a  
20 host community agreement for the expansion of  
21 the existing landfill?

22 A. No, sir.

23 Q. So to this day you're not aware that there's a  
24 host community agreement in place?

1 A. I mean, I am aware this day that there is a  
2 host community agreement, but prior to February  
3 I was not aware.

4 Q. When did you become aware that there was a host  
5 community agreement in place?

6 A. When I started researching. After I saw the  
7 articles in the Chronicle, I immediately went to  
8 the County website and contacted some folks I  
9 know within the community that are involved with  
10 the County and started asking questions.

11 Q. And who were those individuals that you  
12 contacted?

13 A. I had contacted -- who was it that I did  
14 contact? I think I had asked a couple of  
15 questions of Sharon Holmes. I think I -- I'm  
16 trying to remember who else. Just some folks  
17 that I know that volunteer around the county. I  
18 think a couple sheriff's deputies, just some  
19 people that I knew that work for the County.

20 Q. When did you contact Sharon Holmes?

21 A. Uhm --

22 Q. And maybe you can put it in relation to when  
23 you read or saw the articles and the notice in  
24 the Chronicle. A few days after? A week after?



1 Same day?

2 A. I would say it was about a few days after,  
3 because I sent her an e-mail and it took her a  
4 few days to get back.

5 Q. You sent an e-mail to Sharon Holmes?

6 A. Yes.

7 Q. What did you say in your e-mail to Sharon?

8 A. I just wanted to get some more information on  
9 the -- this potential agreement with the County  
10 and Waste Management, and I'm just trying to  
11 learn more about the issue, if she could help  
12 me.

13 Q. And did she respond to you?

14 A. I didn't get a response until I called, because  
15 I found out Sharon Holmes is not a big e-mail  
16 person.

17 Q. And when did you call Sharon Holmes?

18 A. A couple days after that, because when I --

19 Q. You called her at her office or at her home?

20 A. At her office. I don't have her home number.

21 Q. Did you reach her?

22 A. Yes.

23 Q. What did you say to her?

24 A. She directed me to some specific areas on the

1 website. I just said to her -- I'm sorry. I  
2 just said to her that I was just trying to get  
3 some more information on this agreement and I  
4 was just -- I read the article in the Chronicle,  
5 and I just wanted to find out more about it, and  
6 she directed me to some specific areas within  
7 the County website to access that information.

8 Q. And you had known Sharon Holmes before you  
9 contacted her?

10 A. Yes, I'm an election judge and so I have worked  
11 with Sharon Holmes.

12 Q. Okay, and how long have you been an election  
13 judge -- or had you been?

14 A. About four or five years, so.

15 Q. So you have known Sharon for about four or five  
16 years?

17 A. Yes.

18 Q. Did you then follow up on the County's website?

19 A. Yes, I did.

20 Q. What did you learn?

21 A. I -- there was the initial hosting -- host  
22 agreement, there was the application -- the  
23 siting application on the website, and then I  
24 did some further research and found the minutes

1 for the County Board meeting where it was  
2 discussed.

3 Q. Was the entire site location application on the  
4 County's website?

5 A. I believe it was.

6 Q. You had an opportunity to review it --

7 A. Yes.

8 Q. -- online if you so desired?

9 A. If I so desired, yes.

10 Q. Did you look at any part of the site location  
11 application at that time?

12 A. I did.

13 Q. Did you copy any parts of it?

14 A. Oh no.

15 Q. And that was in the middle of February, the  
16 latter part of February?

17 A. That would be the latter part of February.

18 Q. Did you ever become aware that a hard copy of  
19 the site location application was maintained in  
20 the County Clerk's office?

21 A. I only became aware of that when I started kind  
22 of talking with the stop the dump group and they  
23 had stated that there was a hard copy in the  
24 Clerk's office if we wanted to review it.

1 Q. And when did you have that conversation with  
2 somebody at Stop The Mega-Dump?

3 A. That would have been towards the end of  
4 February.

5 Q. What individual or persons did you talk to with  
6 the Stop The Mega-Dump group?

7 A. Dan Kenney and Mac McIntyre.

8 Q. Would those have been phone calls, personal  
9 meetings?

10 A. Person -- person-to-person.

11 Q. And where would those meetings or discussions  
12 have taken place?

13 A. Well, Dan Kenney attends my church, so I know I  
14 had a couple conversations with him at church.

15 Q. And would this have been on a Sunday then?

16 A. Yes.

17 Q. And it would have been on a Sunday in mid to  
18 late February?

19 A. It would have been towards late February, yes,  
20 sir.

21 Q. Do you recall the first time you spoke with  
22 Mr. Kenney about the site location application  
23 and where it would be available for review?

24 A. When I had spoke to him in the latter part of

1 February, uhm, I had told him that I had found  
2 it online, it took some digging but I did find  
3 it, and that was when he had told me that there  
4 was a hard copy.

5 Q. Was he aware that the application was available  
6 online as well?

7 A. I believe he was, because I told him that I had  
8 saw it online.

9 Q. And he told you on this occasion that a hard  
10 copy was available at the County Clerk's office?

11 A. That's correct.

12 Q. Had he indicated whether he had attempted to  
13 get a copy or review the hard copy of the site  
14 location application in the Clerk's office?

15 A. He did not go into those kind of details.

16 MR. MUELLER: Don, can we take about a  
17 two-minute recess? I want to talk to the  
18 witness about something.

19 MR. MORAN: Sure.

20 (A recess was taken at 9:20 a.m.  
21 and proceedings resumed at 9:21  
22 a.m.)

23 A. Can I just ask a question?

24 Q. Oh sure.

1 A. I think I was a little confused when I stated  
2 plan versus the agreement, the siting agreement.

3 I guess I just need some clarification on what  
4 you were asking that I found online.

5 Q. When you say the plan, I don't know --

6 A. I guess the agreement versus the application.

7 Q. I asked about the host community agreement.

8 A. Okay.

9 Q. And you indicated that the first time you  
10 became aware of the host community agreement was  
11 in reading the articles in the Chronicle and  
12 then also seeing the notice that appeared in the  
13 Chronicle.

14 A. Okay.

15 Q. Is that still accurate?

16 A. Right.

17 Q. With regard to the host community agreement?

18 A. The host community agreement.

19 Q. This was the agreement that was entered into by  
20 DeKalb County and Waste Management of Illinois,  
21 Inc.

22 A. Okay.

23 Q. It was -- the agreement was approved in March  
24 of 2009 and signed I believe in April of 2009.

1 A. Was this the --

2 Q. That's one document.

3 A. Was this the two-page document? I guess I'm  
4 trying to clarify, because I think I was  
5 confused when you asked the question because the  
6 -- the -- I guess the form, for lack of a better  
7 term, that I downloaded was -- I'm trying to  
8 recall how many pages, but it wasn't that many  
9 pages. I'm confused as far as if it's the plan  
10 versus the application, or if it's the agreement  
11 rather versus the application. I guess  
12 that's -- I'm confused a little bit on the  
13 terminology or lingo.

14 Q. The site location application was a nine  
15 volume, three-ring -- nine three-ring binders  
16 that was filed with the County on November 30th  
17 of 2009.

18 A. Okay.

19 Q. When did you become aware that the -- that a  
20 nine volume siting application had been filed  
21 with the County?

22 A. A nine volume siting -- I was not aware of a  
23 nine volume siting application until the end of  
24 February.

1 Q. And how did you become aware of the existence  
2 of the nine volume siting application?

3 A. When I had spoke to Dan Kenney he had told me  
4 that there was the nine volume siting  
5 application available at the Clerk's office.

6 Q. And that was in response to your telling him  
7 that you had gone online and looked at the  
8 County's website?

9 A. I had looked at the County's website. What I  
10 had looked at I believe was the agreement, it  
11 was like a two- to four-page document that  
12 basically just kind of outlined some rough --  
13 uhm, rough understanding that the County and  
14 Waste Management had, and then there was also --  
15 there was that, and there was minutes. I don't  
16 remember a nine bound volume application being  
17 online.

18 Q. Except online it wouldn't have been clear there  
19 was nine volumes.

20 A. Exactly.

21 Q. It would have just simply been a very long  
22 document.

23 A. Exactly, but the document that I looked at that  
24 was online with regards to Waste Management and



1 the County was not a large voluminous document  
2 is my point, so.

3 Q. So you first learned about the existence of a  
4 hard copy application from Dan Kenney?

5 A. That's correct.

6 Q. And that would have been on a Sunday in the  
7 latter part of February?

8 A. That's correct.

9 Q. Was that discussion with Kenney immediately  
10 before the siting hearing began, or a week  
11 before?

12 A. The siting hearing being the public hearing?

13 Q. Yes.

14 A. It would have been about a week -- week or so  
15 before.

16 Q. And is it your recollection that the public  
17 hearing began on a Monday, March 1st, 2010?

18 A. I don't remember the exact date, but I remember  
19 it being on a Monday.

20 Q. And you're saying your meeting -- or your  
21 discussion with Dan Kenney about the siting  
22 application was about a week before that?

23 A. That's correct.

24 Q. Did Mac McIntyre also indicate to you that

1       there was a siting application on file at the  
2       County Clerk's office?

3       A. I think he had mentioned it at one of the stop  
4       the dump meetings that we had had prior to that.

5       Q. Prior to the Sunday that you talked to Dan  
6       Kenney?

7       A. That's correct.

8       Q. So initially you would have learned about the  
9       site location application from Mac McIntyre?

10      A. That's true, yes.

11      Q. Before you heard about it from Dan Kenney?

12      A. Yes, that's true.

13      Q. And how many days before your discussion with  
14      Kenney did you hear from McIntyre that there was  
15      a site location application available in the  
16      Clerk's office?

17      A. Uhm, our meeting was on a Thursday I believe,  
18      so it would have been on the Thursday, and then  
19      the following Sunday I had talked to Dan.

20      Q. And you said this was a meeting of the Stop The  
21      Mega-Dump group?

22      A. Yes.

23      Q. Are you a member of the Stop The Mega-Dump  
24      group?

1 A. Yes, I am.

2 Q. When did you become a member?

3 A. Around that time frame I started attending the  
4 meetings, because I wanted to find out some more  
5 information and I -- I'm a personal believer  
6 of -- I have a huge concern, I should say, of  
7 the potential ramifications of this agreement.

8 Q. Are you currently an officer of Stop The  
9 Mega-Dump?

10 A. I --

11 Q. Do you have any position of authority within  
12 that group?

13 A. I don't have any position of authority. I'm  
14 just the webmaster. I did their web page,  
15 that's all that I do for them. I don't have any  
16 authority.

17 Q. When was Stop The Mega-Dump formed?

18 A. I'm not exactly clear on when it was formed.

19 Q. But as far as you know it was in existence in  
20 the middle of February of this year?

21 A. I believe so.

22 Q. And that's approximately the date you became a  
23 member?

24 A. Yes.

1 Q. And what is required for you to become a member  
2 of Stop The Mega-Dump?

3 A. Just concerned citizens just wanting to learn  
4 more about the issues and seeing what they can  
5 do to get involved.

6 Q. Did you have to sign up to become a member of  
7 the group? Did you have to pay any dues?

8 A. No.

9 Q. How many people currently are members of Stop  
10 The Mega-Dump?

11 A. I'm really not sure.

12 Q. After you had learned from Mac McIntyre that  
13 there was a hard copy of the site location  
14 application at the Clerk's office, did you ever  
15 seek to review or read any part of the site  
16 location application?

17 A. No, sir, I did not. It was voluminous and I  
18 felt it was out of my realm of understanding.

19 Q. Did you attend the public hearings that were  
20 scheduled on the site location application?

21 A. Yes, sir.

22 Q. And those hearings began, as I indicated, on  
23 March 1st of 2010; would that be correct?

24 A. I believe that's the date. I remember it

1 starting on a Monday. I don't remember the  
2 exact date in March.

3 Q. Did you attend the first hearing on March 1st?

4 A. I attended all the days of the hearing with the  
5 exception of the last day.

6 Q. And those hearings included each day during  
7 that first week, March 5th -- March 1st through  
8 March 5th, correct?

9 A. I believe that was the date, but again, I know  
10 it was like the Monday through the Friday I  
11 attended. I could not attend that following  
12 Monday.

13 Q. Well, then there was another -- there was a  
14 sixth day of public hearing --

15 A. Right.

16 Q. -- which was that next week.

17 A. That was that following week.

18 Q. And that was the public hearing date that you  
19 did not attend; is that correct?

20 A. That was the one I did not attend.

21 Q. Now, did you become aware at any point whether  
22 any member of the Stop The Mega-Dump group  
23 attempted to review the site location  
24 application at the Clerk's office?

1 A. It was my understanding that both Mac and Dan  
2 had reviewed the siting application,  
3 particularly Mac, extensively.

4 Q. And you had this understanding as of what date,  
5 when you talked to McIntyre on the meeting of  
6 the Stop The Mega-Dump group in late February?

7 A. I had the impression throughout the public  
8 hearing that he had done a lot of reading just  
9 based on the questions that he had -- he had  
10 asked at the public hearing.

11 Q. Did he ever state or indicate to you or to  
12 anyone to your knowledge that he had so reviewed  
13 the site location application?

14 A. Not directly to me, no.

15 Q. Are you aware or do you have any information  
16 about whether any other member of Stop The  
17 Mega-Dump had sought to review the site location  
18 application in the Clerk's office?

19 A. I believe Clay Campbell, who was assisting us  
20 at that time, may have reviewed it. I had the  
21 impression also that Dan Kenney had reviewed it  
22 as well.

23 Q. Were you aware at any point that there was an  
24 electronic version of the site location

1 application?

2 A. Of the nine volume --

3 Q. Uh-huh, yes.

4 A. -- application?

5 I was not aware of an electronic version  
6 of that.

7 Q. And you're not aware of that even today?

8 A. Only just when you brought it up just a moment  
9 ago.

10 Q. And you had never at any point requested or  
11 sought access to the electronic version of the  
12 site location application?

13 A. Not the nine volumes, no, sir.

14 Q. Are you aware of whether any other person  
15 sought the electronic version of the site  
16 location application from the County?

17 A. Again, I was not aware of the nine volume  
18 electronic application.

19 Q. Did you at any point have the opportunity to  
20 review the entire host community agreement  
21 between DeKalb County and Waste Management of  
22 Illinois?

23 A. Is that just like the four- to six-page  
24 document?

1 Q. No, it was longer than -- the document I'm  
2 referring to was longer than three or four  
3 pages.

4 A. I'm not -- I'm not certain.

5 Q. And the document that you're referring to,  
6 that's the three or four pages, you don't recall  
7 what the title of that document was?

8 A. I don't, to be honest, because it's been  
9 awhile.

10 Q. Do you recall any of the contents of that  
11 three- or four-page document?

12 A. Not at -- not right off the bat.

13 Q. But it had to do with the proposed expansion?

14 A. I had the impression it was -- because it was  
15 under Hot Topics on the County website, and I  
16 had the impression when you clicked on that link  
17 for the landfill that it was due to -- it was  
18 part of that, and it was my understanding  
19 that -- I'm trying to remember now. It's been  
20 so long since I reviewed it, so I can't honestly  
21 remember.

22 Q. Were you aware of whether any persons sought to  
23 have any part of the hard copy of the site  
24 location application copied at the County



1 Clerk's office?

2 A. I don't know anything about that, no, sir.

3 Q. Do you have any information about whether any  
4 person is stating or claiming that he or she was  
5 unable to obtain access of the site location  
6 application at the County Clerk's office?

7 A. I'm not aware.

8 Q. And you don't have any such information?

9 A. I don't have any information, no, sir.

10 Q. After you received the response back from  
11 Sharon Holmes regarding the e-mail that you had  
12 sent her and then the follow-up phone call, did  
13 you have any other conversations or  
14 communications with Sharon Holmes about the  
15 proposed expansion?

16 A. No, I did not.

17 Q. Have you had any other discussion or  
18 communication with any County employee regarding  
19 the proposed expansion?

20 A. No County employees, no, sir.

21 Q. Have you heard from any person that the site  
22 location application was basically a done deal  
23 or agreed to by the County Board before the  
24 public hearings commenced?

1 A. You're asking if I heard from --

2 Q. From any person or you heard anyone make the  
3 claim or the statement that the County Board had  
4 in effect already decided to approve the site  
5 location application before the hearings began?

6 A. Before the hearings began -- I'm trying to  
7 think -- there was the scuttlebutt kind of  
8 around town that many folks felt that it was a  
9 done deal due to negotiations with the County  
10 Board and Waste Management. I cannot pinpoint  
11 directly as to whom, but it was kind of general  
12 conversation around town.

13 Q. And this was general conversation that you  
14 heard or were a part of?

15 A. Yes.

16 Q. Can you identify any persons who may have made  
17 those statements?

18 A. I think I kind of heard a little bit from Mac  
19 McIntyre. I'm trying to recall who else. I  
20 think Dan Kenney as well. I'm trying to  
21 remember who else. There were other folks and I  
22 can't honestly remember.

23 Q. This would have occurred prior to the public  
24 hearings?

1 A. Yes.

2 Q. And did this scuttlebutt begin sometime in  
3 February of 2010 or was it before February?

4 A. I think it started around February, because  
5 when the articles came out in the Chronicle  
6 there were a lot of comments and such on the  
7 blogs.

8 Q. And have you heard such statements made at any  
9 point after the public hearings concluded; in  
10 other words, since March of this year?

11 A. I don't recall if I have heard any since after  
12 the public hearings.

13 Q. Have you become aware of any facts or  
14 information that would support what you had  
15 heard earlier that, in fact, the site location  
16 application was a done deal?

17 A. Well, there was concerns when I had heard that  
18 the County Board had gotten a tour from Waste  
19 Management of another facility.

20 Q. And from whom did you hear that certain County  
21 Board members have taken a tour of a Waste  
22 Management facility?

23 A. Well, it was a matter -- it was in the  
24 Chronicle for starters. Yeah, I think I saw it

1 in the Chronicle.

2 Q. When did you see it in the Chronicle?

3 A. Gosh, I can't remember the exact date. I think  
4 it would have been around that same time frame  
5 when all the other articles were coming out.

6 Q. So it was before the public hearing?

7 A. I think it might have been before or during the  
8 public hearing, I can't honestly recall the  
9 date.

10 Q. And did you receive any information about which  
11 board members took a tour of the Waste  
12 Management facility?

13 A. I don't think they -- from my recollection of  
14 the article I don't think they specified which  
15 board members. I did have the impression from  
16 the article that the members of the County  
17 Pollution Control Board were the ones that got  
18 the tour, but I cannot clarify that.

19 Q. And did you learn subsequently who any of those  
20 board members were?

21 A. I learned just from going online and looking at  
22 the County Board committee member list who those  
23 members were.

24 Q. And do you have any information as to when

1 those tours occurred?

2 A. I don't recall. I can't remember. I remember  
3 reading it in the Chronicle. I don't remember  
4 the date that they talked that the tour was  
5 done.

6 Q. And you don't know whether the tours occurred  
7 before the site location application was filed  
8 or after?

9 A. I have no idea.

10 Q. Did you at any point ask whether it would be  
11 possible for you to take a tour of a Waste  
12 Management facility?

13 A. No, sir, I did not.

14 Q. It never occurred to you?

15 A. To be honest, I didn't feel I was in a position  
16 to ask for that.

17 Q. Did you at any point become aware that the site  
18 location application in addition to the County  
19 Clerk's office was also maintained at other  
20 locations in the County?

21 A. I think I had heard something about it possibly  
22 being at one of the libraries, I think the  
23 DeKalb Library, but I'm not certain.

24 Q. And you weren't aware that the site location

1 application was also maintained at the library  
2 in Cortland?

3 A. I was not aware of that, no, sir.

4 Q. Or that it was maintained at the town hall  
5 offices in Cortland?

6 A. I was not aware of that, no, sir.

7 Q. Or that it was maintained at the City of  
8 DeKalb?

9 A. I was not aware of that, no, sir.

10 Q. Or that it was at the Sycamore Library?

11 A. I don't recall being -- I just remember DeKalb.

12 Q. What was your objection to the proposed  
13 expansion?

14 A. My concern was the taking in the additional  
15 counties' garbage along with what we had for  
16 DeKalb County. I had environmental concerns.  
17 I'm a parent of an autistic child, and the grade  
18 school that my daughter is currently attending  
19 is Malta Elementary and it's due to be closed  
20 this upcoming school year and there's a  
21 possibility that she would have to go to  
22 Cortland because if they redistrict, reshift  
23 everyone within the district the overflow would  
24 have to go to Cortland because it's a new school

1 and it's not as full.

2 Q. That's the Cortland Elementary School --

3 A. That's correct.

4 Q. -- south of 38 and east of Somonauk Road?

5 A. That's correct.

6 Q. And that was your objection to the proposed

7 expansion, or is there anything more?

8 A. Well, there -- I had numerous concerns. I was

9 concerned with the process. I felt that when I

10 tried to contact my County Board members and

11 they told me that they could not discuss it, I

12 felt like I was not being allowed to let my

13 views be known to my elected officials, which I

14 feel is my right. I was also concerned, because

15 I know that DeKalb County has a record of trying

16 to do a lot with recycling, and the fact that,

17 you know, we were going to take in these other

18 counties when we have done so much to try to

19 reduce our own waste within our County I felt

20 was not appropriate. I also had concerns with

21 the leak at the current landfill. I know that

22 there's a part of that current landfill that is

23 not lined. I was concerned with the smell at

24 that time that was going on prior to them moving

1 the plume.

2 Q. Did you express or communicate these objections  
3 to the DeKalb County Board?

4 A. I had contacted Steve Walt, who was my County  
5 Board member, and Ruth Anne Tobias, as well as I  
6 actually just copied the whole e-mail to all the  
7 County Board members, and I didn't get a  
8 response from anyone with the exception of Kevin  
9 Chambliss and Steve Walt.

10 Q. Could you identify for me those specific board  
11 members that you communicated with concerning  
12 these objections?

13 A. I sent the e-mail to Ruth Anne Tobias, Julia  
14 Fauci, Gudmunson, Paul Stoddard, Riley Oncken,  
15 Eileen Dubin, Kevin Chambliss, Steve Walt. I  
16 can't remember all the County Board member's  
17 names, but I found their e-mails on the County  
18 Board website. Oh, gosh, his name -- I can't  
19 remember all their names, but I did e-mail them  
20 all.

21 Q. Did you send them to all the County Board  
22 members?

23 A. Yes, I did.

24 Q. Oh, fine.



1 A. Sorry.

2 Q. I just wanted to find out who you sent them to.

3 A. Sorry.

4 Q. You sent them to all the County Board members?

5 A. I sent them to all, yes, sir.

6 Q. When did you send this communication to all the  
7 County Board members?

8 A. I don't remember the exact date. I want to say  
9 it was shortly before the public hearing.

10 Q. Before March 1st of 2010?

11 A. I believe so.

12 Q. And from whom did you receive any form of a  
13 response?

14 A. Steve Walt and Kevin Chambliss.

15 Q. Those are the only two?

16 A. Those are the only two.

17 Q. And how did they respond to you?

18 A. Well, Steve Walt was very antagonistic in his  
19 e-mail. He told me that he couldn't discuss  
20 this, that this was like jury tampering if I  
21 talked with him any further, and that even  
22 though he didn't agree with that ruling that he  
23 still had to abide by it.

24 Q. And he communicated that to you in an e-mail?

1 A. Yes.

2 Q. Did you in any way respond to his response?

3 A. Yes, I did. I told him that I thought that --  
4 in no uncertain terms -- this whole thing with  
5 calling it a jury was a load of you know what,  
6 and that I am a citizen and I felt that he  
7 needed to hear me and if he wasn't going to hear  
8 me I was going to elect someone that would hear  
9 me.

10 Q. How did Chambliss respond to you?

11 A. Chambliss was very nice. He said I appreciate  
12 the e-mail, I'm not technically supposed to  
13 discuss this but I have heard your concerns and  
14 I will be at the public hearing, something to  
15 that effect, I'm paraphrasing.

16 Q. Was this in an e-mail or a phone call?

17 A. Yes, it was an e-mail.

18 Q. And did you further respond to Chambliss'  
19 response?

20 A. I just thanked him for his consideration and  
21 for hearing my concerns.

22 Q. By e-mail?

23 A. Yes.

24 Q. Those are the only responses you received from

1 any County Board member?

2 A. That's correct.

3 Q. This was all prior to the beginning of the  
4 public hearing?

5 A. I believe so, yes, sir.

6 Q. Do you still have access to or do you have a  
7 copy of the e-mail that you sent to all these  
8 County Board members?

9 A. I don't believe I do. It was in my personal  
10 Comcast account, and I don't believe I saved  
11 those.

12 Q. But that communication did include a  
13 description or a statement about each of the  
14 objections that you have just identified for us?

15 A. Yes.

16 Q. Okay. Did you also present your objections  
17 during the course of the public hearing?

18 A. Yes, sir, I did.

19 Q. And was that in testimony you offered or in  
20 public comment?

21 A. The public comment. The public comment. I had  
22 raised some questions regarding the truck  
23 traffic and the impact on the roads, and then I  
24 had also just gotten up and made a statement of

1 my concern of the impact of this agreement and  
2 my objections as I stated to you.

3 Q. And were you also able to present any facts  
4 that you had that supported your objections?

5 A. No, sir.

6 Q. Did you identify or set forth any facts that  
7 supported these objections?

8 A. No, sir. I did raise a Chronicle article when  
9 I brought up the question about the truck  
10 traffic, I cited a Chronicle article, but other  
11 than that --

12 Q. Did you also submit any written public comment  
13 after the public hearing concluded?

14 A. Yes, I did.

15 Q. Did that also include these objections that you  
16 just told us about?

17 A. Yes, sir.

18 Q. Did you include in that written public comment  
19 any facts or other reasons supporting those  
20 objections?

21 A. I -- no facts, I mean just my -- my objections  
22 to this and what I felt.

23 Q. Was there anything during this process that  
24 prevented you from communicating your objections

1 to this County Board?

2 A. I felt that this process of the County Board  
3 being like a judge and, you know, jury kind of  
4 thing I felt that that was -- I think that was  
5 inhibiting because the fact that the other  
6 County Board members didn't respond.

7 Q. So your belief is that you were limited in your  
8 ability to present your objections to the County  
9 Board?

10 A. Yes.

11 Q. And you were limited in what way?

12 A. I was limited by I guess the way the process  
13 was set up in my opinion.

14 Q. I guess I'm trying to understand how you were  
15 limited, because you told us that you had the  
16 opportunity to send the e-mail out to all the  
17 County Board members before the public hearing  
18 began, you provided public comment during the  
19 course of the hearing, and you submitted written  
20 public comment after the hearing?

21 A. That's correct.

22 Q. So I'm trying to understand how you were  
23 limited or prevented from communicating these  
24 objections to the County Board.

1 A. I don't feel that it was a true two-way  
2 communication or, you know, dialogue with my  
3 elected officials. You know, I sent the e-mails  
4 and obviously only two responded out of the  
5 whole County Board, so to me that was kind of a  
6 message of they felt they could not talk for  
7 whatever reason. But, you know, for me, I'm not  
8 one of these people -- I guess I should say, you  
9 know, I like to be able to have a dialogue with  
10 my elected officials, and I felt that the e-mail  
11 was limited.

12 Q. Well, would it be accurate to say that you were  
13 prejudiced or you were injured by the fact that  
14 the County Board members did not engage in a  
15 dialogue with you regarding your objections to  
16 the expansion, is that where you see your injury  
17 is part of the limitations of this process?

18 A. Yes, I guess that would be a fair statement.

19 Q. Was there any other injury or prejudice to you  
20 as a result of your inability to engage in this  
21 dialogue with County Board members?

22 A. To me directly?

23 Q. Yes.

24 A. No, sir.

1 Q. Were you aware that there is and there was a  
2 County Siting Ordinance in place that would  
3 govern the siting proceedings, and more  
4 specifically the conduct of the public hearing?

5 A. I'm roughly familiar with it.

6 Q. Do you recall when you became familiar with the  
7 fact that there was a local siting ordinance?

8 A. I think during the public hearing.

9 Q. During the course of the public hearing?

10 A. Yes, sir.

11 Q. Did you review any part of that siting  
12 ordinance?

13 A. I tried, but I did not get the opportunity.

14 Q. How far do you live from the existing landfill  
15 approximately, two, three miles?

16 A. I would say a little bit further. I'm not  
17 clear. I live on the west end of DeKalb and the  
18 landfill is on the east side.

19 Q. So it's probably at least three miles?

20 A. At least.

21 Q. Are you aware of whether any persons declined  
22 to participate at the public hearing because of  
23 what the local siting ordinance may have  
24 required by way of qualifications to appear and

1       participate in the public hearing?

2       A. I was aware that -- uhm, that there were folks,  
3       I cannot name them specifically, that wanted to  
4       attend the hearings but they were during the day  
5       and many of them could not take off work. Prior  
6       to that there was a blurb in the -- like a  
7       public notice that if you wanted to testify you  
8       had to register within this two-week time frame,  
9       and I had the impression there were folks that  
10      wanted to do that but they did not get it within  
11      that time frame so they could not testify.

12     Q. Do you know the names of any of these people?

13     A. No, sir.

14     Q. Did you sign up to participate as a party in  
15      the public hearing?

16     A. No, sir. I just attended and listened to all  
17      the testimony and gave public comment and asked  
18      questions.

19     Q. But you knew you had the opportunity to sign up  
20      as a participant if you had desired to, correct?

21     A. When I found out about these people that were  
22      going to sign up then I found out that was the  
23      opportunity.

24     Q. And you made the decision not to sign up or



1 register as a participant?

2 A. I did not feel I was qualified.

3 Q. Now, you had made reference before to the fact

4 that Steve Walt said that he couldn't speak to

5 you about the site location application,

6 correct?

7 A. Correct.

8 Q. Did you become aware at some point of a

9 memorandum that was sent out by Ray Bockman, the

10 County Administrator, instructing County Board

11 members that they were required to limit their

12 communication with any of the parties to the

13 site location --

14 A. Yes.

15 Q. -- application?

16 A. Yes.

17 Q. And how did you become aware of that?

18 A. I saw -- there was an article in the Chronicle

19 about that.

20 Q. Did you talk to anyone about that article?

21 A. Well, I had brought that up to Steve Walt in my

22 e-mail to him, again, that I felt that was a

23 load of crap and that I was entitled to talk to

24 him.

1 Q. That's what you put in your e-mail to him?

2 A. Basically.

3 Q. I'm assuming you never actually had a  
4 conversation, either on the phone or in person,  
5 with Mr. Walt?

6 A. I did have a conversation with Mr. Walt at the  
7 public hearing. He attended the public hearing  
8 a couple days, and I walked up to him and  
9 introduced myself and, you know, I told him that  
10 I wanted to talk to him about this.

11 Q. And you said you were the one who had sent the  
12 e-mail?

13 A. Yes.

14 Q. What did he say to you?

15 A. He thanked me for the e-mail, and he  
16 appreciated any concerns and that was why he was  
17 at the hearing, to try to hear the testimony  
18 before he rendered an agreement -- a vote or  
19 whatever, so.

20 Q. So he basically stuck to the same position he  
21 had given you in his e-mail?

22 A. Kind of stuck to the same position. I did tell  
23 him I felt that, you know, this process has been  
24 unfair to the citizenry, that, you know, we do

1 have a right to speak to our elected officials,  
2 and I understand the difficult position that he  
3 was in but I felt that I still deserved a right  
4 to be heard, and he seemed to -- he echoed  
5 understanding my frustration. He had actually  
6 stated that he was frustrated too with the  
7 process, and that, you know, he doesn't always  
8 get along with Mr. Bockman but he understands  
9 that things are set about for a reason.

10 Q. Well, wouldn't it be fair to say that you  
11 weren't prevented from talking to Mr. Walt and  
12 expressing to him your views or opinions on this  
13 expansion, were you?

14 A. No, not to Mr. Walt.

15 Q. Well, not to any County Board member, correct?

16 A. I guess that would be a fair statement.

17 Q. The only limitation I think, as you have  
18 described it, is that the County Board members  
19 could not engage in a dialogue with you about  
20 your objections?

21 A. Correct.

22 Q. And was it your understanding that the  
23 memorandum that Mr. Bockman had sent out applied  
24 to County Board members communicating with any

1 party to the siting proceeding, the Applicant,

2 any interested citizen, any interested party?

3 A. It was my understanding anyone, period, related

4 to it, the citizenry, and Waste Management, and

5 their officials.

6 Q. Did you come to understand what the reason for

7 that rule or that limitation was?

8 A. The way I understood it is because the board

9 was acting as a -- I don't know if it was like a

10 judge or a jury, but they had to make that

11 recommendation so they needed to remain

12 impartial.

13 Q. Parties unilaterally, or outside the presence

14 of other parties, couldn't lobby or argue with

15 individual County Board members?

16 A. Exactly.

17 Q. And that was your understanding?

18 A. That was my understanding.

19 Q. But you still contend that you were injured or

20 prejudiced by the fact that these County Board

21 members could not engage in a dialogue with you

22 regarding your objections; would that be

23 accurate?

24 A. That's -- yes, sir.

1 Q. Was there anything that you wanted to say to  
2 any County Board member regarding the proposed  
3 expansion that you did not communicate to them  
4 either through your e-mails or any other  
5 communication you had with them before the May  
6 10th vote?

7 A. Well, I -- you know, I know that they were in a  
8 difficult position, I wanted to tell them that I  
9 knew they were in a difficult position with  
10 trying to fund a jail expansion -- excuse me,  
11 new jail, along with the courthouse expansion,  
12 and I don't deny the fact that we need a new  
13 jail, but I was concerned with the process of  
14 which they were going about to get this new  
15 jail.

16 Q. And that was something you were not able to  
17 communicate to them?

18 A. I wouldn't say I was not able, I just -- I did  
19 not. I don't know why I did not, but I guess I  
20 did not communicate that.

21 Q. And you didn't communicate it because at some  
22 point you chose not to communicate it to them?

23 A. Yes.

24 Q. Had you heard any statements about any County

1 Board member having prejudged the site location  
2 application; in other words, any individual  
3 County Board member having made up their mind to  
4 approve the site location application before the  
5 May 10th vote?

6 A. Yes.

7 Q. And what have you heard?

8 A. When I had arrived at the public hearing one of  
9 the comments that was made by one of the people  
10 that were there from the stop the dump was that  
11 Riley Oncken had went up to one of the members  
12 of the group and said, I don't know why, you  
13 know, people are here, we already have our minds  
14 made up, and made a comment about the folks that  
15 were here had no life.

16 Q. And Mr. Oncken made that statement to whom?

17 A. I believe her name was Paulette. It was Clay  
18 Campbell's assistant.

19 Q. Did you hear that --

20 A. I did not hear it directly.

21 Q. -- statement?

22 But you heard that it was made?

23 A. Yes.

24 Q. From whom did you hear that it was made?

1 A. I believe Grace Mott told me.

2 Q. And did you undertake any further  
3 investigation, determination as to whether, in  
4 fact, Mr. Oncken had prejudged the site location  
5 application?

6 A. I had tried to talk to Mr. Oncken, he didn't  
7 seem to want to talk to me.

8 Q. And you tried to talk to him during the public  
9 hearing?

10 A. I tried to go up and introduce myself and  
11 express my concerns, and he just kind of looked  
12 at me and kind of walked away.

13 Q. So he said nothing to you?

14 A. No, sir, nothing.

15 Q. You talked to him, you made some statements to  
16 him, and he said no words?

17 A. I just said I wanted to talk to him about my  
18 concerns, and he just kind of walked away, so.

19 Q. Was that the only time you tried to engage in a  
20 dialogue with Mr. Oncken?

21 A. That was the only time I tried to engage with  
22 Mr. Oncken.

23 Q. And he didn't respond?

24 A. No, sir.

1 Q. And you at no subsequent point tried to  
2 initiate a conversation with Mr. Oncken?

3 A. No.

4 Q. Other than Mr. Oncken, had you heard any other  
5 information about whether any other County Board  
6 member had prejudged the site location  
7 application before May 10th?

8 A. No, sir.

9 Q. With respect to the whole notion of  
10 communications between County Board members and  
11 parties to the site location application, have  
12 you heard or do you have any information  
13 indicating that Waste Management of Illinois,  
14 Inc., any of its employees, representatives, or  
15 agents had communications with County Board  
16 members from November 30th, 2009, which is the  
17 date the application was filed, and May 10th,  
18 2010, which was the date of the County's vote on  
19 the application?

20 A. I don't recall.

21 Q. So as you sit here now you have no information  
22 about any such communications; would that be  
23 fair?

24 A. That would be fair.



1 Q. When did the Stop The Mega-Dump group begin  
2 planning its participation at the public  
3 hearing?

4 A. I'm not clear as to when they began planning.

5 Q. Would it be fair to say that it was at some  
6 point before you read the articles in the  
7 Chronicle about the expansion at the end of  
8 February?

9 A. I'm not really sure. I would -- I would guess  
10 that would be a fair estimate, but I'm not  
11 certain. Like I said, I came in in the middle  
12 of February with it.

13 Q. Did you attend a meeting of the Stop The  
14 Mega-Dump group in February of 2010?

15 A. Yes, I did.

16 Q. Where did that meeting take place?

17 A. It was at the Unitarian Church in DeKalb.

18 Q. And how many people attended the meeting?

19 A. I can't roughly recall.

20 Q. Approximately?

21 A. 10 to 15 people.

22 Q. And what was discussed at that meeting?

23 A. There was a sheet handed out with some facts  
24 about the expansion. There was, uhm -- I'm

1       trying to remember what else. I think there was  
2       discussion about the agreement and what the  
3       impact would be and -- I'm trying to remember.  
4       I think the Chronicle articles came up as well.  
5       I can't completely recall the exact content of  
6       the meeting.

7       Q. Was there a copy of any part of the site  
8       location application at the meeting?

9       A. I don't recall.

10      Q. Was there any discussion about obtaining or  
11      reviewing the site location application at this  
12      meeting?

13      A. I honestly can't recall.

14      Q. Was that the only meeting of the Stop The  
15      Mega-Dump group that you have attended?

16      A. No, I have attended other meetings.

17      Q. Since that time?

18      A. Since that time, yes.

19      Q. How many meetings?

20      A. I think three or four.

21      Q. When was the most recent of those meetings?

22      A. This is September, so it would have been in I  
23      think July the last time I attended a meeting.

24      Q. And the purpose of that meeting would have been

1 to discuss this appeal, or to discuss any other  
2 issues?

3 A. To discuss the appeal.

4 Q. Was the issue of the Cortland Elementary School  
5 part of the discussion at that meeting?

6 A. We did have some discussions regarding the air  
7 quality concerns.

8 Q. At the meeting in July?

9 A. Right.

10 Q. But that was the last meeting you have attended  
11 now of that group?

12 A. Yes.

13 Q. Was there any discussion at the February  
14 meeting that you attended of retaining witnesses  
15 to present at the public hearing?

16 MR. MUELLER: I'm going to object to that  
17 question. What's the relevance?

18 MR. MORAN: It relates to the question of  
19 whether this group, who is claiming being  
20 limited in various ways to be able to prepare  
21 and present testimony at the hearing because of  
22 the alleged late date when all of this was  
23 learned, whether, in fact, those discussions did  
24 occur and there was any time to be able to

1 address the presentation of evidence, testimony,  
2 witnesses at the hearing when that began.

3 MR. MUELLER: I think it's pretty  
4 marginal.

5 But go ahead and answer the question.

6 A. I don't recall any discussion.

7 Q. Do you know an individual by the name of Aubrey  
8 Serewicz?

9 A. Dr. Serewicz, yes, sir.

10 Q. When did you first become aware of  
11 Dr. Serewicz?

12 A. During the public hearing when he spoke up.

13 Q. Was there any reference made or discussion made  
14 about Dr. Serewicz during that February meeting  
15 of the Stop The Mega-Dump group?

16 A. Not that I recall, no, sir.

17 Q. Did you have discussions with Dr. Serewicz  
18 during the public hearing?

19 A. I had met him on I think the Wednesday of the  
20 public hearing when he was talking about the  
21 toxicity and some of the effects of hydrogen  
22 sulfide, and I asked him questions regarding my  
23 child and what the effects would be on my child  
24 just -- but that was like during a recess time.

1 Q. And you had no other discussions with him  
2 during the course --

3 A. Not him personally, no, sir.

4 Q. And I assume not since?

5 A. No, sir.

6 Q. After the public hearings concluded did you  
7 have a discussion or conversation with any other  
8 members of the Stop The Mega-Dump group to  
9 develop a plan to communicate with County Board  
10 members regarding the expansion?

11 A. Not on communicating with the County Board  
12 members, no, sir.

13 Q. Was there any discussion about delivering  
14 communications to County Board members after the  
15 public hearings were concluded?

16 A. I think we had talked about if you didn't send  
17 in your letter then bringing the letters up here  
18 to the Legislative Center.

19 Q. And these would have been the public comments  
20 filed within 30 days --

21 A. Yes, sir.

22 Q. -- of the end of the hearings?

23 A. (Nods head.)

24 Q. You need to say yes.

1 A. Yes.

2 Q. Was there also discussions about having  
3 individuals contact individual board members  
4 directly, either through e-mails, telephone  
5 calls, or letters?

6 A. Not to my knowledge.

7 Q. Did you at any point communicate or contact any  
8 County Board member directly after the public  
9 hearing, either through e-mail, letter, or phone  
10 call?

11 A. Not to my recollection, no, sir.

12 Q. Are you aware of whether any other persons  
13 after the conclusion of the public hearing  
14 contacted individual County Board members either  
15 by phone, e-mail, letter, or in person?

16 A. No, sir.

17 Q. Did you have any communications with any County  
18 Board member in person after the public hearing?

19 A. No, sir.

20 Q. Did you attend the County Board meeting on May  
21 10th?

22 A. Yes, sir.

23 Q. Did you at any point state to any other person  
24 that any County Board members who voted to

1 approve the site location application should be  
2 removed or somehow defeated at the next election  
3 that they would run for a County Board position?

4 A. Yes.

5 Q. And when was the first time that you made such  
6 a statement?

7 A. Well, the first time I made the statement is I  
8 said that to Steve Walt in the e-mail I sent him  
9 back before the public hearing when I expressed  
10 my concerns of the process and my objections.

11 Q. Who else in addition to Mr. Walt did you make  
12 that statement to?

13 A. I believe I said that to the whole County Board  
14 when I sent that e-mail.

15 Q. This was the e-mail before the public hearing?

16 A. That's correct.

17 Q. That if they didn't vote to deny this  
18 application that efforts would be made to defeat  
19 them at the next election?

20 A. At election, yes, sir.

21 Q. And you sent that to all of them?

22 A. Yes, sir.

23 Q. Did you send that communication at any point  
24 after the public hearing?

1 A. No, sir.

2 Q. Are you aware of whether any other person sent  
3 a communication that made the same statement to  
4 County Board members?

5 A. No, sir.

6 MR. MORAN: Thank you. That's all the  
7 questions I have.

8 MS. ANTONIOLLI: I have a few questions,  
9 just one or two.

10 THE WITNESS: Okay.

11 EXAMINATION

12 BY MS. ANTONIOLLI:

13 Q. You said that you became aware that there was a  
14 requirement to sign up ahead of time, ahead of  
15 the hearing, because there was a blurb in the  
16 paper about that. Did you read that blurb in  
17 the paper?

18 A. I scanned it, I'll be honest.

19 Q. Okay. Do you recall whether that notice or  
20 that blurb also had information about the  
21 application and where it could be viewed?

22 A. I'm not aware of that.

23 Q. Okay. Or maybe how that -- or whether that  
24 blurb or notice contained information that -- or



1 let you know that the application could be  
2 copied?

3 A. I don't recall that.

4 MS. ANTONIOLLI: Okay. I think that's all  
5 I was going to ask.

6 MR. MUELLER: No questions.

7 MR. MORAN: Ms. Wilcox, there will be a  
8 transcript -- there may be a transcript prepared  
9 of the questions and your testimony here today.

10 THE WITNESS: Okay.

11 MR. MORAN: You have the opportunity to  
12 review that transcript for accuracy.

13 THE WITNESS: Okay.

14 MR. MORAN: However, to do that you would  
15 need to go to the court reporter's office and  
16 review it there if you would like.

17 THE WITNESS: Okay.

18 MR. MORAN: You also have an option of  
19 simply recognizing that the court reporter  
20 accurately transcribed everything that occurred,  
21 everything that's been said, and you can waive  
22 your right to review and then sign that  
23 transcript. It's your choice, you can either  
24 waive signature and just trust that the court

1 reporter will have accurately transcribed  
2 everything said; or you can, when the transcript  
3 is prepared, review it at the court reporter's  
4 office within whatever time periods are set up.

5 THE WITNESS: Can I talk to Mr. Mueller?

6 MR. MUELLER: Lisa, normally we trust the  
7 court reporters, they're professionals and are  
8 certified. And while I cannot tell you what to  
9 do, my practice is that unless we have a  
10 deposition where everybody was talking at once,  
11 which didn't occur here, it's perfectly fine to  
12 waive signature.

13 THE WITNESS: Okay, I'll do that then.  
14 I'll waive signature.

15 MR. MORAN: Very well.

16 (The deposition was concluded at  
17 10:14 a.m.)

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C E R T I F I C A T E

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I, Callie S. Bodmer, a Certified Shorthand Reporter in and for the State of Illinois, do hereby certify that, pursuant to the agreement herein contained, there came before me on the 15th day of September 2010 at 9:10 a.m. at the DeKalb County Legislative Center, 200 North Main Street, Sycamore, Illinois, the following-named person, to-wit: LISA WILCOX, who was duly sworn to testify to the truth and nothing but the truth of her knowledge concerning the matters in controversy in this cause; that she was thereupon examined on her oath and her examination reduced to writing under my supervision; that the deposition is a true record of the testimony given by the witness, and that the reading and signing of the deposition by said witness were expressly waived.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and further, that I am not a relative or employee of an attorney or counsel employed by the parties hereto or financially interested in the action.

In witness whereof I have hereunto set my hand this 7th day of October 2010.

Callie S. Bodmer  
Certified Shorthand Reporter  
Registered Professional Reporter  
IL License No. 084-004489  
P.O. Box 381  
Dixon, Illinois 61021

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STOP THE MEGA-DUMP,            )  
   )  
                                   Petitioner, ) PCB NO. 2010-103  
   )  
                                   v.            )  
   )  
   ) DEPOSITION OF  
 COUNTY BOARD OF DEKALB        ) BARBARA POTUZNİK  
 COUNTY, ILLINOIS and WASTE    )  
 MANAGEMENT OF ILLINOIS,        )  
 INC.,                                    )  
   )  
   ) Respondents. )

DEPOSITION OF BARBARA POTUZNİK, taken at  
 the DeKalb County Legislative Center, 200 North Main  
 Street, Sycamore, Illinois, on November 3, 2010,  
 commencing at 2:44 p.m., before Callie S. Bodmer,  
 Certified Shorthand Reporter and Notary Public in  
 and for the State of Illinois, in pursuance to  
 agreement of the parties in the above-entitled  
 action.



1 APPEARANCES:

2

ATTORNEY DONALD D. MORAN,

3

of the firm of Pedersen & Houpt,

161 North Clark Street, Suite 3100,

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Chicago, Illinois, 60601,

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Counsel for the Respondent,

Waste Management of

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Illinois, Inc.

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1                   BARBARA POTUZNIK,  
2           being first duly sworn, was examined and  
3           testified as follows:

4           MR. MORAN: Let the record reflect that  
5           this is the discovery deposition of Barbara  
6           Potuznik taken pursuant to subpoena, and  
7           according to Supreme Court Rules, Illinois Code  
8           of Civil Procedure, and applicable Pollution  
9           Control Board Rules.

10                           EXAMINATION

11           BY MR. MORAN:

12   Q.   Ms. Potuznik, my name is Don Moran, I represent  
13           Waste Management of Illinois, Inc., which filed  
14           a site location application to expand the DeKalb  
15           County Landfill on November 30th, 2009. On May  
16           10th, 2010 the DeKalb County Board voted to  
17           approve that site location application. Within  
18           35 days of that vote, Stop The Mega-Dump filed  
19           an appeal of that siting approval. That appeal  
20           was filed and is pending with the Illinois  
21           Pollution Control Board in Case No. PCB 10-103.  
22           I'm going to ask you a number of questions today  
23           that relate to that appeal.

24           Have you ever been deposed before --

1 A. No.

2 Q. -- or given your deposition?

3 Let me just go over a few of the ground  
4 rules. As I said, I'll ask you some questions  
5 relating to the appeal. I'll try to ask  
6 questions as clearly and understandably as I'm  
7 able, but unfortunately I don't always succeed,  
8 and if I don't I would ask that you request  
9 clarification because it's important that your  
10 answers be directly responsive to the questions  
11 that I ask. Is that fair?

12 A. Okay, yes.

13 Q. The other thing is, as you notice, the court  
14 reporter is transcribing, or taking down,  
15 everything we say, so any nonverbal gestures or  
16 responses can't be taken down. For example, a  
17 nod of the head or an uh-huh or huh-uh, can't  
18 take that down, so all of your responses need to  
19 be verbal.

20 A. Okay.

21 Q. And then we obviously also need to avoid  
22 talking at the same time, because it's more  
23 difficult to transcribe comments or statements  
24 if they're being stated over one another. Does

1 that sound fair?

2 A. Yes.

3 Q. Okay. What is your address?

4 A. 111 East Hummingbird, Cortland, Illinois,  
5 60182.

6 (Potuznik Deposition Exhibit No.  
7 1 marked for identification.)

8 Q. Let me show you what we'll mark as Potuznik  
9 Deposition Exhibit No. 1, and I'll ask you to  
10 just take a look at that and tell us if you have  
11 seen it before.

12 A. Yes, this -- the top page I -- a man came to my  
13 door a couple Sundays ago and delivered it and  
14 gave it to me.

15 Q. And that's the reason that you're here today --

16 A. Right.

17 Q. -- pursuant to this exhibit?

18 A. Uh-huh.

19 Q. You need to say yes.

20 A. Yes. I'm sorry.

21 Q. What is your occupation?

22 A. I'm a temporary.

23 Q. And what do you perform or what type of  
24 temporary services do you perform in that role?

1 A. I'm in training right now, I'm temporary at  
2 Monsanto, and I'm an evaluator at this time. I  
3 evaluate their germinated corn.

4 Q. What is your highest level of education?

5 A. I have some college, maybe two years at a  
6 community college give or take, I'm not really  
7 sure.

8 Q. Are you aware of an organization known as Stop  
9 The Mega-Dump?

10 A. Yes, I am.

11 Q. And how did you become aware of that  
12 organization?

13 A. Last May -- well, March, I'm not sure the date,  
14 have to be the third or fourth week maybe, I'm  
15 thinking the 14th, 15th, 16th, maybe even later,  
16 maybe even the 18th or 19th, my husband had  
17 picked up a newspaper because I had questioned  
18 about the smell at the school at the beginning  
19 of the school year when my children started  
20 there and said it might be interesting what is  
21 going on, and he brought home the paper and I  
22 think I read the article and it mentioned the  
23 mega-dump in there, and I tried to find out more  
24 information about what was going on in the



1 county and I asked people and that's really how

2 I found it that I remember, I read about it.

3 Q. What steps did you take to obtain more

4 information about the proposed expansion?

5 A. I never knew about it until that day.

6 Q. You said when you did learn about it you took

7 steps to learn more information about it, and

8 I'm just asking what steps did you take?

9 A. Well, the article was interesting and it caught

10 my attention and it was in the Daily Chronicle,

11 and I know I read the article but I can't

12 remember everything in there but I remember the

13 mega-dump was -- the Stop The Mega-Dump group

14 was mentioned in there. I did -- I -- about the

15 expansion I really couldn't find anything but in

16 the paper. I probably just went in through the

17 paper and the internet and went through the

18 Daily Chronicle and tried to find information

19 that way.

20 Q. And did you learn about the proposed expansion

21 before or after the public hearings at

22 Kishwaukee College?

23 A. After.

24 Q. So you did not attend any of the public

1       hearings at Kishwaukee College?

2       A. No, I found out in -- I found out in March, and  
3       I'm not sure when the hearings were. If they  
4       were before that then I did not attend them. If  
5       they had any hearings afterwards I probably  
6       didn't know about them or could not attend them  
7       for, you know, family obligations or something  
8       like that.

9       Q. Are you a member of Stop The Mega-Dump?

10      A. Yes, I believe so.

11      Q. When did you become a member?

12      A. I'm not really sure, I don't know. I would say  
13      probably in March or April, probably in April,  
14      because they had an account or a -- I was never  
15      familiar with social networking before, so I  
16      think that's -- I think in April, so that's when  
17      I joined the group.

18      Q. Who are the officers of Stop The Mega-Dump?

19      A. I know one is Mac McIntyre, Dan Kenney, and I  
20      believe Grace Mott, I'm not really sure. I know  
21      that there's a group.

22      Q. Did you know Mac McIntyre before you became  
23      aware of Stop The Mega-Dump?

24      A. No.

1 Q. Did you know Grace Mott before you became  
2 involved with Stop The Mega-Dump?

3 A. No.

4 Q. Did you know Dan Kenney?

5 A. No.

6 Q. So you met all of them just in connection with  
7 your joining or becoming part of Stop The  
8 Mega-Dump?

9 A. Right. I was looking for more information,  
10 yes.

11 Q. Now, you mentioned that you have children. How  
12 many children do you have?

13 A. Three.

14 Q. Could you give me their names and ages?

15 A. David is 14, James is 10, and Christy is 9.

16 Q. And have any of your children attended Cortland  
17 Elementary School?

18 A. Yes, the -- Christy and James, 9 and 10.

19 Q. And Cortland Elementary School opened in the  
20 fall of 2009?

21 A. Yes.

22 Q. And what grades were your children in when they  
23 attended Cortland Elementary School?

24 A. Third and fourth.

1 Q. And did they complete their year at Cortland  
2 Elementary School the first year?

3 A. No.

4 Q. How long did they attend Cortland Elementary  
5 School?

6 A. From August until April.

7 Q. And what happened in April?

8 A. I took them out of the school.

9 Q. And why did you take them out of the school?

10 A. Because my children were getting sick, they're  
11 coming home with headaches throughout -- since  
12 the beginning of the year, and I really didn't  
13 know what was going on. And my son -- they  
14 would get better when I would bring them home,  
15 over the weekend, and then they'd complain about  
16 stomachache and the smell and they'd get  
17 nauseous. My daughter -- my son had more of an  
18 effect -- it had more of an effect on him, I  
19 guess he was a little more sensitive to it, so  
20 he was having other reactions to the smell or --  
21 I really didn't know what was going on with him.

22 Q. And you said he attended Cortland in the fourth  
23 grade?

24 A. Yes, last year he was in fourth.

- 1 Q. And your daughter was in third grade?
- 2 A. Yes.
- 3 Q. Prior to going to Cortland Elementary School
- 4 where did your son attend school?
- 5 A. Cortland Elementary but the older building.
- 6 Q. The building that's further north --
- 7 A. Yes.
- 8 Q. -- of Cortland, I think it's just off of
- 9 Somonauk?
- 10 A. I think it's on Maple, yes. The old school.
- 11 Q. And had he gone to the old school for
- 12 kindergarten through third grade?
- 13 A. Yes.
- 14 Q. Did he have any problems attending that school
- 15 or did he manifest any of these issues that he
- 16 had at the new school?
- 17 A. No, not constant, no.
- 18 Q. And your daughter also went to the old Cortland
- 19 school before she went to the new school?
- 20 A. Yes.
- 21 Q. And she would have gone for kindergarten, first
- 22 grade, and second grade?
- 23 A. Yes.
- 24 Q. What were the nature of the symptoms that your

1 son was exhibiting when he went to the new  
2 Cortland Elementary School?

3 A. Well, it wasn't just him, it was other students  
4 in the classroom, and it was the same thing with  
5 my daughter. The children -- a lot of times it  
6 would be after their lunch recess and throughout  
7 the day, sometimes it would be right after -- it  
8 would just depend, they would get headaches,  
9 nausea, stomachaches. And Nick, my son, had  
10 gotten a severe neck ache and back ache and he  
11 was having difficulty walking eventually.

12 Q. When did the difficulty walking start to  
13 manifest itself?

14 A. Either at the end of January or very early  
15 February.

16 Q. What class was your son in -- was there one  
17 class that your son attended in fourth grade  
18 with one teacher, or would he attend a number of  
19 different classes with different teachers in  
20 fourth grade?

21 A. I think they switched classes, I'm not sure  
22 exactly when.

23 Q. When you say switched classes, you mean your  
24 son went from having one class with one teacher

1 to a different class with a different teacher?

2 A. Right, I think it was the other fourth grade  
3 classroom.

4 Q. Why did your son change classes?

5 A. I think it was for another -- like for social  
6 studies or science. I think they switched  
7 classes every day or several times a day for  
8 social studies.

9 Q. So your son would have had two given teachers  
10 for a given school day?

11 A. I don't know if they had like science every day  
12 or, you know, they would switch for science, I'm  
13 not sure. Their schedules varied, and I'm not  
14 really sure if they had it every single day or  
15 several times a day.

16 Q. When did the school year begin at the new  
17 Cortland Elementary for your son and daughter,  
18 was it August, was it September?

19 A. August '09.

20 Q. And how soon after your son began attending  
21 Cortland Elementary School did he start having  
22 these symptoms that you described: the nausea,  
23 the headaches, any other symptoms that he was  
24 experiencing? Was it the first day, was it a

1 couple weeks after, was it a couple months  
2 after?

3 A. It was early on, and I'm not really sure. I  
4 know it was early on, because they would  
5 complain that it was stinky at the school.

6 Q. Your son would complain it was stinky?

7 A. Yes.

8 Q. He complained to you?

9 A. Yes, and my daughter too and other kids.

10 Q. When did he first start complaining to you  
11 about the odor at the school?

12 A. I'd say like the first few weeks, in there.

13 Q. Did he report his symptoms or did he go to the  
14 school nurse at any point after experiencing  
15 these symptoms?

16 A. Yes.

17 Q. When was the first time?

18 A. I don't know. It -- I'm not -- I'm not sure.

19 Q. And as a parent would you receive any  
20 communication that your son had seen the school  
21 nurse on any days when he had visited her?

22 A. When he would get nauseated or wanting to go  
23 home they would call and ask me to pick him up  
24 or sometimes they would -- you know, they would



1 wait and see if the symptoms would go away, so  
2 I'm not really quite sure.

3 Q. When was the first time you received a call  
4 from the school that you should come and pick up  
5 your son because of the symptoms he was  
6 experiencing?

7 A. I'm thinking October, November but I'm not  
8 certain.

9 Q. And how many times did that happen over the  
10 period October through April, was it a couple  
11 times, a dozen times, you know, more than a  
12 dozen times where you were called and told that  
13 you needed to come and pick up your son because  
14 of his symptoms and how he was feeling?

15 A. Well, I know it was -- I'm not sure, maybe  
16 five, six times, maybe more. I know it would  
17 escalate towards the end of the day where he  
18 would come home, and my daughter too, just  
19 wanted to go to sleep, they were tired and head  
20 aching, not wanting to do anything.

21 Q. Did the nurse ever give your son or your  
22 daughter any medication, aspirin or any other  
23 medication, to address the symptoms?

24 A. I don't think so. I didn't have a prescription

1 or anything. Normally for headaches they would  
2 just put an ice pack on and have them lay down,  
3 and if they felt nauseous I would just give them  
4 a bucket.

5 Q. Did you have any discussions with the nurse at  
6 any point about what might have been  
7 contributing or causing these symptoms that your  
8 son had?

9 A. The only thing that -- when I would pick him up  
10 a few times there would be other children with  
11 similar symptoms so we basically just thought it  
12 was the flu or something like that, something  
13 that was going around.

14 Q. So of those I think you said it was about five  
15 times when you had to come pick your son up, on  
16 each of those occasions there were other  
17 students, other children who were experiencing  
18 similar symptoms?

19 A. Yes.

20 Q. And how did you become aware of that?

21 A. I would see them in the nurse's office. And my  
22 son or daughter would say that if it was warm  
23 the teacher didn't know if they should open or  
24 close the window because of the smell, and the

1 children -- the other students were getting  
2 nauseous too and head aching and some of them  
3 were going home.

4 Q. Were these other students who were experiencing  
5 symptoms in your son's class or were they in  
6 other classes?

7 A. They were in his class.

8 Q. Were there both girls and boys or just boys?

9 A. I believe both.

10 Q. Did you ever drive any of these other students  
11 to their homes when you came to pick up your  
12 son?

13 A. No.

14 Q. Did you have any discussions at any point with  
15 the principal or any other administrator at the  
16 new Cortland Elementary School about the  
17 symptoms that your son had experienced during  
18 this period?

19 A. I spoke with his teacher, and at the beginning  
20 of the school year my daughter's teacher had  
21 mentioned that the windows were shut so they  
22 don't smell the dump, and she also mentioned  
23 that the rooftops were like rooftop gardens to  
24 lessen the smell. That was at the beginning of

1 the year.

2 Q. This was your daughter's teacher?

3 A. My daughter's third grade teacher.

4 Q. What was his or her name?

5 A. Her name was Mrs. Quade.

6 Q. Quade?

7 A. Quade with a "Q". She gave me a tour of the

8 building, so that was at the very, very

9 beginning of the school year. And I mentioned

10 something to -- I asked James's teacher,

11 Mrs. Newman, which is the fourth grade teacher,

12 about the smell but she -- I had spoken with her

13 on the phone but she said she wasn't aware of

14 any smell but then --

15 Q. Your son's teacher said when you talked to her

16 on the phone --

17 A. Right.

18 Q. -- that she was not aware of any smell?

19 A. Right.

20 Q. When did you have that discussion with her,

21 September, October?

22 A. I'm --

23 Q. Or was it later?

24 A. I'm thinking later. Maybe March or something,

1 early March.

2 Q. Right before you took your son out of the  
3 school?

4 A. Yes. Yes.

5 Q. And so you mentioned to her that your son's  
6 symptoms may have been attributable to the odor  
7 he was smelling and she said to you she wasn't  
8 aware of any odor?

9 A. Right, she wasn't aware of any problem, that's  
10 what she told me.

11 Q. And I believe you said your daughter's teacher  
12 though had told you in either September or  
13 October when you first met with her that the  
14 windows in the classroom were all kept shut?

15 A. No, she had mentioned that the windows on the  
16 south -- on the one side, and I believe it was  
17 the south side, of the building don't open, that  
18 they stay shut so they don't smell the odors.

19 Q. And what odors was she referring to?

20 A. The landfill, the dump.

21 Q. And is that what she said or is that just what  
22 you --

23 A. That's kind of like what I remember, that went  
24 along that line. I don't remember word for

1 word.

2 Q. And this was a phone conversation you had with  
3 her or was this person to person?

4 A. This was person to person. This was --

5 Q. This was when you visited the school?

6 A. Yes, my first time.

7 Q. To pick up your son?

8 A. No, this was my first time at the school at the  
9 very beginning of the year.

10 Q. So before any classes had begun or right after  
11 classes had begun?

12 A. I think it was like maybe the first or second  
13 week of school, they -- I think it was like an  
14 open house or something along that line.

15 Q. Was the open house in the morning, in the  
16 afternoon, or the evening?

17 A. I'm thinking afternoon.

18 Q. And did you attend the open house alone, did  
19 your husband come with you?

20 A. I was alone but with my children.

21 Q. Did you smell anything in the school that day?

22 A. I smelt an odor.

23 Q. What did it smell like?

24 A. It was a -- just a smelly, like an eggish maybe

1 odor from what I remember. It was just not a  
2 good smell.

3 Q. Did you ask anyone at the school about what you  
4 were smelling?

5 A. I might have said something to another parent,  
6 but I remember it being hot so I didn't -- I  
7 didn't want to make a big -- I remember not  
8 wanting to make a big deal about the odor  
9 because I didn't want the kids to say -- you  
10 know, I didn't want to bring it to their  
11 attention. I just wanted to -- I don't know, I  
12 didn't want to make a big deal out of it.

13 Q. So you don't know during that time you were at  
14 the school whether your children had smelled  
15 that same odor because they hadn't said anything  
16 to you about it?

17 A. They said it smelled stinky, like farts they  
18 would say and smelly eggs but -- and poopy  
19 smell, but that's what they would -- when they  
20 would not feel good that's how they would  
21 describe it. They were young so that's how  
22 they -- you know, just a bad smell.

23 Q. And they told you that on that occasion when  
24 you were at the school?

1 A. I noticed it but I really didn't say too much  
2 to them because it was a brand new school and I  
3 didn't want to -- they were excited so I didn't  
4 want to ruin that moment for them so I just kind  
5 of ignored it I guess because I thought it  
6 was -- I just didn't want to mention it.

7 Q. Did you just smell that odor when you were  
8 inside the school?

9 A. It was outside and inside. It was less -- from  
10 what I remember, it was less on the inside but  
11 it was --

12 Q. So when you came in to the school that day you  
13 parked I assume in the parking lot?

14 A. Either that or along the street if there --  
15 yeah, probably in the parking lot.

16 Q. And when do you first recall having detected  
17 any odor as you were driving up to the school,  
18 did you smell it while you were in your car, did  
19 you park, get out of your car and start walking  
20 toward the school and then notice it, or how did  
21 that come about?

22 A. I noticed it I believe I was either approaching  
23 the school or going near the playground, because  
24 kids were drawing to the -- they wanted to run



1 and play at the new playground, so it was  
2 towards the school.

3 Q. The playground is on the south side of the  
4 school, isn't it, towards I-88?

5 A. I believe so, yeah.

6 Q. And the parking lot is on the east side of the  
7 landfill -- of the school, correct?

8 A. Okay, yes.

9 Q. And you would have parked in the east parking  
10 lot?

11 A. Right.

12 Q. And then did you proceed directly to the  
13 playground or the recreational area down to the  
14 south of the school or did you go through the  
15 school building first?

16 A. I think we went to the school building first.

17 Q. When did you first notice that odor, was it  
18 while you were in the parking lot, was it as you  
19 approached the school building to enter it, was  
20 it once you entered the school building?

21 A. I probably had the air conditioner on, so I'd  
22 say once I got out of the car and was like going  
23 towards the building, you know.

24 Q. So you smelled it both outside the building

1 before you walked into the building --

2 A. Uh-huh.

3 Q. -- and you smelled it once you went in the  
4 building?

5 A. Yeah, I think so, yeah.

6 Q. And then when you went out of the building onto  
7 the playground you smelled it outside near the  
8 playground as well?

9 A. Yeah.

10 Q. And was the intensity of the smell any  
11 different in any of those areas?

12 A. I don't know. I just know I didn't like it and  
13 it didn't -- I think it gave -- it may have  
14 given me a headache, I'm not sure. But I  
15 remember trying to get out.

16 Q. And you didn't ask anyone at the school what  
17 the odor was?

18 A. I might have said something that it smells  
19 but -- and I might have made a comment saying  
20 I'm glad they have air conditioning.

21 Q. I thought you said you mentioned that to one of  
22 the parents?

23 A. I might have at the school. I don't know if I  
24 mentioned it to a teacher or if I mentioned it

1 to another parent, but I might have said, well,  
2 I'm glad they have air conditioning because it's  
3 not as bad.

4 Q. So your perception at that point was that the  
5 odor inside the building was not as strong as it  
6 was outside the building on that occasion?

7 A. Yeah.

8 Q. And you attributed that to the fact that the  
9 school had air conditioning?

10 A. I'm thinking, yeah. I'm not sure.

11 Q. Did you meet with either of your children's  
12 teachers on this visit, either your son's  
13 teacher or your daughter's teacher on this  
14 visit?

15 A. I -- the only one I remember seeing is the  
16 third grade teacher.

17 Q. And that was the teacher who at some point in  
18 March told you that she didn't know about any  
19 odor?

20 A. No, that was the fourth grade teacher.

21 Q. Oh, that was your son's teacher?

22 A. That was my son's teacher.

23 Q. Oh, I'm sorry, I thought you said that was your  
24 daughter's teacher.

- 1 A. There was two teachers that I had mentioned.  
2 The third grade teacher had said that the  
3 windows are shut on the one side of the building  
4 so you don't smell the smell. Then when I asked  
5 the fourth grade teacher, I'm not sure what I  
6 had asked her, but she -- I spoke with her on  
7 the phone, I had a phone conversation with her,  
8 and I think it was for a conference or it was --  
9 I think it was a phone conference, I think she  
10 had called for some reason.
- 11 Q. When would that have taken place?
- 12 A. I'm thinking October.
- 13 Q. And that's when you mentioned an odor at the  
14 school to the fourth grade teacher?
- 15 A. Yeah, October or November, I'm not -- I'm  
16 sorry, I'm not --
- 17 Q. That's fine.
- 18 A. This is a long time ago for me.
- 19 Q. And your recollection is that the fourth grade  
20 teacher's response was that she wasn't aware of  
21 any odor?
- 22 A. Correct.
- 23 Q. And did you respond to that statement at all to  
24 say, well, I was there and I smelled an odor, or

1 anything else?

2 A. No, I just went okay.

3 Q. Did you ever have any other conversation with  
4 the fourth grade teacher again about odors at  
5 the school?

6 A. Yes, again I believe in March.

7 Q. And was that a phone conversation or a  
8 person-to-person meeting?

9 A. I think it was a phone conversation.

10 Q. Did you call the teacher or did the teacher  
11 call you?

12 A. I think it was another conference. I think it  
13 was a parent conference where I could make it in  
14 to go in live.

15 Q. Did the odor question come up at all during  
16 that second conversation?

17 A. Yes, I had asked her about the odor, and she  
18 said that she wasn't aware of any problem at the  
19 school, and I asked her if she smelled it and  
20 she said she wasn't aware of it.

21 Q. Did you have any other discussions with the  
22 fourth grade teacher?

23 A. I probably added that I think James is getting  
24 sick from the smell and I know the other kids

1 are too.

2 Q. And this was the conversation with her in

3 March?

4 A. Yes. And she actually said some things to the

5 classroom also too, because the kids -- she

6 started noticing or she was saying things to the

7 class.

8 Q. But what did she say to you in that phone

9 conversation when you told her that you thought

10 James was getting sick because of the odor?

11 A. She said she wasn't aware of any problems. She

12 didn't want to talk about it.

13 Q. Then after that phone conversation did you have

14 any other conversations with the fourth grade

15 teacher about James's symptoms or about the

16 odor?

17 A. Yes.

18 Q. When was the next time?

19 A. Probably it was either that phone conversation

20 or another phone conversation we had with her.

21 Q. Would that have been a phone call you placed to

22 her?

23 A. Yes.

24 Q. And what did you say to her in that

1 conversation?

2 A. I asked her again I believe something along the  
3 lines of a smell and what was going on, and she  
4 said there's -- she's not aware of any problems,  
5 and I told her that he's getting nauseous and  
6 sick and I've taken him to doctors and he's  
7 having difficulty walking and he does not have a  
8 foot problem so we don't know what's going on  
9 with him, and it turned into that he had a lot  
10 of the symptoms for the hydrogen sulfide  
11 poisoning, he had all the symptoms for it.

12 Q. Did you say that to the teacher in the  
13 conversation?

14 A. In the last conversation I had with her, yes.

15 Q. When was that conversation?

16 A. It was probably in I'm thinking the end of  
17 March maybe.

18 Q. Was it right before you took him out of the  
19 school?

20 A. Yes, because I wanted to find out what was  
21 going on and wanted to let her know what was  
22 going on because he was missing school. He had  
23 missed several days throughout the year. You  
24 know, if he would come home sick I'd keep him

1 home the next day to make sure he was okay, and  
2 I didn't want to go back and forth and keep  
3 pulling him out. And I had mentioned the H2S,  
4 that I think he has H2S poisoning or something  
5 along that line.

6 Q. You said that to the fourth grade teacher?

7 A. Yes.

8 Q. What was her response?

9 A. Oh, she didn't say too much.

10 Q. Did she say anything?

11 A. She might have said, oh -- basically all she  
12 really wanted -- all she really said about that  
13 was I wasn't -- that she was not aware of any  
14 problems and that's -- and she wasn't aware of  
15 any smell or H2S.

16 Q. Did you ask her if any other students in the  
17 class were experiencing any symptoms?

18 A. Yes, I had even mentioned that I know that when  
19 the kids come home other children are getting  
20 sick. She didn't really say too much.

21 Q. Did she say anything --

22 A. No.

23 Q. -- like I don't think that's the case, or I  
24 don't think there are other kids getting sick,



1 or yes, there are kids getting sick?

2 A. No, I -- no.

3 Q. Did she at any point indicate that you should  
4 talk to an administrator, the principal,  
5 assistant principal, or someone else about this  
6 problem?

7 A. No.

8 Q. Did you at any point ever seek to speak with an  
9 administrator, the principal, assistant  
10 principal, or any other official of the school  
11 to talk about this problem?

12 A. Yes, I did.

13 Q. When did you do that?

14 A. In March. I'm not sure of the date.

15 Q. And was this a phone call, was it a  
16 person-to-person meeting, was it a letter? How  
17 did you attempt to communicate --

18 A. Phone call.

19 Q. -- with the administrator of the school?

20 And who did you ask to speak to?

21 A. I wanted to speak with Mr. -- Dr. Briscoe.

22 Q. Who is Dr. Briscoe?

23 A. The superintendent of District 428.

24 Q. Is his office -- oh, I see, you didn't call

1 Cortland Elementary School?

2 A. No.

3 Q. You called Dr. Briscoe's office?

4 A. Yes. I wanted a direct answer.

5 Q. Were you able to speak with Dr. Briscoe?

6 A. No.

7 Q. Why not?

8 A. His secretary asked me the nature of the call

9 and I told her that I'm concerned about my

10 children and the other children's health because

11 of the smell there and she just chuckled and

12 said -- I don't know, she was very rude, and I

13 was very concerned so I was upset and I told her

14 I wanted a phone call. Took me awhile and I had

15 finally got through, I think I called and I

16 spoke with Mr. Scott.

17 Q. Who is Mr. Scott?

18 A. Roger Scott, the assistant.

19 Q. Assistant superintendent?

20 A. Yes. I'm not sure if I called or if he called

21 back, I'm not sure of that. I asked him again

22 what was going on at the school and about the

23 smell, other children in the classroom were

24 getting headaches and it was not just my son, it

1 was not just my daughter, and I told him that  
2 they were getting sick, they're vomiting,  
3 they're nauseous and I think it's the hydrogen  
4 sulfide, and he said there's no problem there or  
5 he wasn't aware of the problem and basically  
6 didn't really want to speak to me about it, and  
7 I told him that -- I believe that's when I asked  
8 him to have the school tested and he said  
9 there's no problem with the school. I told him  
10 that my children are getting sick and I wanted  
11 to transfer my children out, I wanted to take  
12 them to a different school, and he declined my  
13 request.

14 Q. He would not allow you to have your children  
15 transferred to another school?

16 A. No, he said no, there's no room in any other  
17 school, your children have to go there pretty  
18 much.

19 Q. What other schools would be available to take  
20 your children to if they were to be transferred?

21 A. He -- well, there are -- I think there's  
22 like -- I'm not sure about the number of the  
23 schools, I believe there would be either three  
24 or four other schools. He said there's no room,

1 that he's not going to do it.

2 Q. And he also denied there was any problem --

3 A. Correct.

4 Q. -- at the Cortland Elementary School?

5 A. Yes.

6 Q. So it was after this conversation that you

7 decided to pull your son and daughter out of

8 Cortland Elementary School?

9 A. No, I spoke with Dr. Briscoe.

10 Q. Oh, you did speak to him?

11 A. I finally got in contact with him, I'm not

12 exactly sure it was maybe a day, a couple days

13 after I spoke with Mr. Scott, and I was very

14 dissatisfied with his treatment or his answers.

15 And I spoke with Dr. Briscoe and he told me that

16 he would not transfer my children. I asked him

17 to get the school tested. I told him I just

18 wanted peace of mind. I says I would like the

19 school tested, I want to know -- I want my

20 children to be safe and the other children too,

21 and if you would have the school tested and that

22 then we'll take it from there, you know then if

23 there's a problem. He agreed that he would help

24 me, you know maybe we could get the kids

1 transferred or what have you, and I felt better  
2 about that conversation.

3 Q. So Dr. Briscoe agreed to have testing done at  
4 the Cortland school?

5 A. Yes, he said that he was going to do it not  
6 just for me but for everyone there because now  
7 he wants to know, so I felt comfortable or  
8 confident in him so I was okay with that.

9 Q. And did he then have testing done at the  
10 school?

11 A. Eventually it was done but it wasn't done until  
12 June, but I kept waiting and it wasn't  
13 happening.

14 Q. When did you have this discussion with  
15 Dr. Briscoe about the testing?

16 A. I believe it was in March, towards the end of  
17 March.

18 Q. And had he given you a time frame within which  
19 he was going to have this testing done?

20 A. He just said soon, that he needs to okay it  
21 before the school board.

22 Q. And you said the testing wasn't done until  
23 June?

24 A. Right, for the hydrogen sulfide.

1 Q. And did you have any other discussions with him  
2 after your discussion where he agreed to have  
3 the testing done?

4 A. I'm not sure what --

5 Q. You had the discussion with him in which you  
6 talked about testing and he said he would have  
7 testing done, and that was sometime in late  
8 March you thought?

9 A. Uh-huh.

10 Q. After that discussion did you have another  
11 discussion with him about the testing, about the  
12 odors at the school, or about your children's  
13 health at the school?

14 A. I -- yes, I probably -- yes, I did have a  
15 discussion.

16 Q. When would the next discussion have been?

17 A. I think I called him back to transfer them out  
18 again.

19 Q. And why did you decide that you wanted to  
20 transfer your children out when Briscoe had  
21 agreed to do the testing, although the testing  
22 hadn't been done yet?

23 A. Because my son was getting sicker and the smell  
24 seemed to be getting worse, more kids were

1 coming home sick. There was a day, I believe it  
2 was either -- I think it was at the end of  
3 March, where like half the classroom was getting  
4 sick and nauseous.

5 Q. And how did you know that it was half the  
6 classroom getting sick? Had you gone to the  
7 school to pick your son up?

8 A. I believe, yes, and also I either went to the  
9 school or -- and the kids -- the children would  
10 tell me, you know, so and so got sick.

11 Q. Your children or other children?

12 A. My children.

13 Q. And when you took your son home on that  
14 occasion did you then take him to a doctor?

15 A. I took him to several doctors.

16 (A discussion was held off  
17 the record.)

18 A. I'm sorry, you had asked me a question?

19 Q. You were talking about taking your son to  
20 several doctors. Maybe we can start with the  
21 first time that you took your son to a doctor  
22 after he had experienced these symptoms at the  
23 new Cortland Elementary School.

24 A. I think in February I had taken him to a foot

1 doctor.

2 Q. This would have been February 2010?

3 A. Yes, in February 2010.

4 Q. So he would have been at the new Cortland  
5 Elementary School about five months at that  
6 point?

7 A. Right.

8 Q. You took him to a foot doctor?

9 A. Yes. He was having difficulty walking.

10 Q. When you say he was having difficulty walking,  
11 what more specifically was his problem with  
12 walking?

13 A. He was having -- he was walking -- his whole  
14 way of walking was changing and it changed  
15 completely from a 10-year-old gait or stride to  
16 he started walking like if he was maybe 70, and  
17 the longer he would be active or on his feet the  
18 more pain he was experiencing, the more  
19 difficulty, more curled up and crunched up he  
20 would be and he was in a lot of pain.

21 Q. Where was he experiencing this pain --

22 A. In his --

23 Q. -- in his knees, his ankles, his shins?

24 A. His shins and his Achilles, the bottoms of his



1 feet all the way up, and the backs of his legs  
2 would just burn and he couldn't walk, and the  
3 longer he would be standing or walking or  
4 running or playing he just didn't -- he wasn't  
5 able to participate as he had in the past.

6 Q. And he visited the foot doctor in February of  
7 2010?

8 A. Yeah, approximately in February.

9 Q. And who was the foot doctor?

10 A. It was -- I can't -- it's Dr. Grow (phonetic),  
11 Grot (phonetic), I'm not sure of the last name.

12 Q. Where was the doctor's office?

13 A. In Sycamore.

14 Q. Affiliated with a medical group or a hospital?

15 A. She's part of the Dr. Starkweather, she's one  
16 of her doctors.

17 Q. And Dr. Grow examined your son?

18 A. Uh-huh, yes.

19 Q. What did the doctor tell you about her  
20 observations as to his pain?

21 A. She said that his feet are fine but it's  
22 probably a neurological issue.

23 Q. And did she explain what she meant by a  
24 neurological issue?

1 A. She said that it was something to do with his  
2 nerves or his -- it's neurological, it's not  
3 anything she could treat him for.

4 Q. Did she recommend any neurologist or any other  
5 doctor to evaluate your son?

6 A. No.

7 Q. Did you ask her whether there was the need to  
8 have another doctor evaluate him?

9 A. No, I just asked her -- I didn't know what to  
10 do, and she just said -- and I took him then to  
11 the pediatrician.

12 Q. So Dr. Grow did not prescribe any medication or  
13 any course of treatment or anything else, she  
14 just told you she thought it was a neurological  
15 problem?

16 A. Right.

17 Q. Then you on your own decided, well, I better  
18 have him looked at by another doctor so I'll  
19 take him to his pediatrician?

20 A. Right.

21 Q. What's the pediatrician's name?

22 A. Dr. Phillips.

23 Q. And how long after the visit with Dr. Grow did  
24 you bring your son to Dr. Phillips, a couple

1 days, a week, couple weeks?

2 A. Probably a few weeks, because I was waiting for  
3 him to get better.

4 Q. Was his condition changing at all during that  
5 period, was it getting worse, was it --

6 A. Yeah.

7 Q. -- the same?

8 It was getting worse?

9 A. Yeah.

10 Q. When you say worse, the pain seemed to be  
11 getting greater?

12 A. It wasn't going away and he seemed to be  
13 complaining more.

14 Q. When you say he was walking like a  
15 70-year-old --

16 A. To me that's what it looks like.

17 Q. In terms of describing that for us, was it just  
18 moving very slowly, or with a limp, or with some  
19 other evident limitation, or how would you  
20 describe how he was walking like a 70-year-old?

21 A. Just hunched over, he didn't have bounce like  
22 he did in the past, his feet would be pointed  
23 out, and he was just moving a lot slower, and he  
24 looked pain -- he looked like he was hurting.

1 Q. Did Dr. Phillips evaluate him?

2 A. Yes.

3 Q. What did Dr. Phillips tell you about his  
4 evaluation?

5 A. He told me to take him to physical therapy.

6 Q. Did he indicate to you what he thought was  
7 happening to your son or what the specific  
8 ailment was that he was suffering from?

9 A. No, he said he wasn't sure and there's no  
10 testing -- well, he had blood work done and just  
11 said let's take one step at a time and send him  
12 to therapy. That's really all he did was go to  
13 therapy.

14 Q. Did he mention anything about whether your  
15 son's symptoms may have been attributable to  
16 hydrogen sulfide poisoning?

17 A. No, he didn't know.

18 Q. Did Dr. Grow say anything to the effect that  
19 your son's symptoms may have been attributable  
20 to hydrogen sulfide poisoning?

21 A. No, she just said -- no.

22 Q. Did you raise the issue of hydrogen sulfide  
23 poisoning to either Dr. Grow or to  
24 Dr. Phillips?

1 A. Yes.

2 Q. To both of them?

3 A. Uh-huh.

4 Q. You need to say yes.

5 A. Yes. I'm sorry.

6 Q. And what was Dr. Grow's response?

7 A. She said something along the line like it's  
8 very -- she wasn't really that familiar with it  
9 and she didn't know too much about it, and  
10 Dr. Phillips really didn't -- just seemed  
11 very -- I don't know, he didn't say too much  
12 about it.

13 Q. Did he say that it was at all possible that  
14 your son's symptoms could be attributable to  
15 hydrogen sulfide poisoning?

16 A. He said it could be anything, it -- and -- he  
17 didn't really say anything, just said let's just  
18 put him in physical therapy and do that. I  
19 don't know if he wasn't -- you know, I don't  
20 know.

21 Q. Well, would it be fair to say that Dr. Phillips  
22 did not agree with the proposition that your  
23 son's symptoms were attributable to hydrogen  
24 sulfide poisoning?

1 A. I'm not sure what you mean.

2 Q. Well, if he had agreed that your son's symptoms  
3 were attributable to hydrogen sulfide poisoning  
4 he wouldn't have recommended physical therapy  
5 for your son, would he?

6 A. I don't know. I have no idea about this. I  
7 was just worried about my child, trying to find  
8 out --

9 Q. But at no point in your discussion with  
10 Dr. Phillips did he say that he agreed that your  
11 son's symptoms were because of hydrogen sulfide;  
12 would that be correct?

13 A. He might have. I'm not sure if he agreed or  
14 disagreed. He just basically said he didn't  
15 know.

16 Q. And he recommended physical therapy for your  
17 son?

18 A. Right.

19 Q. Did he recommend a physical therapist?

20 A. Yes.

21 Q. And did you set up appointments to have your  
22 son receive physical therapy from this  
23 therapist?

24 A. Yes.

- 1 Q. What was the physical therapist's name?
- 2 A. Uhm, I only remember his first name was Denny.
- 3 Q. Where was his office?
- 4 A. Northern Rehab in Sycamore.
- 5 Q. How soon after your meeting with Dr. Phillips
- 6 did you schedule an appointment for your son to
- 7 receive physical therapy?
- 8 A. Probably the next couple days.
- 9 Q. And how many physical therapy sessions did your
- 10 son receive or how many did he attend?
- 11 A. I don't know how many.
- 12 Q. Approximately. Half a dozen, a dozen?
- 13 A. Maybe 15, 20.
- 14 Q. And that was over what period, from April
- 15 through June?
- 16 A. April through about June, July, yeah.
- 17 Q. And he would go twice a week?
- 18 A. Two to three times a week.
- 19 Q. And the physical therapy concluded in June or
- 20 July of 2010?
- 21 A. Right.
- 22 Q. And why did the physical therapy conclude?
- 23 A. It stopped because he didn't want to go there
- 24 anymore.

1 Q. Your son didn't want to go there?

2 A. No, he didn't want to go there anymore.

3 Q. Why?

4 A. All he seen were very old people and he didn't  
5 like it. He liked the treatment and the therapy  
6 but he just didn't care for the environment.

7 Q. Did you inquire as to whether there were other  
8 physical therapists in other locations where  
9 your son could have gotten the therapy?

10 A. No, my son just didn't like -- he just wanted  
11 to know what was wrong with him and he just  
12 didn't want -- he asked why he's being -- having  
13 the same therapy or treatment like these old  
14 people are, and he just didn't want to be around  
15 and getting the same type of treatment. It made  
16 him feel uncomfortable.

17 Q. Did the physical therapy reduce any of the pain  
18 that he was feeling?

19 A. Yes, he liked it.

20 Q. Did the physical therapy enable him to walk  
21 without that 70-year-old gait that you had seen  
22 previously?

23 A. He seemed to be more energized afterwards, so  
24 he enjoyed the therapy.



1 Q. And you noticed an improvement in his walking  
2 while he was undergoing physical therapy?

3 A. Uh-huh, yes, I did. I was happy that he was  
4 happy.

5 Q. Did the physical therapy affect any of the  
6 nausea or the headaches that he had been  
7 experiencing as well?

8 A. From what I remember it helped a lot of his  
9 neck pain and his leg pain but he constantly  
10 would have head pain.

11 Q. Constantly he had head pain?

12 A. Right. The therapy would not help his  
13 headaches.

14 (A discussion was held off  
15 the record.)

16 Q. So the nausea continued and the headaches  
17 continued?

18 A. The headaches continued. The nausea pretty  
19 much -- it wasn't really there all the time, it  
20 was less and less frequent.

21 Q. And had he been back to physical therapy since  
22 he concluded the therapy in June or July of  
23 2010?

24 A. No, he didn't want to go back.

1 Q. Had your daughter ever seen a doctor for the  
2 symptoms that she was experiencing at Cortland  
3 Elementary School?

4 A. No.

5 Q. Other than your statements to the fourth grade  
6 teacher, the third grade teacher, Dr. Briscoe,  
7 Mr. Scott, did you have a discussion with any  
8 other person at the Cortland Elementary School  
9 about your son's symptoms of headache, nausea,  
10 neck ache, leg ache?

11 A. No.

12 Q. Did you have any conversation with any person  
13 other than what you have already told us about  
14 your belief that your son's exposure to hydrogen  
15 sulfide was causing these symptoms?

16 A. I e-mailed -- I tried to call but I think I  
17 ended up just e-mailing Mr. Verbic, people that  
18 were on the school board, trying to get the  
19 school tested.

20 Q. And you sent e-mails to Mr. Verbic?

21 A. I believe so, yeah.

22 Q. When?

23 A. That was back in March, I believe at the end of  
24 March, because I wanted them to test the school.

1 Q. Did you receive any response from Mr. Verbic or  
2 anyone else.

3 A. His response is don't e-mail me, talk to  
4 Briscoe -- Dr. Briscoe.

5 Q. And that was one of the reasons you then called  
6 Briscoe?

7 A. That was -- yeah, I'm sure that's when I spoke  
8 with him a few times before or after but that  
9 was it.

10 Q. Did your daughter ever go to the nurse's office  
11 for the symptoms that she was experiencing while  
12 she was at the new Cortland Elementary School?

13 A. Yes.

14 Q. How many times?

15 A. I don't know exactly. Quite a few.

16 Q. Each time she went to the nurse would you be  
17 called to come and pick her up from school?

18 A. If she didn't get better, yes.

19 Q. How many times did you go to pick your daughter  
20 up after she had seen the nurse approximately?

21 A. I'm thinking maybe three, five, six, I'm not  
22 sure.

23 Q. So about the same number of times for your son?

24 A. Pretty much, yeah.

1 Q. Although would it be fair to say that you  
2 picked up your son on different days that you  
3 picked up your daughter?

4 A. I remember going there back and forth one day,  
5 but I can't remember if that was the same  
6 reason. But a lot of the times I would keep  
7 them both home if -- you know, because I didn't  
8 know what was going on with them, if they were  
9 going to start vomiting or what, I didn't want  
10 them to experience that at school, so.

11 Q. But you would keep them home for a day after  
12 the previous day when they had been feeling  
13 these symptoms and you had brought them home?

14 A. Yeah, that was throughout the year, so if they  
15 both got sick I thought, well, they're both  
16 sick.

17 Q. Did your daughter have any pain in her legs or  
18 her feet as your son was having?

19 A. No.

20 Q. And her symptoms were primarily what?

21 A. Headache, nausea, neck ache, and tired. They  
22 were both always tired.

23 Q. And did the nurse ever prescribe any medication  
24 or treatment for your daughter?

1 A. No. An ice pack.

2 Q. And did the nurse suggest or recommend that you  
3 have your daughter see a doctor for her  
4 symptoms?

5 A. No.

6 Q. And you never took your daughter to see any  
7 doctor for her symptoms?

8 A. No.

9 Q. When did you first hear about hydrogen sulfide?

10 A. Uhm, probably when I read -- read it in the  
11 Chronicle.

12 Q. And this was sometime in March of 2010?

13 A. Uh-huh, right, because I didn't know what that  
14 smell was, and it described it and then I knew  
15 what it was once it was described, the odor that  
16 we were smelling or that the children were  
17 describing.

18 Q. And are you saying that every time you visited  
19 the new Cortland Elementary School you smelled  
20 this egg odor?

21 A. Not every time.

22 Q. How many times did you visit Cortland -- the  
23 new Cortland Elementary School between the  
24 beginning of school in August and April of 2010

1 when you pulled your children out of that  
2 school?

3 A. I don't know.

4 Q. Was it two or three times a week, was it a  
5 couple times a month, was it maybe 40 or 50  
6 times?

7 A. I was driving them to and from school, then  
8 they took the bus for awhile, then I was driving  
9 them again, so it was -- it just depended on the  
10 week and the weather and just -- I'd say I was  
11 at the school three -- sometimes three to five  
12 times a week or sometimes more, sometimes -- at  
13 least three -- yeah, at least a minimal three,  
14 sometimes more.

15 Q. This would have been from the period August  
16 through April of 2010?

17 A. Right.

18 Q. And as a percentage how many of those times did  
19 you smell this egg odor, half the time, a  
20 quarter of the time, three-quarters of the time?

21 A. Maybe half or -- half the time it would be  
22 very, very, very noticeable to me.

23 Q. Now, prior to your children going to Cortland  
24 Elementary -- the new Cortland Elementary School

1 had you ever smelled a similar egg odor anywhere  
2 in Cortland or in or around the DeKalb area?

3 A. Not like that, no, not that I recall.

4 Q. When did you first become aware that this egg  
5 odor that you smelled was coming from the DeKalb  
6 County Landfill?

7 A. I didn't know what it was. Probably the first  
8 time I smelt it back in August.

9 Q. So in August of 2009 when you first smelled  
10 this egg odor you thought that it was coming  
11 from the landfill?

12 A. Yes.

13 Q. And what information or reason did you have for  
14 thinking that it was coming from the landfill?

15 A. From what I remember being on the playground  
16 with the other parents and the children playing  
17 the comments were: it really smells bad, the  
18 landfill smells really bad, why would they put a  
19 school here. That was kind of the way it went,  
20 so that's -- you know.

21 Q. This was a statement or statements from other  
22 parents --

23 A. Other parents.

24 Q. -- who were on the playground at that time?

1 A. On the playground, right. No children were  
2 around. It was just parents amongst parents,  
3 you know someone walking by saying the dump  
4 really smells, you know, or something like that.

5 Q. Were you aware that there was a landfill  
6 located just south of 88 about a half a mile  
7 from the new Cortland Elementary School when you  
8 sent your children to the school?

9 A. I didn't know about it until the first time I  
10 was there. I didn't know what that smell was or  
11 where it was coming from, and when I visited the  
12 new school that's when I had learned that the  
13 landfill was right over there, right near there.

14 Q. Before that time you didn't even know there was  
15 a landfill in DeKalb County?

16 A. I knew that there was a landfill but I did not  
17 know where it was, and I was told that it --  
18 it's going near completion or it's an old  
19 landfill and they're going to be closing it down  
20 and not to worry about it, and that's probably  
21 when we were buying our house, you know, the  
22 salesperson or something, someone like that.

23 Q. How far is your home located from the landfill?

24 A. About a mile maybe.



1 Q. And are you located east or west of Somonauk  
2 Road?

3 A. East.

4 Q. Are you located within a mile of the wastewater  
5 treatment plant in Cortland?

6 A. I'm not even sure where that's at. I -- now,  
7 what was the question? Am I located within --

8 Q. Near the treatment plant that's in Cortland,  
9 are you located within a mile of that treatment  
10 plant?

11 A. Not sure how far we're from it because I don't  
12 know where it's at, but we could be -- we could  
13 be within or right outside of that, I don't  
14 know.

15 Q. Did you ever communicate a complaint about the  
16 smell you believed was coming from the landfill?

17 A. To?

18 Q. To anybody.

19 A. Uhm, I called Waste Management, I called the  
20 EPA, and the school, the district -- the school  
21 district.

22 Q. When you say the school district, were those  
23 your calls to Dr. Briscoe?

24 A. Yes.

1 Q. And Mr. Scott?

2 A. Right.

3 Q. You also said you called the Illinois EPA?

4 A. Yeah, yes.

5 Q. When did you call the Illinois EPA?

6 A. I can't remember if I got a message and it said  
7 to go online and I may have sent them an e-mail  
8 or if I actually talked or spoke with someone,  
9 because I know I spoke with either someone from  
10 the Illinois EPA or from Waste Management to  
11 complain about the smell.

12 Q. And when did you talk with someone from either  
13 of those agencies or with Waste Management about  
14 your complaint?

15 A. Probably in March, March towards the middle or  
16 end.

17 Q. And what was said in that conversation you had  
18 about your complaint?

19 A. That --

20 Q. What did you say and then what did the person  
21 who you were talking to say back?

22 A. Well, the basic -- the way that either the  
23 e-mail or the conversation went -- I think I  
24 might have even spoke to both, I can't remember

1 -- was I was concerned about my children and  
2 their health and I wanted -- I just want peace  
3 of mind knowing whether -- is there H2S,  
4 hydrogen sulfide, there, what are the levels and  
5 I wanted it checked out. I just wanted that  
6 peace of mind and I wanted that to happen.

7 Q. What was said back to you?

8 A. That they would look into it, either that or I  
9 have to -- I think with the EPA I had to file a  
10 complaint or something or fill out a form or  
11 something along that line.

12 Q. Did you fill out a form?

13 A. I believe so.

14 Q. And you submitted it?

15 A. Yes.

16 Q. Did you receive any response after you  
17 submitted the form?

18 A. I don't remember if I had gotten a response  
19 other than like thank you for submitting it. I  
20 know that was -- that must have been the  
21 Illinois EPA where I filled out an online  
22 question/answer form, an electronic form, and  
23 then at the end it says thank you or something.  
24 That's about it, I don't remember getting

1 anything else.

2 Q. And you also called to complain to Waste  
3 Management?

4 A. Well, to ask them -- yes.

5 Q. Did you talk to a real person --

6 A. Yes.

7 Q. -- when you called?

8 A. Yes.

9 Q. And what did the person say to you?

10 A. That they would look into it.

11 Q. Did the person identify themselves, give a name  
12 or any other information?

13 A. I know it was a female, but I cannot remember.  
14 It was like a customer service type  
15 representative.

16 Q. And what did you say to this person?

17 A. That I was just a concerned parent and the  
18 children's school is next to the landfill and I  
19 wanted to know what type of -- what they're  
20 emitting, what type of toxic -- if there's  
21 anything toxic or anything being emitted and  
22 would like the school tested. You know, I  
23 wanted to let them know that this was going on.

24 Q. And the person told you that someone would get

1 back to you?

2 A. I think it was she would fill out a complaint  
3 and someone would get back to me, or she would  
4 make sure that that form was submitted or  
5 forwarded to the right people. She just  
6 reassured me, she was very nice and polite and  
7 she listened to what I had to say and she took  
8 the information and that was about it.

9 Q. And did you then receive a call from someone at  
10 Waste Management of Illinois to discuss your  
11 complaint?

12 A. No.

13 Q. Do you have an answering machine at your home  
14 phone?

15 A. I don't have a home phone right now.

16 Q. At the time, which I think was March of 2010,  
17 did you have a phone number where you could be  
18 reached?

19 A. Yes.

20 Q. Is that the phone number you left with the  
21 Waste Management person you spoke to on the  
22 phone?

23 A. Probably, yes.

24 Q. And was that a cell phone?

1 A. I -- we got rid of the home phone and we just  
2 went cellular I'm thinking May or something, I'm  
3 not sure when we had the phones taken out, or  
4 before that, April, I'm not sure.

5 Q. Which number would you have given the Waste  
6 Management person that you spoke to?

7 A. The home number.

8 Q. Your landline?

9 A. Yes, my landline, correct.

10 Q. And you dropped that landline sometime in May  
11 of 2010?

12 A. April, May, something like that.

13 Q. Did you receive any other communication from  
14 Waste Management after you placed the call?

15 A. No.

16 Q. Did you follow up with Waste Management after  
17 you made that initial call?

18 A. No.

19 Q. So I believe you indicated that the first  
20 awareness you had that hydrogen sulfide may have  
21 been coming from the landfill was in March of  
22 2010 when you read the story in the Chronicle?

23 A. I'm sorry?

24 Q. The first time that you learned that hydrogen

1 sulfide may have been coming from the landfill  
2 and may have been that egg odor that you smelled  
3 was in March of 2010 after you read the article  
4 in the Chronicle?

5 A. Right. I didn't know what -- that identified  
6 the smell for me. I did not know what it was.

7 Q. Okay. Where are your son and daughter  
8 attending school today?

9 A. St. Mary's in DeKalb.

10 Q. Is that a private or a parochial school?

11 A. It's a parochial school.

12 Q. And they have been enrolled at this school  
13 since the beginning of this school year?

14 A. Yes.

15 Q. And that began in August 2010?

16 A. Yes.

17 Q. And has your son had any symptoms while  
18 attending -- St. Aries you said?

19 A. St. Mary's.

20 Q. St. Mary's, I'm sorry. St. Mary's?

21 A. He still gets headaches but when he has -- you  
22 know, he still has foot pain. He doesn't have  
23 the nausea.

24 Q. Has he had to go to the nurse's office at

- 1 St. Mary's since he's been there?
- 2 A. A few times for severe headaches.
- 3 Q. The headaches?
- 4 A. And he's on medication so he's improving.
- 5 Q. What medication is he on?
- 6 A. Neurontin.
- 7 Q. Who prescribed this medication for him?
- 8 A. A neurologist.
- 9 Q. So at some point he did see a neurologist --
- 10 A. Uh-huh.
- 11 Q. -- after Dr. Grow had indicated that his
- 12 symptoms might be a neurological problem?
- 13 A. Yes, I found someone to see him and take him in
- 14 July.
- 15 Q. And who is the neurologist?
- 16 A. Dr. Coker.
- 17 Q. Where is Dr. Coker's office?
- 18 A. Children's Memorial Hospital.
- 19 Q. Did Dr. Coker prescribe any other medication
- 20 for your son?
- 21 A. Besides the Neurontin, over-the-counter Tylenol
- 22 or ad -- Ibuprofen.
- 23 Q. And did Dr. Coker explain what the Neurontin
- 24 was intended to address; in other words, what



1           ailment or what condition was the Neurontin  
2           supposed to help medicate?

3       A.   He has -- he diagnosed him with neuropathy and  
4           encephalopathy, and that would help him with his  
5           pain. Even though it's an antiseizure, he  
6           doesn't get seizures, but it's a drug that would  
7           help him because that's what they found that  
8           helps the people with foot pain and his  
9           symptoms.

10       Q.   And your son has been taking Neurontin since  
11       July?

12       A.   Right.

13       Q.   And even with the Neurontin there have been  
14       times at school when he still had headaches?

15       A.   Yeah, sometimes he needs a higher dose and if  
16       the doses aren't consistent he'll get a  
17       headache.

18       Q.   And he still had some foot pain since he's been  
19       at St. Mary's?

20       A.   Yes, it's lessened but he still has pain.

21       Q.   Has any treatment been prescribed for that pain  
22       in his foot or feet -- is it both feet or just  
23       one foot?

24       A.   It's both feet and it's his neck, and a lot of

1 the times as long as he's keeping his dosage  
2 three to five times -- three to five times a day  
3 he's okay, but he has to be a steady three but  
4 if it gets worse he ups it up to five.

5 Q. Have you noticed any difference in his gait  
6 since his being at St. Mary's from when he was  
7 experiencing those problems at Cortland  
8 Elementary?

9 A. The gait, meaning the way he's walking?

10 Q. Yes.

11 A. He seems to be walking better with the  
12 medication and more upright and not -- not  
13 crouched over and he doesn't look as pained,  
14 doesn't look like he's in as much pain. It  
15 helps him a lot.

16 Q. Has your daughter been experiencing any  
17 symptoms while at St. Mary's?

18 A. No.

19 Q. And your daughter has not been prescribed any  
20 medication by any doctor?

21 A. I never took her, because as soon as I took her  
22 out of the school she -- you know, within like a  
23 couple weeks she was fine, she didn't have any  
24 headaches, nothing, and she never got the foot

1 pain or anything. For some reason she -- I was  
2 lucky that, you know, nothing else occurred.

3 Q. Well, correct me if I am wrong, but your  
4 daughter never had the foot pain, even at  
5 Cortland Elementary School?

6 A. No, she had the headache and the body ache but  
7 she never had it like my son did, no.

8 Q. Have you ever have a discussion with a  
9 Dr. Aubrey Serewicz?

10 A. Briefly at a rally.

11 Q. When did the rally take place?

12 A. I'm not sure, I think it was -- I know it was  
13 cold out. I think it was last April.

14 Q. Where was the rally?

15 A. It was in DeKalb, it was Fourth Street. It was  
16 outside.

17 Q. What did you and Dr. Serewicz talk about?

18 A. He was talking about that he was concerned  
19 about the kids and also he was saying something  
20 about hair testing. I didn't understand a lot  
21 what he was saying, it was small talk, and then  
22 someone else had come in, spoke with him, so I  
23 don't -- I remember -- I'm pretty sure he had  
24 something about the hair testing, that he was

1 looking into getting hair analysis, and that was  
2 really about it.

3 Q. Did you tell him about the problems your  
4 children were suffering from at Cortland  
5 Elementary School?

6 A. Yes.

7 Q. What was his response?

8 A. He was -- he had said that -- I'm getting mixed  
9 up with when he was telling me about the hair  
10 analysis. He said it was good that I took them  
11 out of the school, and probably something that  
12 he doesn't know why they would put a school  
13 there so near to a landfill, that it was not  
14 wise or something like -- I really don't  
15 remember. There were other people there and  
16 they started -- began conversing with him, so I  
17 just kind of stepped away.

18 Q. Did he agree with you that your son's symptoms  
19 were attributable to hydrogen sulfide exposure?

20 A. I don't think we got into that discussion.

21 Q. Did he indicate to you what the effects of  
22 hydrogen sulfide exposure could be on children?

23 A. I don't think we spoke about that. I remember  
24 reading but not -- I don't think he said that.

1 Q. You read about it?

2 A. I read about it.

3 Q. You didn't hear it from Dr. Serewicz?

4 A. It's confusing to me.

5 Q. You read about it in the Chronicle?

6 A. Probably, yes.

7 Q. And you read about it in the Chronicle before  
8 you made the decision to pull your children out  
9 of Cortland Elementary?

10 A. I'm sorry, can you say that again?

11 Q. You read the article in the Chronicle about  
12 hydrogen sulfide before you decided to take your  
13 children out of Cortland Elementary?

14 A. I'm sorry, I'm just -- I think I'm just getting  
15 tired. I'm sorry, you need to say it one more  
16 time.

17 Q. You read the article in the Chronicle about  
18 hydrogen sulfide --

19 A. Okay.

20 Q. -- before you decided to take your children out  
21 of Cortland Elementary?

22 A. Yes, right.

23 Q. When did you become aware that Waste Management  
24 of Illinois had filed a site location

1 application to expand the existing landfill?

2 A. In March of 2010.

3 Q. And you read about it in the Chronicle?

4 A. Uh-huh.

5 Q. You need to say yes.

6 A. It was all at the same time.

7 Q. You need to say yes.

8 A. Yes. I'm sorry.

9 Q. Did you at any point attempt to obtain a copy  
10 of the site location application that was filed  
11 with the County?

12 A. No.

13 Q. Did you ever attempt to review the site  
14 location application that was on file with the  
15 County?

16 A. No.

17 Q. Have you learned or heard of any stories about  
18 persons who tried to either review or get a copy  
19 of the site location application from the County  
20 but were not able to do so?

21 A. I have read -- I have read about instances I  
22 believe online.

23 Q. And when you have said you have read about  
24 instances online --

1 A. Or in the newspaper, somewhere I have heard of  
2 it, but I have not been told that.

3 Q. And as you're sitting here you don't recall any  
4 of the details of what you may have read online?

5 A. That might have been even in a meeting that  
6 people were discussing it.

7 Q. A meeting of the Stop The Mega-Dump group?

8 A. Uh-huh, yes. I'm just not --

9 Q. But you don't remember any of the details of  
10 what might have been discussed at a Stop The  
11 Mega-Dump meeting?

12 A. No. A lot of the stuff was over my head and  
13 I -- I was there to gather information so I  
14 could -- I was just trying to understand what  
15 was going on.

16 Q. Do you have any information to indicate that  
17 any County Board member had communications with  
18 any employee or representative of Waste  
19 Management of Illinois about the proposed  
20 expansion between November 30th of 2009 and May  
21 10th of 2010?

22 A. I'm sorry, could you repeat that?

23 Q. Do you have any information that any employee  
24 or representative of Waste Management of

1 Illinois, Inc. had a communication with a County  
2 Board member about a proposed expansion of the  
3 landfill between November 30th, 2009 and May 10,  
4 2010?

5 A. Only what I might have read in the paper or  
6 seen on a blog or something, but I don't know  
7 any board members.

8 Q. As you're sitting here you can't recall any  
9 specifics of what you might have read; would  
10 that be correct?

11 A. No, it was just glancing at something and  
12 didn't really interest me or --

13 Q. So at this moment --

14 A. -- I didn't understand it.

15 Q. -- you don't recall any specifics?

16 A. No. I'm getting tired, so I'm not sure what  
17 you mean, like specifics.

18 Q. Well, you don't have any information that a  
19 specific County Board member --

20 A. Okay.

21 Q. -- had any discussion or communication with a  
22 Waste Management of Illinois employee about the  
23 expansion between November 30, 2009 and May 10,  
24 2010?



1 A. No, I don't know anything about that.

2 Q. Do you know of any persons who wanted to attend  
3 the public hearing on the site location  
4 application but chose not to do so?

5 A. I'm not sure when that hearing was.

6 Q. If I were to tell you the hearing was in early  
7 March of 2010, March 1st through March 5th and  
8 then March 11th was the last date, are you aware  
9 of any such persons?

10 A. I didn't even know about the hearings until  
11 later in March, and I heard that there were  
12 people but I don't know who or --

13 Q. Did you have any communications with any County  
14 Board member about the proposed expansion prior  
15 to May 10th, 2010, which was the date on which  
16 the County Board voted to approve the  
17 application; in other words, did you call any  
18 County Board member, did you send an e-mail to  
19 any County Board member, did you send a letter  
20 to any County Board member, or did you talk  
21 personally with any County Board member about  
22 the proposed expansion prior to May 10th of  
23 2010?

24 A. I did not speak with any of them. I may have

1 e-mailed, but I don't know for sure.

2 Q. Well --

3 A. And I --

4 Q. Didn't the Stop The Mega-Dump group encourage  
5 you to send letters --

6 A. Yes.

7 Q. -- or e-mails to County Board members prior to  
8 May 10th?

9 A. I may have -- I think I wrote a letter, I'm not  
10 sure, either an e-mail or a letter.

11 Q. Who did you send the letter or e-mail to, all  
12 the County Board members?

13 A. I think it was -- if it's the one I was  
14 thinking of, it was an open letter to all the  
15 board.

16 Q. And you sent that to them before May 10th of  
17 2010, before their vote on the application?

18 A. I believe so. I think it was an electronic  
19 letter or something like that.

20 Q. And what did you say in your communications to  
21 the County Board?

22 A. To re -- probably to -- probably to reconsider  
23 and -- I can't remember, probably reconsider  
24 because the school -- the Cortland Elementary

1 School is so close to the landfill and to stop  
2 it from happening.

3 Q. Did you urge the County Board members to vote  
4 no --

5 A. Yes, vote no, yes.

6 Q. -- on this application?

7 A. Yes, I would have said that. Yes, I probably  
8 would have said vote no.

9 Q. Were you aware at that point that no person who  
10 was interested in the site location application  
11 was supposed to have any communication with  
12 County Board members about the expansion outside  
13 of the public hearing or the site location  
14 process?

15 A. Probably at the time, but I think that it was  
16 just -- I can't remember, I remember doing  
17 something on the internet where it was an open  
18 letter to them or to whoever to vote -- I  
19 don't -- but it wasn't addressed to an  
20 individual. I probably would have thought it  
21 was okay to do it because a lot of people were  
22 doing it and it was encouraged and --

23 Q. Encouraged by the Stop The Mega-Dump group?

24 A. Well, as a citizen, yeah, that, you know, I was

1 very disappointed and upset that I did not know  
2 about this prior to that. I would have never  
3 sent my children to that school or bought a  
4 house where I had had I known this was going to  
5 occur.

6 Q. Was there discussion by Stop The Mega-Dump  
7 members about the gag order that the County  
8 Administrator had sent out in the middle of  
9 February of 2010?

10 A. That's a long time ago. I wasn't there in  
11 February, so. I got in towards the end of it,  
12 but I don't remember. I remember something  
13 being said, but I don't remember.

14 Q. Well, there was discussion about the fact that  
15 a gag order, so-called, was sent to County Board  
16 members telling them that they cannot  
17 communicate with any interested parties,  
18 persons, or citizens about the expansion --

19 A. Okay.

20 Q. -- isn't that correct?

21 Isn't that what the Stop The Mega-Dump  
22 people talked about?

23 A. Right, because the citizens weren't informed  
24 about that properly.

1 Q. And yet you were encouraged by the group to  
2 send communications to County Board members  
3 urging them to vote no on the application,  
4 correct?

5 A. I believe so.

6 Q. Had you heard any stories to the effect that a  
7 County Board member or the County Board had  
8 decided to approve the application before the  
9 hearings were over?

10 A. No.

11 Q. Do you have any information that would indicate  
12 that any County Board member had prejudged the  
13 application or decided to approve it before all  
14 the evidence was submitted?

15 A. Can you repeat that?

16 Q. Yes. Do you have any information that would  
17 support the claim that any County Board member  
18 had prejudged the application or decided to  
19 approve the application before all the evidence  
20 was submitted to the County Board?

21 A. No.

22 Q. Were you in any way prevented from expressing  
23 your objections to this expansion to the County  
24 Board?

1 A. I do not know who they are personally. I know  
2 that there was a gag order, but I'm not sure  
3 about the e-mail or the electronic letter if  
4 that was directed -- I can't remember.

5 Q. Did anyone prevent you from expressing your  
6 views on the proposed expansion to the County  
7 Board?

8 A. In May when they had the vote I was not allowed  
9 in the room, they said there was no room, they  
10 would not let me in. That's the only --

11 Q. This was on May 10th of 2010?

12 A. Yes, when they had the vote that was here.

13 Q. That was preventing you from coming into the  
14 room where the County Board was going to vote,  
15 correct?

16 A. Yeah, I was not let in, right.

17 Q. My question was did any person prevent you from  
18 expressing your objection to the expansion to  
19 the County Board?

20 A. No.

21 Q. And what is your objection to the expansion?

22 A. I don't want it. I don't want to smell it. I  
23 don't want to live by it. I don't think it's  
24 safe. I don't like the way it was presented to

1 the town, the way the town had handled it.

2 Q. When you say the town, you mean the Town of  
3 Cortland?

4 A. Yes, the Town of Cortland.

5 Q. And when you say you don't like the way it was  
6 presented --

7 A. It was never presented. It was just slid -- it  
8 was just done without notifying the residents.

9 No one in the town was notified about it.

10 Q. And what was not communicated to the residents?

11 A. The mayor or the trustees or the town had never  
12 told the residents of the expansion until I read  
13 about it in March.

14 Q. So your objection is the failure of the Town of  
15 Cortland officials to communicate with its  
16 constituents about the proposed expansion?

17 A. Right.

18 Q. Any other objections you have to the expansion  
19 other than what you have just told us?

20 A. And where the school is located. Had I known I  
21 probably would have objected sooner. I don't  
22 think that it would be -- I don't -- I don't  
23 want the dump to be expanded. I don't like the  
24 traffic, I don't like the smell. I don't want

1 the -- I don't want the problems that are going  
2 to go along with it, all the health issues and  
3 hazards.

4 Q. And these were the objections that you  
5 communicated to the County Board in the e-mail  
6 that you sent to them?

7 A. Yes, probably. It was safety issues.

8 Q. Were you aware that the DeKalb Landfill has  
9 been at its current location and has been  
10 operating since 1956?

11 A. I found that out probably in March or April.

12 Q. But you weren't aware of that when you bought  
13 your home, correct?

14 A. I believe we were told it was an older landfill  
15 and it's nearing completion and it's going to be  
16 eventually done.

17 Q. But you weren't told where it was at?

18 A. I didn't know where it was at the time, so no.

19 No, I was basically -- I wasn't really familiar  
20 with the area.

21 Q. And you also weren't aware of where the  
22 landfill was in relation to Cortland -- the new  
23 Cortland Elementary School when you decided to  
24 send your children to that school, correct?



1 A. I didn't know. I didn't know, you know, until  
2 I got there. I had no idea.

3 Q. Do you have any objections to the process by  
4 which the site location application was filed  
5 and considered by the County Board other than  
6 what you have told us?

7 A. Not that I can think of right now, but I object  
8 to it.

9 MR. MORAN: Thank you, Ms. Potuznik. I  
10 have no further questions.

11 THE WITNESS: Okay. I'm ready to fall  
12 asleep.

13 MR. MORAN: Now, the court reporter, in  
14 the event she transcribes what we have said,  
15 would make available to you, if you wish, the  
16 opportunity to review the transcript for any  
17 errors but certainly not to in any way change  
18 what you have said. On the other hand, you  
19 could trust her ability to accurately transcribe  
20 everything that has been said by both of us and  
21 waive, or give up, your right to review the  
22 transcript. It's your choice. If the  
23 transcript is prepared you would be notified  
24 that it was ready for your review at the court

1 reporter's office and you would have a period  
2 within which you could go out to her office and  
3 look through it if you chose; or you could  
4 simply trust that she would accurately  
5 transcribe it and waive your right to review it.

6 THE WITNESS: I would like to review it.

7 MR. MORAN: Pardon?

8 THE WITNESS: Review it.

9 MR. MORAN: Show that signature is  
10 reserved. And we are concluded.

11 (The deposition was concluded at  
12 4:26 p.m.)

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1 ERRATA SHEET OF BARBARA POTUZNİK

2 I have read the foregoing transcript of my  
3 deposition taken on November 3, 2010, and

4 ( ) It is a true and correct  
5 transcript of my deposition  
6 given on the day and date  
7 aforesaid.

8 (Or)

9 ( ) I wish to make the following  
10 changes to my deposition:

11 Pg Ln Change

12 Pg Ln Change

13 Pg Ln Change

14 Pg Ln Change

15 Pg Ln Change

16 Pg Ln Change

17 Pg Ln Change

18 Pg Ln Change

19 Pg Ln Change

20 Pg Ln Change

21 Pg Ln Change

22 Pg Ln Change

23 Pg Ln Change

24 Pg Ln Change

DATE:

BARBARA POTUZNİK

## 1                   C E R T I F I C A T E

2                   I, Callie S. Bodmer, a Certified Shorthand  
3                   Reporter in and for the State of Illinois, do hereby  
4                   certify that, pursuant to the agreement herein  
5                   contained, there came before me on the 3rd day of  
6                   November 2010, at 2:44 p.m. at the DeKalb County  
7                   Legislative Center, 200 North Main Street, Sycamore,  
8                   Illinois, the following-named person, to-wit:  
9                   BARBARA POTUZNİK, who was duly sworn to testify to  
10                  the truth and nothing but the truth of her knowledge  
11                  concerning the matters in controversy in this cause;  
12                  that she was thereupon examined on her oath and her  
13                  examination reduced to writing under my supervision;  
14                  that the deposition is a true record of the  
15                  testimony given by the witness, and that the reading  
16                  and signing of the deposition by said witness were  
17                  not expressly waived.

10

11                  I further certify that I am neither  
12                  attorney or counsel for, nor related to or employed  
13                  by, any of the parties to the action in which this  
14                  deposition is taken, and further, that I am not a  
15                  relative or employee of an attorney or counsel  
16                  employed by the parties hereto or financially  
17                  interested in the action.

14

15                  In witness whereof I have hereunto set my  
16                  hand this 14th day of November 2010.

16

17

18

19

20                  Callie S. Bodmer  
21                  Certified Shorthand Reporter  
22                  Registered Professional Reporter  
23                  IL License No. 084-004489  
24                  P.O. Box 381  
                    Dixon, Illinois 61021

23

24

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STOP THE MEGA-DUMP,            )  
   )  
                                   Petitioner, ) PCB NO. 2010-103  
   )  
                                   v.            )  
   )  
   ) DEPOSITION OF  
 COUNTY BOARD OF DEKALB       ) SCOTT NEWPORT  
 COUNTY, ILLINOIS and WASTE    )  
 MANAGEMENT OF ILLINOIS,       )  
 INC.,                                    )  
   )  
   ) Respondents. )

DEPOSITION OF SCOTT NEWPORT, taken at the  
 DeKalb County Legislative Center, 200 North Main  
 Street, Sycamore, Illinois, on October 20, 2010,  
 commencing at 3:05 p.m., before Callie S. Bodmer,  
 Certified Shorthand Reporter and Notary Public in  
 and for the State of Illinois, in pursuance to  
 agreement of the parties in the above-entitled  
 action. Also present: Lee Addleman.

1 APPEARANCES:

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Counsel for the Respondent,  
Waste Management of  
10 Illinois, Inc.

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Witness: SCOTT NEWPORT

Examination Page

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1                   SCOTT NEWPORT,  
2           being first duly sworn, was examined and  
3           testified as follows:

4                   EXAMINATION

5           BY MR. MORAN:

6   Q.   Could you state your full name, please, and  
7       spell your last name for the court reporter.

8   A.   Scott Newport, N-E-W-P-O-R-T.

9           MR. MORAN: Let the record reflect this is  
10       the discovery deposition of Scott Newport taken  
11       pursuant to agreement and taken in connection  
12       with the appeal filed by Stop The Mega-Dump  
13       against the DeKalb County Board and Waste  
14       Management of Illinois, Inc. pending as cause  
15       number 10-103.

16       Mr. Newport, my name is Don Moran, I  
17       represent Waste Management of Illinois, Inc. in  
18       connection with the site location application  
19       that was filed with the DeKalb County Board and  
20       which was approved on May 10th of 2010. Stop  
21       The Mega-Dump has filed an appeal from that  
22       decision, and it is the appeal that forms the  
23       basis of our appearance here today and the  
24       reason for your being deposed.

1           Have you ever been deposed before?

2    A.  No.

3    Q.  I will ask a number of questions that relate to  
4       the appeal.  I'll try to ask questions as  
5       clearly as I can; however, I will fail, and when  
6       I do I would ask that you request clarification,  
7       because it's very important that your answers  
8       are directly responsive to the questions asked.  
9       Fair enough?

10   A.  Uh-huh.

11   Q.  That's the other point:  Any response you make  
12       needs to be verbal, because the court reporter  
13       is taking down everything that we say and the  
14       court reporter can't take down nonverbal  
15       gestures.

16   A.  Sure.

17   Q.  So if you could identify and articulate  
18       verbally any response, that would be very  
19       helpful.  In addition, we want to avoid talking  
20       over each other, because as the court reporter  
21       is transcribing everything that's said it's more  
22       difficult if people are talking over each other,  
23       so if we could avoid that it would be helpful as  
24       well.  Is that fair?



1 A. Yes.

2 Q. What is your address?

3 A. My address is 2801 Country Club Lane, DeKalb,  
4 Illinois.

5 Q. What is your occupation?

6 A. My occupation is a farm business specialist.

7 Q. When did you begin your service on the DeKalb  
8 County Board?

9 A. Began in December of 2008.

10 Q. Were you elected or appointed?

11 A. Elected.

12 Q. So you will next be up for election in 2012?

13 A. That's correct.

14 Q. What district do you serve?

15 A. District 8.

16 Q. What geographic area does District 8 cover?

17 A. It is the northern part of the City of DeKalb  
18 and the southwestern part of the City of  
19 Sycamore.

20 Q. Do you serve on any committees on the County  
21 Board?

22 A. I serve on the finance committee and the forest  
23 preserve committee.

24 Q. Now, as a County Board member what are your

1 duties and responsibilities?

2 A. My duties and responsibilities are to attend  
3 all the meetings and respond to the issues as  
4 they arise, address specific ordinances as they  
5 are presented to the Board, and to the  
6 committee -- and at the committee level address  
7 any County-related questions that are asked or  
8 concerns asked by constituents and follow  
9 through with them with the County as needed.

10 Q. Does it include responsibilities for budget  
11 evaluation and budget determination for County  
12 matters?

13 A. Yes.

14 Q. Does it include passing and considering  
15 legislation or ordinances with respect to County  
16 business?

17 A. Yes.

18 Q. Would it be fair to say that those  
19 responsibilities fall in a category of being  
20 more akin to a legislator as opposed to being a  
21 judge or performing a judicial role?

22 A. Yes.

23 Q. And by a judge or judicial role, I mean that  
24 you would consider evidence or information

1 presented and then make a decision on a specific  
2 matter based upon the evidence and information  
3 presented, correct?

4 A. That's correct.

5 Q. And that's something you just generally don't  
6 do as a County Board member?

7 A. Correct.

8 Q. But with respect to the site location  
9 application filed by Waste Management of  
10 Illinois, Inc. to expand the DeKalb County  
11 Landfill that was the function you were expected  
12 to perform, correct?

13 A. That's correct.

14 Q. So you were being asked to do something with  
15 regard to the site location application that  
16 frankly you had never done before; would that be  
17 correct?

18 A. That's correct.

19 Q. Was it your understanding that your  
20 consideration and ultimate vote on that site  
21 location application was to be based only upon  
22 the evidence and information presented in the  
23 site location process?

24 A. That's correct, and -- yes, that's correct.

1 Q. Were you also advised that there were certain  
2 limitations that were put on your ability to  
3 communicate with any persons regarding the  
4 proposed expansion?

5 A. Yes.

6 Q. And which instructions did you receive?

7 A. The instructions were that communication  
8 between myself and constituents or any parties  
9 with respect to this process were to be limited  
10 to the public hearing.

11 Q. So any interested person to the site location  
12 application; that is, the applicant, a citizen,  
13 an objector, or any other person should not  
14 occur other than in the context of the public  
15 hearing?

16 A. That's my understanding.

17 Q. Were you aware that DeKalb County negotiated a  
18 host community agreement with Waste Management  
19 of Illinois, Inc. regarding the proposed  
20 expansion?

21 A. Yes.

22 Q. And when did those negotiations occur?

23 A. My recollection is they were several months  
24 ago, I think largely in 2009 and perhaps early

1 in 2010.

2 Q. Did you participate on behalf of the County in  
3 any of those negotiations?

4 A. No.

5 Q. Were you asked to vote on that host community  
6 agreement?

7 A. Yes, we did vote. I believe it was --

8 Q. Did you vote?

9 A. -- early in 2010 -- or yeah, 2010 I believe.

10 Q. I'm sorry?

11 A. It was early in 2010 I did vote on the host  
12 agreement.

13 Q. Well, in fact, wasn't the host community  
14 agreement approved by the County Board on March  
15 18th of 2009?

16 A. That very -- that could be, possibly.

17 Q. You would have voted on March 18th of 2009?

18 A. Yes, that's correct.

19 Q. How did you vote?

20 A. I voted in favor of the host community  
21 agreement, a yes vote.

22 Q. Are you aware that the site location  
23 application for the expansion was filed on  
24 November 30th of 2009?

1 A. Yes.

2 Q. So the application was filed about eight months  
3 after the County approved the host community  
4 agreement, correct?

5 A. Correct.

6 Q. Had you heard anything during that period of  
7 time from March to November 2009 that any County  
8 Board members had decided to approve the site  
9 location application; in other words, any of  
10 them had prejudged the application?

11 A. I did not hear anything to that effect.

12 Q. During that period of time did you have any  
13 communications with any person regarding the  
14 proposed expansion; that is, between March 18th  
15 of 2009 and November 30, 2009?

16 A. I had communications re -- with people  
17 regarding the process that would -- we would  
18 undergo.

19 Q. Were these oral communications?

20 A. Yes.

21 Q. Were they written communications?

22 A. Oral communications.

23 Q. Face-to-face meetings with individuals?

24 A. Right.

1 Q. How many of these did you have approximately?

2 A. Approximately six.

3 Q. Were these with your constituents?

4 A. With constituents or board -- other board  
5 members.

6 Q. Which board members did you have those  
7 discussions with?

8 A. Larry Anderson, Mark Todd. If there were any  
9 others I don't recall.

10 Q. And what did these discussions include; in  
11 other words, what did these board members say to  
12 you and what did you say to them?

13 A. I don't recall the specifics other than that  
14 they related to the process, the hearing  
15 process, the fact that there were criteria that  
16 had to be met by the applicant in order to grant  
17 the permit.

18 Q. And what did you say in response to these  
19 statements to the County Board members?

20 A. On any of those occasions I may have stated my  
21 understanding that the process included the  
22 applicant being required to meet the I think  
23 it's nine criteria in order to be granted that  
24 expansion or that application permit.

1 Q. And was it your understanding that the site  
2 location application was a different process  
3 from the approval of the host community  
4 agreement?

5 A. Yes.

6 Q. And the fact that you voted one way on the host  
7 community agreement did not mean that you would  
8 vote the same way on the site location  
9 application?

10 A. That's correct.

11 Q. Who were the other persons that you spoke to  
12 regarding the expansion during this March to  
13 November period of 2009?

14 A. I spoke to Ron Flemal, who happens to be my  
15 father-in-law. I spoke to -- I don't recall the  
16 others that I spoke to, other constituents.

17 Q. And Ron Flemal lives in the City of DeKalb?

18 A. Lives in the City of DeKalb, not in my  
19 district.

20 Q. How long has he been your father-in-law?

21 A. 15 years.

22 Q. And Ron Flemal is a former Illinois Pollution  
23 Control Board member?

24 A. That is correct.



1 Q. What did you discuss with Mr. Flemal?

2 A. Discussed the process, and as a former  
3 Pollution Control Board member he has intimate  
4 knowledge of that process and was very helpful  
5 in explaining that to me.

6 Q. Do you recall what he explained to you in  
7 connection with the process?

8 A. Simply that the criteria that are set forth in  
9 the statute need to be met by the applicant in  
10 order for the County to grant the permit, and  
11 that the County Board members are required to  
12 listen to that, the information that's gathered  
13 during the public hearing process and not  
14 outside of that process, and that that's  
15 important so that all parties can hear and be  
16 heard by all.

17 Q. Did he indicate anything else in terms of maybe  
18 suggestions on how you could best view the  
19 evidence presented or how you might best  
20 evaluate that evidence when it was presented?

21 A. No.

22 Q. Did he describe at all his experience on the  
23 board in dealing with appeals on local siting  
24 decisions?

1 A. I don't recall what he said regarding that.

2 It's been a few months since we talked about it.

3 He may have made some comments about it but I

4 don't recall the specific nature of those

5 comments.

6 Q. And any discussion about Waste Management of

7 Illinois, Inc. or the applicant here?

8 A. Uhm, simply that they're involved in this type

9 of an application and appeals on a regular basis

10 and are very familiar with the process.

11 Q. And the other persons that you spoke to

12 regarding the process, what, again generally,

13 was said by the person and by you in that

14 regard?

15 A. The general nature of the discussion, they may

16 have had questions to me -- with me regarding

17 the application, and my response was to outline

18 the process, meaning there's a public hearing

19 which any citizen is free to be heard by all

20 parties and that's where all the communication

21 needs to take place, within that public hearing,

22 and not outside of it, and that over the course

23 of those hearings the applicant has to meet

24 those nine criteria with their -- along with

1 their application and if so the County may grant  
2 that permit if they meet those criteria.

3 Q. And, in fact, it isn't a permit the County  
4 grants but it's simply approval of the site  
5 location application?

6 A. Correct.

7 Q. Would that be correct?

8 A. That's correct, yeah.

9 Q. Any permit would have to be applied for with  
10 the Illinois Environmental Protection Agency  
11 after this local siting process had been  
12 concluded, is that your understanding?

13 A. That's my understanding. While I'm vaguely  
14 familiar with the process, sometimes the actual  
15 language is not a hundred percent accurate.

16 Q. So you came to learn that the site location  
17 application was filed on November 30th of 2009?

18 A. Correct.

19 Q. And the hearings on the application were held  
20 beginning March 1st of 2010?

21 A. Correct.

22 Q. Did you attend those hearings?

23 A. I attended most but not all of those hearings.

24 Q. And the County Board voted on the site location

1 application on May 10th of 2010, correct?

2 A. I think that's correct.

3 Q. And you attended that meeting?

4 A. I did attend that meeting.

5 Q. And you voted on the application?

6 A. Yes, I did.

7 Q. How did you vote?

8 A. I voted no.

9 Q. Did you explain the reasons why you voted no on  
10 the application?

11 A. No, I did not.

12 Q. Prior to the hearings beginning do you recall a  
13 memorandum having been sent out by Ray Bockman  
14 in connection with the upcoming hearing?

15 A. Yes, he did, I do recall that.

16 Q. Did you receive that memorandum?

17 A. I received an e-mail.

18 Q. And what did that memorandum via e-mail state?

19 A. The general nature of that e-mail was to I  
20 think outline the part of the process is such  
21 that communications between board members and  
22 their constituents are limited to the hearing  
23 and should not take place outside of the  
24 hearing.

1 Q. And were you aware of that before the memo was  
2 sent --

3 A. Yes.

4 Q. -- by him?

5 A. Yes.

6 Q. And you had already attempted to abide by that  
7 instruction; that is, not to have any  
8 communications with interested parties?

9 A. That's correct.

10 Q. Between November 30th, 2009 and May 10, 2010  
11 did you have any oral, written communication of  
12 any kind with any employee or representative of  
13 Waste Management of Illinois, Inc.?

14 A. None of any substance, other than to perhaps  
15 say hello to Mr. Addleman or other members of  
16 the staff of Waste Management that may have  
17 attended the County Board meetings or hearings,  
18 but no, no substantive conversation regarding  
19 the application.

20 Q. For that same period, November 30, 2009 to May  
21 10, 2010, did you have or did you receive any  
22 written or oral communications from any other  
23 person regarding the proposed expansion?

24 A. Not that I recall.

1 Q. You received no communication from any  
2 constituent or any person about the expansion  
3 during this period?

4 A. Uhm, could you restate that again?

5 Q. Sure.

6 A. I'm sorry.

7 Q. For the period November 30, 2009 to May 10,  
8 2010 --

9 A. Okay.

10 Q. -- did you have or receive any oral or written  
11 communication of any kind from any other person  
12 regarding the proposed expansion?

13 A. I'm sure I had questions from county residents,  
14 a few county residents regarding the  
15 application.

16 Q. And were these questions presented to you in  
17 person, were they sent in letters, were they  
18 phone calls? How did you receive these  
19 communications?

20 A. I don't believe I received any phone calls  
21 regarding this -- the application. I may have  
22 received -- I don't recall receiving any e-mails  
23 regarding it. My recollection is I had some  
24 casual conversations with residents of the

1 county that had questions regarding the  
2 application.

3 Q. Do you recall the names of any of these  
4 residents?

5 A. I don't.

6 Q. Do you recall any of the conversations or  
7 communications that you had with these  
8 residents; in other words, what they said and  
9 what you said in response?

10 A. I don't recall any of the specifics. I'm sure  
11 they had questions regarding the process and I'm  
12 sure some of the substance of the application,  
13 and as I indicated earlier I was very diligent  
14 in making them aware of the process and that it  
15 relates to the nine criteria and the nature of  
16 the purpose of the hearing for them or anyone to  
17 state their concerns and opinions.

18 Q. And did you have any response to what they said  
19 to you regarding the expansion?

20 A. I'm sorry?

21 Q. Did you have any specific response to any of  
22 the statements that they made or questions they  
23 asked you about the proposed expansion?

24 A. If they asked me about the process, I tried to

1 explain that to them. If they made statements  
2 regarding the -- any of the substance, I  
3 indicated that they could certainly express  
4 those at the hearing.

5 Q. And when you attended the hearing did you see  
6 any of these individuals who had communicated  
7 with you about the expansion at the hearing?

8 A. Not that I recall.

9 Q. Did you have any discussions with any County  
10 Board members regarding the proposed expansion  
11 prior to May 10th, 2010 about the proposed  
12 expansion?

13 A. Again, as I indicated earlier, I visited with  
14 Larry Anderson and Mark Todd about the  
15 expansion, the discussions were limited to the  
16 process.

17 Q. And all I meant was during that period from  
18 November 30th of 2009 to May 10 of 2010.

19 A. Right.

20 Q. So you wouldn't have had any conversations with  
21 any County Board members during that period,  
22 because I think you said you spoke with  
23 Mr. Anderson prior to November 30 of 2009?

24 A. Okay, yeah, I have lost track of the dates with



1       respect to the questions. I'm sure we also --  
2       during the hearings the County Board members had  
3       lunch together and talked about the -- and we I  
4       guess talked with Renee Cipriano, who provided  
5       some counsel to the Board and she provided some  
6       guidance as to the nature of the process and how  
7       things worked, and there was -- you know, there  
8       was discussion regarding that process amongst  
9       some of the County Board members while we had  
10      lunch during those hearings.

11     Q. Was the site location application made  
12      available to you?

13     A. Yes, I did receive it.

14     Q. Did you receive the hard copy, nine three-ring  
15      binders, or did you receive a DVD (sic)?

16     A. I received it on a DVD or CD, electronic media  
17      of some form.

18     Q. Was it your understanding that the applicant  
19      had to satisfy each of the nine statutory  
20      criteria in order for a board member to vote for  
21      approval?

22     A. That's correct.

23     Q. So if one of those criteria had not been met  
24      then the appropriate vote would be to deny the

1 application?

2 A. That's correct.

3 Q. And you were aware that there were a number of  
4 residents and citizens of the county who were  
5 opposed to the site location application?

6 A. That's correct, there were -- there were  
7 residents and objectors at the hearings.

8 Q. And there were residents and objectors who had  
9 written letters to the Daily Chronicle  
10 indicating their opposition?

11 A. That's correct.

12 Q. You were aware of that?

13 A. I was aware of those.

14 Q. And you were aware of the opposition from those  
15 who believed that emissions of hydrogen sulfide  
16 from the landfill were somehow affecting the  
17 Cortland Elementary School?

18 A. I was aware of that.

19 Q. Did you make a determination as to whether the  
20 applicant had met each of the nine statutory  
21 criteria?

22 A. Yes.

23 Q. In as much as you voted no on the application,  
24 which criteria did you determine the applicant

1 had not satisfied?

2 A. Criteria No. 6, which relates to the traffic  
3 patterns to and from the facility are so  
4 designed as to minimize the impact on existing  
5 traffic flows.

6 Q. Was it your determination that the applicant  
7 had met the other eight criteria?

8 A. Yes.

9 Q. Now, the public hearing concluded on March  
10 11th, 2010?

11 A. I believe that's correct.

12 Q. Was that one of the days you attended?

13 A. I did not attend on March 11th. I was there  
14 most of the prior week.

15 Q. Was it your understanding that any person had  
16 the right to file written comment with the  
17 County Board regarding the proposed expansion  
18 for a period that extended 30 days after March  
19 11th?

20 A. That was my understanding, yes.

21 Q. And those written submissions would be received  
22 even if they were postmarked within 30 days of  
23 March 11th and not actually received within the  
24 30 days; would that be correct?

1 A. Yes.

2 Q. When did you make your decision on the site  
3 location application; in other words, when did  
4 you decide that, you know, Criterion 6 was not  
5 met and I would have to vote no?

6 A. At some point after the end of the hearings and  
7 prior to May 10th, the exact date I don't  
8 recall.

9 Q. And were you aware that the Pollution Control  
10 Facility Siting Committee had prepared its own  
11 report on the application?

12 A. Yes.

13 Q. And that report was initially made available in  
14 a package dated April 13th of 2010; would that  
15 be correct?

16 A. That sounds accurate to me, yes.

17 Q. And there was a subsequent packet that was  
18 distributed on April 22nd of 2010?

19 A. That sounds possible, yes.

20 Q. Those reports were both made available to you?

21 A. Yes, I did receive both of those.

22 Q. And do you recall if your decision on the site  
23 location application was made before or after  
24 you received the April 13th, 2010 report, which

1 would have been the first report that the  
2 committee came up with?

3 A. I don't recall if it was before or after that  
4 date.

5 Q. And likely, do you remember whether your  
6 decision was made before or after the April  
7 27th, 2010 submission by the committee?

8 A. Again, I don't recall.

9 Q. Do you have any information or did you hear  
10 anything from anyone that any County Board  
11 member had made their decision on how to vote  
12 before all of the evidence and other submittals  
13 were presented to the County Board?

14 A. No.

15 Q. In other words, either before the public  
16 hearing --

17 A. No, I'm not aware of anything to --

18 Q. -- or before April 20th, 2010?

19 A. -- that effect. No, I'm not aware of anything  
20 to that effect. I'm sorry, I didn't mean to  
21 talk over you.

22 MR. MORAN: Thank you, Mr. Newport. I  
23 have no other questions.

24 MS. ANTONIOLLI: Thank you, Mr. Newport.

1 The court reporter has transcribed your  
2 deposition today, so you have the option of  
3 reviewing it once it's prepared for errors and  
4 signing your transcript at that time.

5 THE WITNESS: Okay.

6 MS. ANTONIOLLI: Or you can simply waive  
7 signature today and trust that she's transcribed  
8 your deposition accurately.

9 THE WITNESS: I'll waive signing and trust  
10 that it's accurate.

11 MS. ANTONIOLLI: Okay. Thank you.

12 (The deposition was concluded at  
13 3:32 p.m.)

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1 CERTIFICATE  
2

3 I, Callie S. Bodmer, a Certified Shorthand  
4 Reporter in and for the State of Illinois, do hereby  
5 certify that, pursuant to the agreement herein  
6 contained, there came before me on the 20th day of  
7 October 2010 at 3:05 p.m. at the DeKalb County  
8 Legislative Center, 200 North Main Street, Sycamore,  
9 Illinois, the following-named person, to-wit: SCOTT  
10 NEWPORT, who was duly sworn to testify to the truth  
11 and nothing but the truth of his knowledge  
12 concerning the matters in controversy in this cause;  
13 that he was thereupon examined on his oath and his  
14 examination reduced to writing under my supervision;  
15 that the deposition is a true record of the  
16 testimony given by the witness, and that the reading  
17 and signing of the deposition by said witness were  
18 expressly waived.  
19

20 I further certify that I am neither  
21 attorney or counsel for, nor related to or employed  
22 by, any of the parties to the action in which this  
23 deposition is taken, and further, that I am not a  
24 relative or employee of an attorney or counsel  
employed by the parties hereto or financially  
interested in the action.

In witness whereof I have hereunto set my  
hand this 9th day of November 2010.

Callie S. Bodmer  
Certified Shorthand Reporter  
Registered Professional Reporter  
IL License No. 084-004489  
P.O. Box 381  
Dixon, Illinois 61021

<b>A</b>	6:16 articulate 5:17 asked 5:8 7:7,8 8:14 10:5 20:23 20:24 attempted 18:6 attend 7:2 16:22 17:4 24:13 attended 16:23 17:3 18:17 21:5 24:12 attorney 2:2,6 3:6 28:12,13 available 22:12 25:13,20 avoid 5:19,23 aware 9:17 10:22 18:1 20:14 23:3,12,13 23:14,18 25:9 26:17 26:19	<b>cd</b> 22:16 center 1:17 28:5 certain 9:1 certainly 21:3 certificate 3:20 certified 1:20 28:3,21 certify 28:4,11 chicago 2:3,8 chronicle 23:9 cipriano 22:4 citizen 9:12 15:19 citizens 23:4 city 6:17,18 13:17 13:18 clarification 5:6 clark 2:7 clearly 5:5 club 6:3 commencing 1:19 comment 24:16 comments 15:3,5 committee 6:22,23 7:6,6 25:10 26:2,7 committees 6:20 communicate 9:3 communicated 21:6 communication 9:7 15:20 18:11 19:1 19:11 communications 11:13,16,19,21 11:22 17:21 18:8,22 19:19 20:7 community 9:18 10:5,13 10:20 11:3 13:3,7 concerning 28:7 concerns 7:8 20:17 concluded 16:12 24:9 27:12 connection 4:11,18 14:7 17:14 consider 7:24 consideration 8:20 considering 7:14 constituent 19:2 constituents 7:8 9:8 12:3,4 13:16 17:22 contained 28:4 context 9:14 control 1:1 13:23 14:3	25:9 controversy 28:7 conversation 18:18 conversations 19:24 20:6 21:20 copy 22:14 correct 6:13 8:3,4,7 8:12,13,17 8:18,24,24 10:18 11:4,5 13:10,24 16:6,7,8,18 16:21 17:1,2 18:9 22:22 23:2,6,11 24:11,24 25:15 cortland 23:17 counsel 2:4,9 22:5 28:12,13 country 6:3 county 1:6,7,17 2:5,5 4:13,19 6:8 6:20,24 7:9 7:11,15 8:6 8:10 9:17 10:2,14 11:3 11:7 12:19 14:10,11 16:1,3,24 18:17 19:13 19:14 20:1 21:9,21 22:2 22:9 23:4 24:17 26:10 26:13 28:5 countyrelated 7:7 course 15:22 court 4:7 5:12,14,20 27:1 cover 6:16 criteria 12:15,23 14:8 15:24 16:2 20:15 22:20 22:23 23:21 23:24 24:2,7 criterion 25:4	<b>dekalb</b> 1:6,17 2:5 4:13,19 6:3 6:7,17 8:10 9:17 13:17 13:18 28:5 deny 22:24 deposed 4:24 5:1 deposition 1:6,16 4:10 27:2,8,12 28:9,10,13 describe 14:22 designed 24:4 determination 7:11 23:19 24:6 determine 23:24 didnt 26:20 different 13:2 difficult 5:22 diligent 20:13 directly 5:8 discovery 4:10 discuss 14:1 discussed 14:2 discussion 15:6,15 22:8 discussions 12:7,10 21:9 21:15 distributed 25:18 district 6:14,15,16 13:19 dixon 28:23 don 4:16 donald 2:6 dont 8:5 12:9,13 13:15 15:1,4 19:20,22 20:5,10 25:7 26:3,8 drive 2:3 duly 4:2 28:6 duties 7:1,2 dvd 22:15,16	<b>email</b> 17:17,18,19 emails 19:22 emissions 23:15 employed 22:12,14 employee 18:12 28:13 environmental 16:10 errors 27:3 evaluate 14:20 evaluation 7:11 evidence 7:24 8:2,22 14:19,20 26:12 exact 25:7 examination 3:5 4:4 28:8 examined 4:2 28:8 existing 24:4 expand 8:10 expansion 9:4,20 10:23 11:14 12:24 13:12 18:23 19:2,12 20:19,23 21:7,10,12 21:15 24:17 expected 8:11 experience 14:22 explain 17:9 21:1 explained 14:6 explaining 14:5 express 21:3 expressly 28:10 extended 24:18	<b>F</b> facetoface 11:23 facility 24:3 25:10 fact 10:13 12:15 13:6 16:3 fail 5:5 fair 5:9,24 7:18 fall 7:19 familiar 15:10 16:14 farm 6:6 fatherinlaw 13:15,20 favor 10:20 file 24:16 filed 4:12,19,21 8:9 10:23 11:2 16:17 finance 6:22 financially 28:14
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