

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

ILLINOIS POLLUTION CONTROL BOARD
JANUARY 13, 2011

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STATE OF ILLINOIS
Pollution Control Board

VEOLIA ES ZION LANDFILL,)
INC.,)
)
Petitioner,)
)
vs)
)
CITY COUNCIL OF THE CITY OF)
ZION,)
)
Respondent.)

PCB 11-10
(Pollution
Control Facility
Siting Hearing)

REPORT OF PROCEEDINGS at the hearing of the
above-entitled cause before Bradley P. Halloran,
Hearing Officer, taken before Rebecca A. Graziano,
Certified Shorthand Reporter within and for the
County of Cook and State of Illinois, at 18 North
County Street, 10th Floor, Waukegan, Illinois,
commencing at the hour of 9:00 a.m. on the 13th day
of January, A.D., 2011.

1 MR. HALLORAN: Good morning. My name
2 is Bradley Halloran. I'm the hearing officer
3 with the Illinois Pollution Control Board.
4 I'm also assigned to this case, and this case
5 is entitled Veolia ES Zion Landfill Inc.,
6 petitioner, versus City Council of the City
7 of Zion, respondent. It's docketed with us
8 as PCB 11-10. It's a pollution control
9 facility citing appeal.

10 In this case -- and I'm reading
11 from the November 4th, 2010, board order. In
12 this case, Zion granted, with conditions,
13 Veolia's application to expand Veolia's
14 facility. Veolia appeals on the grounds of
15 condition to approval 2.2 is, number one,
16 unsupported by the record; two, against the
17 manifest weight of the evidence; three,
18 standardless; four, vague; five, not within
19 the authority of Zion to impose; six, not
20 reasonable and necessary to accomplish it by
21 purposes of section 39.2 of the act; seven,
22 are potentially in conflict with permit
23 conditions imposed by the Illinois
24 Environmental Protection Agency; and eight,

1 inconsistent with regulations promulgated by
2 the Board.

3 Today is January 13th, 2011. It's
4 approximately 9:00 a.m. This hearing has
5 been scheduled and noticed according to the
6 Illinois Pollution Control Board's rules and
7 procedures and the Environmental Protection
8 Act. It will be conducted according to the
9 procedure rules, found in sections 107 and
10 101 of the Board's procedural rules.

11 In this case, it's an appeal, and
12 I'm reading from Section 40-1, in part. In
13 the event of appeal, such hearing shall be
14 based exclusively on the record before the
15 county board or the governing body of the
16 municipality.

17 With that said, I just want to
18 talk about the decision-making process of the
19 board. I don't make the ultimate decision.
20 I'm just here to rule on any evidentiary
21 matters and make sure the hearing goes
22 smoothly. The board is made up of five
23 members. They will be the ones making the
24 ultimate decision. What they'll do is review

1 the record, the transcript, and the post
2 hearing briefs, and then decide the case.

3 With that said, there's no members
4 of the public here, although there is
5 Mr. Larry Clark. He's an interested party
6 from the Solid Waste Management Agency of
7 Lake County. Is that correct?

8 MR. CLARK: Solid Waste Agency of Lake
9 County, correct.

10 MR. HALLORAN: Thank you.
11 Mr. Callahan, would you like to introduce
12 yourself, please?

13 MR. CALLAGHAN: Gerald Callahan
14 representing the petitioner, Veolia ES Zion
15 Landfill Inc.

16 MR. HALLORAN: Thank you. Mr. Simon?

17 MR. SIMON: Adam Simon representing
18 the city of Zion.

19 MR. HALLORAN: Okay. Off the record,
20 the counsels have represented that they will
21 -- there's no witnesses, correct, gentlemen?

22 MR. CALLAGHAN: Correct.

23 MR. CLARK: Yes.

24 MR. HALLORAN: No witnesses. They're

1 going to waive opening and closing remarks
2 and reserve their comments for their brief.
3 We're going to go off the record for a moment
4 and talk about the post hearing briefing
5 schedule.

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

8 MR. HALLORAN: We're back on the
9 record. We've discussed the post hearing
10 briefing schedule, and by my calculations the
11 transcript should be ready and hopefully
12 online by January 26th, 2011. The
13 petitioner's opening brief is due
14 February 7th, 2011. Respondent's opening
15 brief is due February 28th, 2011.
16 Mr. Callahan, petitioner's reply is due
17 March 7th, and the mailbox rule will not
18 apply. I would recommend either fax or
19 electronic filing. I'm also going to set the
20 public comment cutoff date. They can file
21 comments on or before February 7th, 2011.

22 With that said, again, my
23 understanding is that counsels have waived
24 opening and closing. They're going to

1 reserve it and put it in their briefs. There
2 are no witnesses. Unless anybody else has
3 any comments, we'll close the record --
4 excuse me -- close the hearing.

5 MR. CALLAGHAN: No comments.

6 MR. CLARK: Nothing.

7 MR. HALLORAN: Thank you. That's it.
8 Have a great day. Thanks for coming.

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

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5 REBECCA A. GRAZIANO, being first
6 duly sworn on oath, says that she is a court
7 reporter doing business in the City of Chicago, that
8 she reported in shorthand the proceedings given at
9 the taking of said hearing, and that the foregoing
10 is a true and correct transcript of her shorthand
11 notes so taken as aforesaid, and contains all the
12 proceedings given at said hearing.

13
14

15 *Rebecca Graziano*
REBECCA A. GRAZIANO, CSR
16 Eight West Monroe Street, Suite 2007
Chicago, Illinois 60603
17 License No.: 084-004659

18

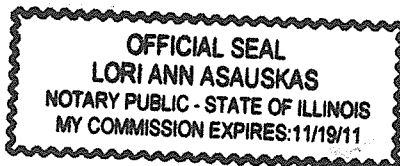
19 SUBSCRIBED AND SWORN TO
before me this 17th day
20 of Jan, A.D., 2011.

21

Lori Ann Asauskas
Notary Public

22

23



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