

ORIGINAL

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ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

WASTE MANAGEMENT OF)	
ILLINOIS,)	NO. PCB 10-104
	)	(Pollution Control Board)
Petitioner,	)	Facility Siting
	)	Appeal)
v.)	
	)	DeKalb County
COUNTY BOARD OF DEKALB	)	Legislative Center
COUNTY,	)	200 North Main
	)	Street
Respondent.	)	Sycamore, Illinois

Hearing commenced, pursuant to assignment, at
9:03 a.m.

BEFORE:

HEARING OFFICER BRADLEY P. HALLORAN

REPORTER:

Dionne T. Horner,
Certified Shorthand Reporter,
Ashton, Illinois.

APPEARANCES:

ATTORNEY DONALD J. MORAN
of the firm of Pedersen & Houpt
161 North Clark Street, Suite 3100
Chicago, Illinois, 60601

Counsel for the Petitioners.

ATTORNEY STEPHANIE KLEIN
DeKalb County State's Attorney's Office
133 West State Street
Sycamore, Illinois, 60178

Counsel for the Respondent.

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1 HEARING OFFICER HALLORAN: All right.
2 We're on the record, Dionne.

3 My name's Bradley Halloran. I'm the
4 Hearing Officer with the Illinois Pollution
5 Control Board. I'm also assigned to this case
6 and it's entitled Waste Management of Illinois,
7 the Petitioner versus County Board of DeKalb
8 County, the Respondent. It's docketed as PCB
9 10-104. It's a pollution control facility
10 siting appeal.

11 Today is September 17, 2013. It's
12 approximately 9 a.m. Again it's a pollution
13 control facility siting appeal. And I'm reading
14 from the board order of June 17, 2010.

15 . Where it states: Waste Management asserts
16 that one of the conditions that DeKalb County
17 placed on the approval of Waste Management --
18 Waste Management's application for siting
19 expansion, Condition No. 32, imposes various
20 requirements on Waste Management with respect to
21 the shoulders and embankments of Somonauk Road.

22 Waste Management appeals on the grounds
23 that the condition is not reasonable or
24 necessary to accomplish the purposes of Section

1 39.2 of the Act and is inconsistent with Board
2 Regulations.

3 In addition, Waste Management maintains
4 that the condition is not supported by the
5 record and has not been demonstrated to be
6 either technically practicable or economically
7 reasonable.

8 This hearing has been scheduled and
9 noticed according to the Illinois Pollution
10 Control Board's Rules and Procedures and the
11 Environmental Protection Act.

12 It will be conducted according to the
13 procedural rules found in Sections 107 and
14 102 -- excuse me, 101 of the Board's Procedural
15 Rules.

16 With that I just want to talk a little bit
17 about the decision making process. I'm here as
18 a hearing officer to rule on any evidentiary
19 matters; to collect the record and The Board
20 reviews the record, the transcripts and the post
21 hearing briefs that will come in and they'll --
22 they'll make the ultimate decision.

23 I do want to note there are no members of
24 the public here, just the parties and with that

1 said, Mr. Moran, would you like to introduce
2 yourself?

3 MR. MORAN: Yes.

4 My name is Donald Moran. I'm appearing on
5 behalf of the Petitioner and the siting
6 applicant, Waste Management of Illinois, Inc.

7 HEARING OFFICER HALLORAN: Thank you,
8 Mr. Moran.

9 Ms. Klein?

10 MS. KLEIN: Yes. My name is Stephanie
11 Klein and I'm here for the DeKalb County Board,
12 the Respondent.

13 HEARING OFFICER HALLORAN: Thank you.

14 It's my understanding that Waste
15 Management -- Waste Management will present no
16 witnesses today but Mr. Moran would like to give
17 an opening.

18 MR. MORAN: Yes. Thank you, Mr. Hearing
19 Officer.

20 On May 10th of 2010 the DeKalb County
21 Board voted to approve the site location
22 application filed by Waste Management of
23 Illinois to expand the DeKalb County Landfill.

24 This application was reviewed and

1 considered by DeKalb County Board over six days
2 of public hearings in March of 2010.

3 The vote to approve the application, which
4 was identified as Resolution R2 -- 2010-31
5 included 31 special conditions.

6 The last of those conditions identified as
7 special Condition No. 32 was addressed to
8 Criterion 6. Criterion 6 indicated that the
9 Applicant was required to demonstrate that the
10 traffic patterns to and from the proposed
11 facility had been designed in such a way as to
12 minimize any impact on existing traffic flow and
13 the Condition 33, which was imposed as part of
14 the siting approval, provided that the shoulders
15 of Somonauk Road from the I-88 overpass to Route
16 38 shall be expanded and be expanded by -- in
17 essence 3 -- up to 5 feet on either side of
18 Somonauk Road.

19 The evidence that was presented during the
20 course of the hearing never addressed a specific
21 need -- indeed if it could have been established
22 and related at all to the landfill siting
23 application, that would have in any way
24 supported a widening of the shoulders of

1 Somonauk Road.

2 The only conceivable testimony that might
3 have related to that issue was the reference to
4 the fact that at certain times of the year
5 certain farm vehicles, which were oversized and
6 wider than generally most county roads, might
7 present an issue for traffic but, obviously,
8 this particular concern had nothing at all to do
9 with traffic that would be coming to and from
10 the proposed expansion.

11 So the challenge of this specific
12 condition is based on the fact that the
13 condition itself in no way is reasonable or
14 necessary to either establish or demonstrate
15 that Criterion 6 would be met.

16 In fact, it was a condition imposed to
17 address an issue presumably related to the
18 movement of farm vehicles on Somonauk Road and
19 not in any way related to any of the landfill
20 vehicles that would be coming to and from the
21 proposed expansion.

22 So for those reasons Waste Management has
23 contested this condition and has challenged it
24 as not either being reasonable or necessary to

1 accomplish the purposes of Criterion 6 of the
2 act and alternatively certainly there's been no
3 evidence presented in this record that would
4 support the imposition of this condition.

5 And Waste Management respectfully requests
6 that this condition be stricken.

7 HEARING OFFICER HALLORAN: Thank you,
8 Mr. Moran.

9 Ms. Klein?

10 MS. KLEIN: Thank you.

11 We believe that the condition -- Condition
12 32, which is essentially to widen the shoulders
13 of Somonauk Road, addresses a concern that
14 DeKalb County has with regards to the increased
15 traffic that portion of Somonauk Road is going
16 to experience with the landfill expansion and
17 that will -- the increased traffic on that
18 roadway could present problems for the -- the
19 farm vehicles and that widening of the road
20 might help to address the difficulties that
21 could be encountered from that increased
22 traffic.

23 So we believe it is related to the
24 landfill and the increased traffic that will

1 necessarily come from that and that it addresses
 2 a unique problem that DeKalb County has on that
 3 stretch of the road for farm vehicles in that
 4 particular roadway that will become even more of
 5 a problem with the increased truck traffic and
 6 we do have a witness to testify regarding the
 7 technical practicability and the reasonableness
 8 of costs associated therewith.

9 HEARING OFFICER HALLORAN: Thank you,
 10 Ms. Klein.

11 Mr. Moran, again it's my understanding
 12 that you have no witnesses to put on here today?

13 MR. MORAN: That is correct.

14 HEARING OFFICER HALLORAN: Okay. So do
 15 you wish to rest your case in chief?

16 MR. MORAN: Yes. We rest.

17 HEARING OFFICER HALLORAN: Thank you.
 18 Ms. Klein?

19 MS. KLEIN: Yes, I will be calling Nathan
 20 Schwartz from the county highway department.

21 HEARING OFFICER HALLORAN: Can you raise
 22 your right hand, please, and Dionne will swear
 23 you in.

24 NATHAN SCHWARTZ,

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

3 DIRECT EXAMINATION

4 BY MS. KLEIN:

5 Q. Mr. Schwartz, could you please state your name
6 and spell your last name for the record.

7 A. Nathan F. Schwartz, S-C-H-W-A-R-T-Z.

8 Q. And, Mr. Schwartz, where are you employed?

9 A. I'm employed at the DeKalb County Highway
10 Department.

11 Q. And what is your position with the DeKalb
12 County Highway Department?

13 A. I am the county engineer.

14 Q. And have you looked into the feasibility of
15 widening the shoulder of Somonauk Road from the
16 I-88 overpass to Route 38?

17 A. Yes, I have.

18 Q. And could you tell us what your opinion is as
19 to whether or not it could be done?

20 A. The shoulders of Somonauk Road from the I-88
21 overpass north to Illinois Route 38 has
22 approximately half of the shoulders that are
23 narrower than what we -- we would call
24 reasonable for a heavy traffic road.

1 The shoulders are all at least 4 feet wide
2 and approximately half of that section they are
3 considerably wider, anywhere from 6 feet to
4 upwards to 10 feet wide and the section that is
5 4 feet wide is an area of concern for me as
6 an -- as the county engineer because typically
7 when traffic drives down the road, farm vehicles
8 and any heavy trucks, as they drive off the edge
9 of the road as most every vehicle does at some
10 point or another tends to kick the gravel off to
11 the side of the road.

12 As that gravel was pushed off -- off the
13 shoulder you get a drop-off at the edge of the
14 pavement. So the County typically likes to see
15 a little wider shoulders and the -- on this
16 particular location the shoulders would need to
17 be widened out, which would change the alignment
18 of the ditch.

19 The ditch would -- the flow line of the
20 ditch would be moved away from the road a little
21 bit and according to IDOT specifications -- and
22 IDOT provides the policy that governs most of
23 the work that we do on our county highways,
24 according to the IDOT provisions we are allowed

1 to steepen the back slope and the fore slope for
2 that matter if we need to widen shoulders and
3 still keep the work within the existing
4 right-of-way.

5 Q. And did you -- were you able to come up with an
6 estimate as to the cost of widening the
7 shoulders on Somonauk Road?

8 A. Yes. The estimate of cost for the
9 approximately four-tenths of a mile that would
10 need to be widened including adding aggregate,
11 rock, on the shoulders instead of just using
12 dirt came out to approximately \$50,000.

13 As an alternative to that a practice which
14 the County does on that -- that the County
15 practices on its other roads that we currently
16 pave, we provide a paved safety shoulder where
17 we will pave the first 3 or 4 feet of the
18 shoulder such that we don't have that drop-off
19 and we don't have to worry about -- regrading
20 the ditches, reestablishing the grass, etcetera.

21 The cost for that not just to the tollway
22 overpass but all the way down to the landfill
23 entrance, which is a whole mile long, is
24 approximately \$60,000.

1 So I also researched that even though it
2 wasn't part of the -- the direction given to me,
3 but because it is a common practice in DeKalb
4 County and other counties I researched that
5 possibility and those costs also.

6 MS. KLEIN: Okay. Thank you. I don't
7 have any further questions for Mr. Schwartz.

8 HEARING OFFICER HALLORAN: Thank you,
9 Ms. Klein.

10 Mr. Moran, cross?

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

13 CROSS-EXAMINATION

14 BY MR. MORAN:

15 Q. Mr. Schwartz, was it your understanding that
16 the condition that was imposed here required the
17 shoulder of Somonauk to be widened by an
18 additional 5 feet on either side of Somonauk?

19 A. It was my understanding that the shoulders
20 should be widened to 5 feet, not an additional 5
21 feet.

22 Q. And the existing shoulder on each side of
23 Somonauk is how wide?

24 A. The entire shoulder is at least 4 feet wide but

1 it varies between 4 feet and, you know, 10 feet
2 or more as you get towards the tollway overpass
3 and also at the north end of Route 38 it -- it's
4 wider there also.

5 Q. So what this condition would require is only
6 for the shoulder to be extended so that it'd
7 reach at least 5 feet on either side?

8 A. That is the way I interpreted it.

9 Q. What portion of Somonauk Road already has a
10 shoulder that's at least 5 feet on either side
11 of it?

12 A. The portion of Somonauk Road that already has a
13 shoulder at least 5 feet wide, starting at the
14 landfill running north through the tollway
15 overpass is at least 5 feet wide. When you --
16 when a driver goes -- I'm going to say a few
17 hundred feet north of the overpass, that is the
18 point at which it narrows down to 4 feet and a
19 few hundred feet south of 3 -- Route 38 it
20 starts to widen out wider than 4 feet at that
21 point also.

22 So there is approximately four-tenths of a
23 mile on each side of the road that would be less
24 than 5 feet.

1 Q. Four-tenths of a mile from 38 toward I-88.

2 A. Four-tenths of a mile out of the approximately
3 eight-tenths of a mile between 38 and 88.

4 Q. So your testimony is that the distance between
5 the I-88 overpass and Route 38 is eight-tenths
6 of a mile?

7 A. It's approximately -- I believe it's actually
8 .85 miles.

9 Q. And of that .85 miles approximately one half of
10 that section of Somonauk has a shoulder that's
11 less than 5 feet on either side?

12 A. Yes, according to the field measurements I
13 took.

14 Q. Now, in order to extend the shoulder for this
15 four-tenths of a mile of Somonauk Road will that
16 shoulder have to be extended on property that's
17 owned by private parties, to private
18 individuals?

19 A. The work would be done on property that is
20 owned by private individuals but within the
21 right-of-way that the County has -- right-of-way
22 is land that is reserved for the use of roadway
23 and roadway related -- roadway related items,
24 such as drainage -- shoulders, drainage,

1 et cetera.

2 Q. And with respect to Somonauk how wide is that
3 right-of-way from I-88 to 38?

4 A. From I-88 to Illinois Route 38 the County has
5 66 feet of right-of-way. 33 feet on either side
6 of the center line of the road and that is taken
7 from documents -- construction documents going
8 back to 1932 where the right-of-way was shown as
9 33 feet on either side of the center line.

10 Some later construction work, some plans
11 also showed 33 feet later on in the '70s and
12 then in the early '90s other documents all
13 consistently show 66 feet of right-of-way
14 throughout that section.

15 Q. And is that right-of-way recorded in any way
16 with the DeKalb County Recorder of Deeds or does
17 it appear at any point in the chain of title for
18 that section of Somonauk Road?

19 A. I cannot say for certain.

20 In my research when I visited the
21 courthouse, I looked at the documents they had.
22 The right-of-way going back to those
23 construction plans from 1932 did not show that
24 as new right-of-way; rather it would have been

1 existing right-of-way and typically when roads
2 were built in the 1800s the indexing of those
3 record documents are not as good as indexing at
4 the courthouse today and it really would have
5 involved going through a lot of handwritten
6 documents that -- literally books and books and
7 books of handwritten documents where it would
8 have taken an enormous amount of time to see if
9 they -- if what -- if that right-of-way was
10 recorded at the courthouse.

11 Now, there is an item in the law called
12 prescriptive easement, where if the roadway is
13 being used for roadway purposes for a period of
14 time then it can be deemed as public
15 right-of-way and this according to our documents
16 goes back to at least 1932 -- this section of
17 road goes back to at least 1932, which well
18 exceeds by many factors the -- the amount of
19 time required under the prescriptive easement
20 for the road to be maintained by the public
21 agency.

22 Q. But other than the assumption that you've just
23 made with regard to the prescriptive easement,
24 you were not able to find or determine that

1 there had been any right-of-way recorded for
2 Somonauk Road from I-88 to Route 38, would that
3 be correct?

4 A. In my limited research I did not find the
5 recorded documents showing the right-of-way.

6 Q. Anything -- and if indeed there were no legally
7 established right-of-way for Somonauk Road
8 extending beyond the existing shoulder that
9 exists on both sides of Somonauk Road, would it
10 be fair to say that in order to extend those
11 shoulders out to 5 feet the County would be
12 required to acquire that additional foot of
13 property which currently would be obviously
14 owned by the adjoining owners of the property
15 before any shoulder could be constructed?

16 A. And I -- I think I don't quite understand what
17 you're asking.

18 Q. Assuming there is no legally established
19 right-of-way for Somonauk Road but for whatever
20 reason it wasn't established properly -- we'll
21 just assume that for the purpose of this
22 question.

23 A. Okay.

24 Q. For that four-tenths of a mile of Somonauk that

1 has a 4 foot shoulder on either side, if it were
2 desired that the shoulder be extended to 5 feet
3 on either side for that additional foot of
4 shoulder to be constructed, is it your
5 understanding that it would be required for the
6 County to require the right to build that
7 shoulder on the additional foot from the private
8 property owner who owned that property in which
9 the 1 foot would be located for that four-tenths
10 of a mile?

11 A. If there was no right-of-way at all for that
12 particular section of road and it was 100
13 percent private without public being allowed to
14 access the road, then technically no one would
15 even be allowed to drive on the road because it
16 would be deemed trespassing.

17 Q. But now we're extending the shoulder. And I'm
18 only talking about the additional foot beyond
19 the 4 foot shoulder that already exists.

20 If a decision were to be made to extend
21 the shoulder and there were no dedicated
22 right-of-way -- recorded right-of-way and steps
23 had to be taken to then extend the shoulder out
24 a foot on either side of Somonauk, would it be

1 true that the consent or agreement of the
2 adjoining property owners would have to be
3 obtained in order to construct that additional 1
4 foot of shoulder on either side of Somonauk?

5 A. I believe through the use of prescriptive
6 easement we would not have to. That we would be
7 able to use the entire 66 feet for roadway
8 purposes.

9 Q. And what I'm saying is for purposes of this
10 question assume that that prescriptive easement
11 was not established; assume we have no
12 right-of-way and we have no prescriptive
13 easement.

14 In order to build that additional 1 foot
15 of shoulder on either side of Somonauk, it would
16 be required to either condemn that additional
17 foot with respect to those private property
18 owners or obtain a consent of those private
19 property owners to construct the additional foot
20 of shoulder on either side; isn't that true?

21 A. Strictly being a hypothetical case I think it
22 would probably be taken to court and letting a
23 judge decide how much right-of-way there was,
24 whether or not we had just the road and the

1 exact shoulder being a varying right-of-way
2 with -- in that section and I don't believe the
3 County would -- I'll say just give up and go to
4 the property owner to buy that extra foot of
5 required right-of-way. I think it would be a --
6 a much bigger task than that because, of course,
7 this would affect roads all across the State of
8 Illinois really for that matter.

9 Q. Okay. Now, with respect to Condition 32 what
10 is your understanding as to the purpose for
11 which that condition was imposed -- if you even
12 have an understanding; perhaps you don't.

13 Maybe I should ask it that way.

14 Do you have any understanding as to what
15 the purpose of Condition 32 is?

16 A. Not a very good one because, of course, I was
17 not at DeKalb County at the time the condition
18 was put in.

19 I came to DeKalb County as the county
20 engineer in 2011. Based on what I have read
21 there is not very good documentation for why the
22 condition was put in place. I understand a lot
23 of times when people need to write a formal
24 response for reasoning for or against a

1 particular item they may not cover all of the
2 items concerned and I understand that there were
3 safety reasons why a 5 foot shoulder was to be
4 required by the county board and my
5 interpretation of safety reasons very well might
6 be different than what the county board
7 considered back in 19 -- or 2009.

8 Q. And was it your understanding that the concern
9 that was attempted to be addressed in Condition
10 32 was the fact that at certain times of the
11 year farm vehicles might be traveling on
12 Somonauk, which vehicles were beyond the normal
13 width of one lane of Somonauk traffic?

14 A. I understand that the farming traffic was given
15 as an example of why the -- the extra shoulder
16 width was to be required.

17 Now, of course, that is hearsay because I
18 was not present at the time of the hearing.

19 Q. And you have no other information to indicate
20 what the purpose of Condition 32 is, would that
21 be correct?

22 A. Other than hearsay and what I have read from
23 the record and my own interpretations of safety
24 concerns on the road, I would say those three

1 items or category of items are what I have based
2 my decision on.

3 Q. And all of that information relates to these
4 oversized farm vehicles; is that correct?

5 A. I wouldn't say all of it relates to oversized
6 farm vehicles because any -- any vehicle that
7 drifts off the road, which they all do from time
8 to time, is going to dislodge or displace some
9 of that -- some of that gravel onto shoulders
10 and any larger vehicles or truck traffic is
11 going to do that in an expedient manner.

12 So while farm equipment is say one culprit
13 for causing that drop-off at the edge of an
14 aggregate shoulder -- or at the edge of the road
15 for an aggregate shoulder, you know, I'm -- I'm
16 willing to argue that basically any truck is
17 guilty of that. Because trucks use the road
18 year round where as farming equipment primarily
19 during -- during the spring planting, the fall
20 harvest but, of course, throughout the rest of
21 the year there's spraying that goes on and even
22 prior to the spring planting preparation of the
23 soil you'll see farm equipment going up and down
24 preparing the fields for the planting.

1 Q. Was there any testimony in this record that
2 addressed the concern that you just identified
3 and that is that any type of vehicle could
4 presumably move off the shoulder and cause the
5 kind of concern that you've just articulated?

6 A. I did not read all the testimony. So I -- I
7 can't answer that.

8 Q. And when you talk about vehicles, you're
9 talking about any kind of vehicles; you're
10 talking about trucks, pickup trucks, cars,
11 minivans, any type of vehicle; isn't -- isn't
12 that true?

13 A. And any vehicle will do that, that is correct.

14 Now, trucks being with more axles, a lot
15 heavier weight, tandem axles and dual axles tend
16 to cause that effect more prominently than say a
17 normal passenger vehicle, a car.

18 Q. Do you have any information or data that
19 indicates that there have been any such
20 incidents on Somonauk Road between I-88 and 38
21 in the last five years -- where any kind of
22 vehicle has run off the road and where some need
23 for a 5 foot shoulder might have been
24 established?

1 A. That particular stretch of road I have not
2 researched the accidents in the last five years
3 to see if there was -- was an incident that
4 would have been changed by having a wider
5 shoulder.

6 Q. And as you sit here now you're not aware of any
7 information that suggests that there have been
8 unusual or a notable number of such accidents on
9 that portion of Somonauk Road over the last five
10 years?

11 A. Without looking at the safety data I -- I --
12 I -- I don't think I can acc -- accurately
13 answer that.

14 Q. Do you have any knowledge as to the types of
15 vehicles that will be traveling to and from the
16 proposed expansion to the DeKalb County
17 Landfill?

18 A. My knowledge I think would be limited to a
19 typical county highway, being that you would
20 have a number of passenger vehicles as well as
21 delivery trucks and larger trucks, semi --
22 typical semi-tractor trailers plus where this
23 particular section there is the landfill, which
24 is typically not on most roads in this county or

1 even the state.

2 Q. Well, indeed there are already vehicles going
3 to the existing landfill, correct?

4 A. Correct.

5 Q. Do you know what types of vehicles are going to
6 the existing landfill?

7 A. I have not seen a study that lists those. I
8 would -- based on my experience I would say you
9 would have the -- the traditional garbage truck
10 but as well as private people delivering
11 vehicles to and from the landfill -- or
12 delivering materials to and from the landfill,
13 excuse me.

14 Q. Do know any of the dimensions of any of these
15 vehicles that will be traveling to and from the
16 proposed expansion?

17 A. I -- I don't have that information with me. I
18 have some of that information at my office.

19 Q. Would it be fair to say that all of the
20 vehicles that will be traveling to and from the
21 proposed expansion would have dimensions that
22 would not be as wide as the farm vehicles that
23 were identified during the course of the
24 hearing?

1 A. I think that is a fair assumption because farm
2 vehicles have an exemption by Illinois law where
3 they can be wider and most other vehicles need a
4 special permit to drive on public roads if they
5 are going to be over the designated length,
6 width and height.

7 Q. So that none of the vehicles going to and from
8 the proposed expansion are going to in any way
9 have features to them either width or any other
10 feature that would in any way call for or
11 necessitate a widening of the shoulder of
12 Somonauk; isn't that true?

13 A. If everybody drove between the yellow and the
14 white line we wouldn't even need shoulders.

15 MR. MORAN: Very good. Thank you,
16 Mr. Schwarz.

17 THE WITNESS: Thank you.

18 HEARING OFFICER HALLORAN: Thank you,
19 Mr. Moran.

20 Ms. Klein, any redirect?

21 MS. KLEIN: No, no.

22 HEARING OFFICER: Okay. Thank you,
23 Mr. Schwartz. You may step down.

24 THE WITNESS: Thank you.

1 HEARING OFFICER HALLORAN: Thank you.

2 Anything else, Ms. Klein --

3 MS. KLEIN: No.

4 HEARING OFFICER HALLORAN: -- in your case
5 in chief?

6 All right. You rest.

7 MS. KLEIN: Yes.

8 HEARING OFFICER HALLORAN: Mr. Moran, any
9 rebuttal?

10 MR. MORAN: No rebuttal.

11 HEARING OFFICER HALLORAN: All right.
12 Let's go off the record a bit and talk about the
13 brief schedule.

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

16 HEARING OFFICER HALLORAN: We're back on
17 the record. We were talking -- one, the parties
18 are going to waive closing argument and reserve
19 that for their brief.

20 The briefing schedule, our calculation --
21 the transcript is due to be filed
22 September 27th. Petitioner's opening brief will
23 be due October 18, 2013. The county's opening
24 brief will be due November 14th. The Waste

1 Management's reply is due November 27th. At
2 that time the record will close.

3 Mr. Moran has accommodated The Board and
4 is going to file his waiver out to February 6,
5 2014 and then public comment is due October
6 15th.

7 Again the record will close November 27th.
8 With that said I think we're going to take a
9 break. Leave the record open for about another
10 18 minutes and then we'll close then.

11 Thanks.

12 (A recess was taken at 9:42 a.m.
13 and proceedings resumed at 10:03
14 a.m.)

15 HEARING OFFICER HALLORAN: We're back on
16 the record. It's approximately three minutes
17 after 10. There have been no members of the
18 public to come in, walk in so we left the record
19 open but now I think we're going to close and
20 again I -- I want to thank both parties for
21 their civility and thank the County for their
22 hospitality in letting us use this room.

23 Thank you.

24 MS. KLEIN: Thank you.

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MR. MORAN: Thank you.

(The hearing was concluded at
10:03 a.m.)

ILLINOIS POLLUTION CONTROL BOARD

1			
2	WASTE MANAGEMENT OF)	
3	ILLINOIS,)	
4		)	NO. PCB 10-104
5	Petitioners,	)	(Pollution Control
6		)	Facility Siting
7	v.	)	Appeal)
8)	
9	COUNTY BOARD OF DEKALB	)	DeKalb County
10	COUNTY,	)	Legislative Center
11		)	200 North Main
12	Respondent.	)	Street
13		)	Sycamore, Illinois

I, Dionne T. Horner, hereby certify that I am a Certified Shorthand Reporter of the State of Illinois; that I am the one who, by order and at the direction of The Hearing Officer, BRADLEY P. HALLORAN, reported in shorthand the proceedings had or required to be kept in the above-entitled case; and that the above and foregoing is a full, true and complete transcript of my said shorthand notes so taken.

Dated at Dixon, Illinois, this 20th day of September 2013.

Dionne Horner
Dionne T. Horner
Certified Shorthand Reporter
IL License No. 084-004322
P.O. Box 381
Dixon, Illinois, 61021

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