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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

GERE PROPERTIES, INC.

Petitioner,

vs.

PCB No.: 02-201

JACKSON COUNTY BOARD and

SOUTHERN ILLINOIS REGIONAL

LANDFILL, INC.,

Respondent.

Proceedings held on July 17, 2002 at 10:00 a.m., at the Jackson County Health Department, BACS Building, Conference Room, 415 Health Department Road, Murphysboro, Illinois, before Hearing Officer Steven C. Langhoff.

Reported by: Darlene M. Niemeyer, CSR, RPR
CSR License No.: 084-003677

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A P P E A R A N C E S

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BY: John McCarthy
Attorney at Law
45 Eastside Square, Suite 301
Canton, Illinois 61520
On behalf of Jackson County Board.

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I N D E X

WITNESS	PAGE NUMBER
GARY PEARSON	7

E X H I B I T S

NUMBER	MARKED FOR I.D.	ENTERED
(No exhibits were marked during the hearing.)		

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1 P R O C E E D I N G S

2 (July 17, 2002; 10:00 a.m.)

3 HEARING OFFICER LANGHOFF: Good morning, everyone. My name
4 is Steven Langhoff. I am the Pollution Control Board Hearing
5 Officer who has been assigned to this matter and I will be
6 holding the hearing today. This is PCB 02-201, Gere Properties,
7 Inc., versus Jackson County Board and Southern Illinois Regional
8 Landfill, Inc.

9 For the record, it is Wednesday, July 17th of 2002, and we
10 are beginning at 10:00 a.m.

11 I want to note for the record that there are no members of
12 the public present today that wish to give public comment.
13 Members of the public are encouraged and allowed to provide
14 public comment if they so choose.

15 On May 15th of 2002, Gere Properties, Inc., Gere, filed a
16 petition asking the Board to review an April the 10th of 2002
17 decision of the Jackson County Board.

18 The Jackson County Board granted Southern Illinois Regional
19 Landfill, Inc.'s application to site a pollution control facility
20 in Jackson County. Gere appeals on the grounds that Jackson
21 County's decision that the proposed facility is necessary to
22 accommodate the waste needs of its intended surface area is
23 against the manifest weight of the evidence. Gere's petition
24 stated that it participated in Jackson County's public hearings

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1 and that it is so located as to be affected by the proposed
2 facility.

3 On June 6th of 2002, the Board accepted the petition for
4 hearing.

5 I want to take a brief moment to let you know what is going
6 to happen today and after the proceeding today. You should know
7 that it is the Pollution Control Board, and not me, that will
8 make the final decision in this case. My job as a Hearing
9 Officer requires that I conduct this hearing in a neutral and
10 orderly manner so that the Board has a clear record of the
11 proceedings here today on which to base its decision.

12 The parties have represented to me that they do not intend
13 to call any witnesses or introduce any evidence at hearing today.
14 This Board hearing is for the sole purpose of soliciting public
15 participation in the Board's decision making process.

16 The Board's Procedural Rules and the Act, the Environmental
17 Protection Act, provide that members of the public shall be
18 allowed to speak or submit written statements at hearing. Any
19 person offering such testimony today would be subject to
20 cross-examination by any of the parties. Any such statements
21 offered by members of the public must be relevant to the case at
22 hand.

23 This hearing was noticed pursuant to the Act and the
24 Board's Rules and Regulations, and will be conducted pursuant to

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1 Sections 101.600 through 101.632 and Part 105 of the Board's
2 Procedural Rules.

3 At this time, I would like to ask the parties to make their
4 appearances on the record. For the Jackson County Board?

5 MR. McCARTHY: John McCarthy.

6 HEARING OFFICER LANGHOFF: Thank you, Mr. McCarthy.

7 Do we have any preliminary matters that need to be
8 discussed on the record today?

9 MR. McCARTHY: No.

10 HEARING OFFICER LANGHOFF: Thank you. Are there any
11 outstanding or prehearing motions that you would like to present
12 before we proceed?

13 MR. McCARTHY: There are not.

14 HEARING OFFICER LANGHOFF: Thank you. At this time I will
15 call for statements from members of the public. Statements from
16 any public participant are made pursuant to Section 101.628 of
17 the Board's Procedural Rules.

18 Is there anyone in the audience today that would like to
19 make a public statement?

20 MR. PEARSON: I would. My name is Gary Pearson.

21 HEARING OFFICER LANGHOFF: I am going to have you sworn,
22 Mr. Pearson.

23 MR. PEARSON: Okay.

24 (Whereupon the witness was sworn by the Notary Public.)

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1 MR. PEARSON: The last name is Pearson, P-E-A-R-S-O-N. I
2 am the General Manager at the Southern Illinois Regional Landfill
3 here in DeSoto.

4 Really, I just have a couple of comments. One, I really
5 wanted to thank everyone. And we really believe in a public
6 hearing process, and we tried to involve the public with our
7 intentions and plans to expand the Southern Illinois Regional
8 Landfill.

9 And, two, we are always open for comments or questions on
10 our facility. The public or the community, anybody that would
11 want to tour our facility at any time, if they would call up I
12 would personally take them out for a tour of the facility. It is
13 something that we are very proud of and the service that we
14 provide to Jackson County. That's all I have to say.

15 HEARING OFFICER LANGHOFF: Okay. Thank you, Mr. Pearson.
16 Is there anyone else in the audience that wishes to make a public
17 statement today?

18 Oh, I'm sorry, Mr. McCarthy, do you have any questions?

19 MR. McCARTHY: No, I do not. Thank you.

20 HEARING OFFICER LANGHOFF: Okay. Thank you. Is there
21 anyone else in the audience today that would like to make any
22 public comment and participate in this hearing?

23 Okay. Let the record reflect that there was no one else
24 that wishes to make any statements this morning.

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1 The parties have discussed with me a schedule for the
2 submission of posthearing briefs. I will go ahead and read that
3 schedule into the record at this time.

4 The transcript of the proceedings will be available from
5 the court reporter on July 29th of 2002.

6 Gere Properties' brief will be due by July the 24th of
7 2002. The mailbox rule will apply.

8 Both Respondents brief will be due by August 7th of 2002,
9 and the mailbox rule will apply.

10 I would like to note that the transcript is usually put on
11 the Board's web site within a few days of its availability. The
12 Board's web site address is WWW, dot IPCB, for Illinois Pollution
13 Control Board, dot State, dot IL, dot US.

14 I would also like to establish a public comment period of
15 14 days. All posthearing comments are due by July the 31st of
16 2002, and must be filed in accordance with Section 101.628 of the
17 Board's Procedural Rules. The mailbox rule set forth at 35
18 Illinois Administrative Code 101.102(d) and 101.144(c) will apply
19 to any posthearing filings. That means that any posthearing
20 public comment must be put in the mail by July the 31st of 2002.

21 Is there anything further from any of the parties before we
22 conclude?

23 MR. McCARTHY: No.

24 HEARING OFFICER LANGHOFF: All right. Thank you, Mr.

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1 McCarthy.

2 At this time I will ask again are there any members of the
3 public present that want to make any statements on the record
4 today?

5 Okay. Seeing none, I am required to make a statement as to
6 the credibility of the one witness testifying during this hearing
7 today. This statement is based upon my legal judgment and
8 experience, and I so state that I found the witness testifying to
9 be credible. Credibility should not be an issue for the Board to
10 consider in rendering its decision in this case.

11 At this time I will go ahead and conclude the proceedings.
12 It is Wednesday, July 17th of 2002, at approximately 10:10 in the
13 morning, and we stand adjourned.

14 I thank everyone for their participation and wish everyone
15 a safe drive and wish everyone to have a good day. Thank you.

16 MR. McCARTHY: Thank you.

17 (The proceedings concluded at approximately 10:10 a.m.)

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

3 C E R T I F I C A T E
4

5 I, DARLENE M. NIEMEYER, a Notary Public in and for the
6 County of Montgomery, State of Illinois, DO HEREBY CERTIFY that
7 the foregoing 9 pages comprise a true, complete and correct
8 transcript of the proceedings held on the 17th of July A.D.,
9 2002, at the Jackson County Health Department, 415 Health
10 Department Road, Murphysboro, Illinois, in the case of Gere
11 Properties, Inc., versus Jackson County Board and Southern
12 Illinois Regional Landfill, Inc., in proceedings held before
13 Hearing Officer Steven C. Langhoff, and recorded in machine
14 shorthand by me.

15 IN WITNESS WHEREOF I have hereunto set my hand and affixed
16 my Notarial Seal this 22nd day of July A.D., 2002.
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21 Notary Public and
22 Certified Shorthand Reporter and
23 Registered Professional Reporter

24 CSR License No. 084-003677
My Commission Expires: 03-02-2003

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