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ILLINOIS POLLUTION CONTROL BOARD

PEORIA DISPOSAL COMPANY,)	
)	
Petitioner,)	
)	
vs.)	PCB 06-184
)	(Pollution Control
PEORIA COUNTY BOARD,)	Facility Siting Appeal)
)	
Respondent.)	

The following is the transcript of a hearing held in the above-captioned matter, taken stenographically by Gale G. Everhart, CSR-RPR, a notary public within and for the County of Peoria and State of Illinois, before Carol Webb, Hearing Officer, at 4909 West Farmington Road, Peoria, Illinois, on the 8th day of January, A.D. 2007, commencing at 9:00 a.m.

1 PRESENT:

2 HEARING TAKEN BEFORE:
3 ILLINOIS POLLUTION CONTROL BOARD
4 1021 North Grand Avenue East
5 Springfield, Illinois 62794-9274
6 (217) 524-8509
7 BY: CAROL WEBB

8 APPEARANCES:

9 ELIAS, MEGINNES, RIFFLE & SEGHETTI, P.C.
10 BY: BRIAN J. MEGINNES, ESQUIRE
11 JANAKI NAIR, ESQUIRE
12 Attorneys at Law
13 416 Main Street, Suite 1400
14 Peoria, Illinois 61602
15 (309) 637-6000
16 On Behalf of the Petitioner.

17 MUELLER ANDERSON
18 BY: GEORGE MUELLER, ESQUIRE
19 Attorney at Law
20 609 Etna Road, Suite 204
21 Ottawa, Illinois 61350
22 (815) 431-1500
23 On Behalf of the Petitioner.

24 BLACK, BLACK & BROWN
BY: DAVID BROWN, ESQUIRE
Attorney at Law
101 South Main Street
Morton, Illinois 61550
(309) 266-9680
On Behalf of the Respondent.

PEORIA COUNTY STATE'S ATTORNEY
BY: WILLIAM W. P. ATKINS, ESQUIRE
Attorney at Law
Peoria County Courthouse
Peoria, Illinois 61602
(309) 672-6017
On Behalf of the Respondent.

1 ALSO PRESENT:

2 CHRIS COULTER
 3 CONNIE NEWMAN

4 MEMBERS OF THE PUBLIC WERE PRESENT

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24

1 HEARING OFFICER WEBB: Good morning. My name is
2 Carol Webb. I'm the hearing officer with the Pollution
3 Control Board. This is PCB 06-184, Peoria Disposal
4 Company versus Peoria County Board. It is January 8th,
5 2007. We are beginning at 9:00 a.m.

6 Before we begin, I do have some announcements
7 for the audience. We do have quite a few members of the
8 public here today. First, for those of you who may not
9 know, this proceeding is more like a trial than an open
10 meeting. The primary purpose is for each party to
11 present evidence of its case into the record so that the
12 Board can make a ruling. During this time, you may
13 listen, but you do not get to ask the witnesses any
14 questions. After both parties have presented their
15 case, we will have some time for the public to speak.

16 Alternatively, you may send written comments
17 to the Clerk of the Pollution Control Board in our
18 Chicago office. You do not need to send me a copy. And
19 I would also ask that you please mail and not fax your
20 letters to the Clerk of the Pollution Control Board.

21 At issue in this case is the petitioner's
22 assertion that the County's handling of this application
23 was not fundamentally fair and was against the manifest
24 weight of the evidence. You should know that it is the

1 Pollution Control Board and not me that will make the
2 final decision in this case. My purpose is to conduct
3 the hearing in a neutral and orderly manner so that we
4 have a clear record of the proceedings. I will also
5 assess the credibility of any witnesses on the record at
6 the end of hearing.

7 This hearing was noticed pursuant to the Act
8 and the Board's rules and will be conducted pursuant to
9 sections 101.600 through 101.632 of the Board's
10 procedural rules. At this time I would like to ask the
11 parties to please make their appearances on the record,
12 beginning with Petitioner.

13 MR. MEGINNES: Brian Meginnes with Elias, Meginnes,
14 Riffle & Seghetti, for Peoria Disposal company.

15 MR. MUELLER: George Mueller with Mueller Anderson,
16 Ottawa, Illinois, also for Peoria Disposal Company. And
17 at Counsel table with us is Chris Coulter, one of the
18 principals of the company.

19 HEARING OFFICER WEBB: Thank you.

20 MR. BROWN: David Brown of Black, Black & Brown
21 representing the County of Peoria. And with me is --

22 MR. ATKINS: Bill Atkins, Chief Civil Assistant
23 State's Attorney for the County of Peoria.

24 HEARING OFFICER WEBB: Thank you. Would the

1 petitioner like to make an opening statement?

2 MR. MEGINNES: The petitioner waives the right to
3 make an opening statement. We will present everything
4 in our brief we present to the Board.

5 HEARING OFFICER WEBB: Thank you. Would Respondent
6 like to make an opening statement?

7 MR. BROWN: Madam Hearing Officer, we also would
8 waive the opening statement at this time.

9 HEARING OFFICER WEBB: Okay. Thank you very much.
10 The petitioner may present its case.

11 MR. MEGINNES: First we would like, pursuant to
12 stipulation with the Peoria County Board, present into
13 the record copies of the depositions in lieu of
14 testimony that have previously been taken in this case.
15 There are three volumes. We have copies of the
16 transcripts. There are 29 depositions that were taken
17 in the case.

18 HEARING OFFICER WEBB: Okay.

19 MR. MEGINNES: And these are copies of transcripts
20 and then we have the deposition exhibits which are
21 Volumes 1, 2 and 3. Exhibits go to -- that were marked
22 in those depositions through Exhibit 96.

23 HEARING OFFICE WEBB: All of these exhibits were
24 used for all of these?

1 MR. MEGINNES: Yes.

2 HEARING OFFICER WEBB: Okay. So that will be
3 clear. And, Respondent, you agree to this as well,
4 correct?

5 MR. BROWN: Yes. Yes. We agree to stipulate to
6 have those entered into the record.

7 HEARING OFFICER WEBB: Now do you have any
8 preference for how you would like these labeled as
9 exhibits?

10 MR. MEGINNES: I think it would be easier if -- I
11 don't know if the transcripts need to be labeled
12 separately as an exhibit. We would like to keep the
13 same exhibit order that we have right now for the
14 exhibits for the deposition transcripts because we have
15 a few more exhibits we are going to put in following
16 that same order. I think we can refer to it in the
17 record -- for our briefs, we can just simply refer to
18 deposition transcript Mr. Y, page so and so, when we do
19 our briefs. And then when we refer to exhibits, they
20 will follow that numbering order. That would be one
21 possibility, or we can mark them if you like.

22 HEARING OFFICER WEBB: If they are not part of
23 the -- anything that's not part of the current
24 administrative record I would like to mark just so that

1 we can call it something in the Board order. We will
2 refer to it as something. Maybe we should -- do you
3 want to go off the record for a minute while we figure
4 out how to mark this?

5 (Discussion off the record.)

6 HEARING OFFICER WEBB: The parties have explained
7 to me the best way in which to admit these exhibits.
8 Rather than give them individual exhibit numbers, we are
9 going to accept the volumes and refer to the documents
10 by the title of the document, i.e., deposition of
11 Jeffrey Joyce or deposition of Lynn Scott Pearson.
12 Those are just examples. There are several depositions
13 here and also some exhibits which are already numbered
14 as exhibits. So we are not going to give them separate
15 exhibit numbers at this hearing, because that would be
16 confusing. So you will be able to tell by the title
17 page of each volume that's being admitted what documents
18 are in that volume.

19 So these documents are all admitted into the
20 record.

21 MR. MEGINNES: Thank you.

22 HEARING OFFICER WEBB: And these are the
23 depositions of the County Board members, the depositions
24 of county staff, depositions of opponents, and

1 Deposition Exhibit Volume 1, Volume 2 and Volume 3.

2 Okay. All right.

3 MR. MEGINNES: We have a few other things per
4 agreement of the parties. We have marked these. These
5 would be Exhibits 97 through 103. What they are are
6 videotaped trans-- well, they are videotapes of Peoria
7 County Board meetings. Peoria County -- I can run
8 through the exhibits each one for you.

9 HEARING OFFICER WEBB: Okay.

10 MR. MEGINNES: Exhibit 97 is the videotape of the
11 Peoria County Board meeting held in November 2005.
12 Exhibit 98 is the videotape of the Peoria County Board
13 meeting held in December 2005. Exhibit 99 is the
14 videotape of the Peoria County Board meeting held in
15 January 2006. Exhibit 100 is the videotape of the
16 Peoria County Board meeting held February 2006. Exhibit
17 101 is the videotape of the Peoria County Board meeting
18 held in March 2006. Exhibit 102 is the videotape of the
19 Peoria County Board meeting held in April 2006. And
20 Exhibit 103 is the videotape of the Peoria County Board
21 meeting held in May 2006. And we would move that these
22 be admitted into the record.

23 HEARING OFFICER WEBB: I understand you have
24 transcripts of these as well?

1 MR. MEGINNES: We have transcripts of what we
2 consider relevant portions --

3 HEARING OFFICER WEBB: Yes.

4 MR. MEGINNES: -- of those meetings. And the
5 County has agreed to stipulate to the entry of those
6 into the record.

7 HEARING OFFICER WEBB: Okay.

8 MR. MEGINNES: I'm not sure what the position of
9 the County is on the excerpts from those meetings.

10 HEARING OFFICER WEBB: I will admit the tapes.

11 MR. MEGINNES: Okay.

12 MR. ATKINS: We would be willing to stipulate to
13 the transcripts being correct as to the portion of the
14 meetings that they represent, but they are not correct
15 transcriptions of the entire proceeding of any of it.
16 So we would be willing to stipulate to their admission
17 with the understanding that these are not transcripts of
18 the entire meeting, but only transcripts of the portions
19 that they find relevant.

20 HEARING OFFICER WEBB: Then we will admit that with
21 that understanding.

22 MR. MEGINNES: It will be Exhibit 104, I believe,
23 if you mark that one.

24 HEARING OFFICER WEBB: Actually, I will need

1 our -- well, let's get all of them and I will ask our
2 court reporter to mark them for us. So this is all of
3 the relevant portions?

4 MR. MEGINNES: Yes, it is.

5 (Exhibit Number 104 was marked for
6 identification.)

7 MR. MEGINNES: We have one more stipulation. It
8 has to do with Exhibit 17, which is one of the
9 deposition exhibits. It's simply a stipulation between
10 the parties. There are photographs. Exhibit 17 depicts
11 a true and accurate copies of two photographs, which
12 photographs were created on about February 9, 2006.
13 They depict billboards.

14 (Exhibit Number 105 was marked for
15 identification.)

16 MR. MEGINNES: That's all the exhibits and
17 stipulations that we have, and we do not have any
18 witnesses to call.

19 HEARING OFFICER WEBB: So you are finished?

20 MR. MEGINNES: Yes, ma'am.

21 HEARING OFFICER WEBB: Okay. Mr. Brown?

22 MR. BROWN: Thank you, Madam Hearing Officer. If I
23 could, by way of clarification, was the stipulation
24 regarding the billboards, was that marked as Number 105?

1 HEARING OFFICER WEBB: Yes.

2 MR. BROWN: The County would proceed by calling its
3 first witness, then, if we could. That would be Patrick
4 Urich, the county administrator.

5 HEARING OFFICER WEBB: Sure. Why don't you have a
6 seat up here. And if it wasn't clear, I did admit all
7 those exhibits. In case I didn't say that for the
8 record, I apologize. What's your name, sir?

9 MR. URICH: Patrick Urich.

10 HEARING OFFICER WEBB: And could you spell your
11 last name?

12 MR. URICH: It's U-r-i-c-h.

13 HEARING OFFICER WEBB: And the court reporter will
14 swear you in.

15 (Witness sworn.)

16 PATRICK URICH,
17 called as a witness, after being first duly sworn, was
18 examined and testified upon his oath as follows:

19 DIRECT EXAMINATION

20 BY MR. BROWN:

21 Q Please state your name.

22 A My name is Patrick Urich.

23 Q Where are you employed?

24 A The County of Peoria.

1 Q And in what capacity are you employed with
2 the County?

3 A I'm the Peoria County Administrator.

4 Q And how long have you been so employed?

5 A I have been so employed for six years.

6 Q Were you the County Administrator for the
7 County between November of 2005 and the present time?

8 A Yes.

9 Q And as the County Administrator, were you
10 involved in any way with the application for local
11 siting that was filed by PDC?

12 A Yes.

13 Q And in what ways were you involved in the
14 local siting process?

15 A Well, from a coordination standpoint and
16 working to establish the schedule for the hearings that
17 we held here at the Itoo Society here. In addition, in
18 the capacity of developing and coordinating the County
19 staff report and the recommendations. And ultimately
20 working with and selecting the third party technical
21 consultants that were involved with the proceedings as
22 well as working with outside counsel and in-house
23 counsel.

24 Q During those various activities, did you

1 become aware at some point in time that there was local
2 or public opposition to the landfill expansion?

3 A Yes.

4 Q And do you recall when you first would have
5 become aware of that opposition?

6 A Well, I probably would have first become
7 aware of that opposition when we entered into a host
8 agreement with PDC, which would have been prior to the
9 filing of the application.

10 Q And the application was filed in -- sometime
11 in November of 2005; is that correct?

12 A That is correct.

13 Q And do you recall when the County would have
14 negotiated a host agreement?

15 A That host agreement would have been
16 negotiated at least 18 months prior to that. I don't
17 have the date offhand, and I can't recall exactly when
18 that was, but it was before -- well, over a year before
19 and probably closer to a year and a half before the
20 filing of the application.

21 Q So you are saying that some year and a half
22 before the filing of the application there was an
23 opposition to this proposed landfill expansion?

24 A Well, there was opposition to the host

1 agreement when we adopted that. And there was
2 opposition, I think, towards the concerns from some of
3 the public that there might be some sort of expansion of
4 that.

5 Q How did you become aware of the opposition?

6 A The opposition came out right away. As soon
7 as we had presented the host agreement to the County
8 Board for their adoption, they came out and they were
9 concerned about the passage of that host agreement.

10 Q And how did they voice that concern or
11 opposition?

12 A They began coming to County Board meetings
13 and testifying. I think that there were other Board
14 members that received phone calls during that period of
15 time. And usually when we start to get questions from
16 Board members that are pointed and directed at meetings,
17 particularly about the content of an agreement, it's
18 usually because they are hearing from their
19 constituents and they are concerned about that.

20 Q Now when you say certain individuals
21 testified at County Board meetings --

22 A Tom Edwards would be one that came right to
23 mind that had been there from the very beginning, I
24 think, and started to raise some concerns about the

1 landfill and the expansion of the landfill.

2 Q And were there others as well?

3 A There were others. Now prior to the adoption
4 of the application or the submission of the application,
5 I'm not sure that there were as many. Tom was really
6 the first to come out and express that opposition early
7 on.

8 Q And when you say they testified at the County
9 Board, how does that work?

10 A They came and presented -- we have a Public
11 Comment section on our agenda for when the County Board
12 meets. The County Board meets the second Thursday of
13 every month. And there is an opportunity for the public
14 to comment on anything at that time. Anything, whether
15 it's on the agenda or not, it's an opportunity for
16 public to comment then. Mr. Edwards was there at that
17 point in time raising some concerns.

18 Q Now there are these public comment portions
19 of the meetings. Is there something in the Board rules
20 that permits this or requires it?

21 A This is part of the Board's ongoing effort
22 to -- and it is part of the Board rules that there is a
23 section on the agenda every month for public comment.

24 Q Did you attend most of the County Board

1 meetings during the period of time from the filing of
2 the application in November of 2005 until May of 2006?

3 A County Board meetings are the second Thursday
4 of every month. Yes, I have been to every one.

5 Q So you were at every one of those?

6 A Yes.

7 Q Do you recall if opponents made public
8 comments at those board meetings?

9 A At virtually every one.

10 Q Do you know if representatives of PDC were
11 present at those board meetings?

12 A I do believe that certainly the
13 representatives of PDC were present.

14 Q Do you know who that would have been?

15 A I do believe that Royal Coulter was at some
16 of those meeting as well as Brian Meginnes.

17 Q To the best of your recollection, did any
18 representatives of PDC ever object to those public
19 comments being made at the County Board meetings?

20 A Yes. I do believe that at certain meetings
21 there were objections that were expressed by
22 Mr. Meginnes at some of the comments and statements that
23 were being made.

24 Q Was it about the content of the statements,

1 or was it about the fact that statements were being
2 made?

3 A To my recollection, it was mostly about the
4 content of the statements that were being made.

5 Q Now do you know if representatives of PDC
6 were present at County Board meetings prior to the
7 filing of the siting application in November of 2005?

8 A Well, they all tend to blend together, but I
9 do think that prior to November of 2005, only when we
10 had the host agreement on the agenda, were the
11 representatives from PDC there.

12 Q Now at some point in time did you have the
13 opportunity to become familiar with the siting
14 application and the process by which the County
15 conducted the review of the application?

16 A Yes.

17 Q And were you, in fact, involved in developing
18 that process?

19 A Yes.

20 Q And did the County conduct public hearings on
21 the siting application?

22 A Yes.

23 Q And did those hearings, in fact, take place
24 in February of 2006 here at this location?

1 A Yes.

2 Q And is it correct that the hearings took
3 place over a six-day period of time?

4 A Yes.

5 Q And to your knowledge were transcripts of
6 those hearings prepared by court reporters?

7 A Yes.

8 Q And do you believe it would be accurate to
9 say that there were some 1,700 pages of written
10 transcripts and almost 50 hours' worth of public
11 testimony -- or testimony and public comments at those
12 hearings?

13 A Yes.

14 Q And were you, in fact, present at those
15 hearings?

16 A Almost all of them.

17 Q Now did everyone who wanted to speak have an
18 opportunity to speak at those hearings?

19 A Everyone that wanted to speak had the
20 opportunity to speak.

21 Q Did PDC have an opportunity to present its
22 witnesses at the public hearings?

23 A Yes, they did.

24 Q Did they, in fact, present witnesses at the

1 public hearings?

2 A Yes.

3 Q To the best of your knowledge was PDC ever
4 denied the opportunity to present any evidence or any
5 witnesses at the hearings?

6 A No.

7 Q Was there any opposition to the application
8 at those public hearings?

9 A Yes.

10 Q In fact, isn't it true that there was fairly
11 significant opposition at those public hearings?

12 A Yes.

13 Q Now were the public hearings the first time
14 you became aware of opposition groups being present?

15 A No.

16 Q When did you first become aware of opposition
17 groups getting involved in the process?

18 A Well, prior to the hearings, as staff was
19 getting prepared for the hearings, I received an e-mail
20 from a concerned neighbor who had expressed some
21 concerns. And I responded back to that individual
22 listing some of the statements. And she had made some
23 statements concerning the process that troubled her
24 because we had -- from a staff perspective had attempted

1 to try and make sure that there was enough facts out on
2 the table for everyone to see in terms of, not only the
3 application itself because we wanted to make sure we had
4 an electronic version of that posted on our website, but
5 that we had as much information as we could possibly put
6 on our website. And we started to hear comments back
7 via this electronic means. And I was concerned about
8 that. So that was one of the reasons that we started a
9 discussion. So it became readily apparent to me at that
10 time -- this would have been in probably mid to late
11 January -- that there were opposition groups that were
12 forming at that point.

13 Q And is it accurate that before the public
14 hearings began the committee held a meeting -- an open
15 meeting at which the Rules of Order for the public
16 hearings were discussed?

17 A Yes.

18 Q And at that open meeting of the committee,
19 were there opposition groups present?

20 A Yes, there were.

21 Q And, in fact, they were represented by
22 counsel at that meeting; is that correct?

23 A Yes, sir.

24 Q And so well in advance of the public hearing

1 it became clear to you that there were organized
2 opposition groups to this siting application?

3 A Yes.

4 Q Now isn't it true that before the start of
5 the public hearing, there was already a significant
6 amount of public comment being submitted to the County
7 Clerk regarding the landfill expansion?

8 A Yes.

9 Q And isn't it true that that was both pro the
10 application and against the application?

11 A Yes.

12 Q Now how did you become aware of this public
13 comment?

14 A One of the -- as staff met -- and, again, as
15 we were discussing how we would handle this process, one
16 of the things that we had discussed was using the
17 website as a tool. With the advent of electronic
18 communications, we wanted to make sure we were putting
19 as much out on the web as possible. So while we
20 realized that the official record is what would be sent
21 to the Clerk's office, we wanted to make every effort to
22 put everything out there electronically so that people
23 could see it. We didn't want to have long lines of
24 people waiting to get into the Clerk's office having to

1 pay for copying costs of documents and things like that.
2 So we wanted to make sure that it was open and
3 accessible. And one way of doing that is putting
4 everything out on the web. And so we took public
5 documents that had been submitted by regular mail and
6 brought that out and copied it, scanned it, and put that
7 on the web and started to do that. So communications
8 between the Clerk's office and my office started that
9 discussion. But we have -- we were starting to receive
10 public comment.

11 Q We talked a little bit now about a web and
12 putting things out on the web. Did the County have a
13 website?

14 A We do.

15 Q And was there a portion of the website that
16 was dedicated to this siting application process?

17 A There was. We dedicated a portion.

18 Q So when you are saying that documents or
19 copies were scanned in and put out to the website, were
20 they put out to a specific portion of the website
21 relating to this siting application?

22 A It was.

23 Q And what was the purpose of doing all that,
24 to put this stuff out to the website?

1 A We wanted -- from the very beginning we
2 wanted this process to be open. We wanted -- this was a
3 huge application that was filed. And what we wanted to
4 make sure that we had is the opportunity for the
5 public -- since there is only 20 of these landfills in
6 the country, we wanted to make sure that the public had
7 the opportunity to review the application and that there
8 was that opportunity for the public comment to be posted
9 in a place where people could see that. So that's one
10 of the ways that we did that is to try and utilize the
11 new technology in the hearing process and utilize it.
12 So that's why we asked the applicant actually for an
13 electronic version of the application which is outside
14 of our ordinance.

15 Q And did you receive an electronic version?

16 A We did.

17 Q And was that posted to the website as well?

18 A It was.

19 Q So the entire application was on the website?

20 A The entire application.

21 Q Were there any other documents that were put
22 on the website as well?

23 A We put the entire application. We put links
24 to the EPA's -- the U.S. EPA and Illinois EPA's websites

1 that pertain to this matter specifically. We had links
2 to our ordinance that tied in with the code that we had
3 to follow. We put public comment both -- every document
4 we received was included on the website. We also
5 included the meeting transcripts that we had, the
6 presentations that were held here. If somebody had a
7 Power Point presentation that they presented at the
8 hearing, we put those documents on the website. And we
9 also put our staff reports and then any reports that
10 came out of filings that came out either in reaction to
11 our staff report, both pro and con, we put them on the
12 website as well.

13 Q And isn't it also true that any documents
14 filed after the close of the public hearing but within
15 that 30-day window were also posted to the website?

16 A Yes. They were.

17 Q So there was a significant volume of
18 documents relating to this siting application posted on
19 that website; is that accurate?

20 A That is correct.

21 Q And you said you wanted this to be an open
22 process and there to be exchange of information; is that
23 correct?

24 A That is correct.

1 Q And was that so that the process would be
2 fair to everyone involved?

3 A Absolutely.

4 Q Once the items were on the website, were they
5 available to anyone who had access to the Internet?

6 A Yes.

7 Q And did the County ever impose any charge or
8 fee for obtaining access to that information?

9 A No.

10 Q Did the County ever impose any charge or fee
11 for printing out the information which was posted to the
12 website?

13 A If you printed it on your own computer, no.
14 If you asked us for a copy in the Clerk's office, yes.

15 Q Putting all that -- putting together the
16 website and putting all the information onto it sounds
17 like a lot of work. Is that an accurate statement?

18 A A lot of work for the I.T. staff.

19 Q Were you involved in the decision-making of
20 the County regarding the creation and the use of the
21 website?

22 A Yes, I was.

23 Q And you had previously indicated that the
24 County did that to make this as open a process as

1 possible; is that correct?

2 A That is correct.

3 Q What do you mean by an "open process," I
4 guess?

5 A Well, part of this approach was designed to
6 make the decision-making of the Board, to give the Board
7 as much information as they possibly could get. Many
8 Board members would have the opportunity to access that
9 from home as well. They could see what was in the
10 public comments files as well. So that was out there.
11 If they wanted to do that, it was there. They could
12 come in and look at public records as well if they
13 wanted to do that. But in addition to that, because of
14 the decision with this landfill of this magnitude for
15 the siting, we felt as staff, and I as the staff person
16 who -- the County Administrator, that what we wanted to
17 do was put all this information out so that the process
18 was open, so that it was accessible. So all the
19 information, all of the public comment, all of the
20 dialogue regarding this issue was out for the public to
21 consume and be able to gather the information as they
22 could see it. And that ultimately that would -- in our
23 eyes we felt that that would make the Board make a much
24 more informed decision.

1 Q Now this might be an unfair question, but I'm
2 going to ask it anyway. Did you see any drawbacks to
3 having such an open process?

4 A No. You know, one thing that has happened
5 with the advent of technology like this is that it
6 affords the opportunity for public bodies to have all
7 the information that they are using to make their
8 decisions at the disposal of the public in general. And
9 I think that that's a very positive thing. Having that
10 kind of information out there so that the public can
11 review what the Board members and the decision makers
12 are going to review, I think is very helpful. And I
13 think it's very important that we -- and particularly
14 someone like myself and others in my profession that are
15 trying to help facilitate good decision-making, I think
16 that it's important that we do that.

17 Q Do you believe that having all of that
18 information available to the public, that resulted in
19 the public being more involved in this siting process?

20 A I think that what it did is it afforded
21 people the opportunity to become aware of this issue if
22 they wanted to. Too often there are -- we lament the
23 fact as public administrators that there isn't as much
24 interest in what we do, in the decisions that the Board

1 makes and that the County Board makes. So this afforded
2 us the opportunity. So, ultimately, I would say, yes,
3 this afforded the opportunity for the public to become
4 aware of this issue.

5 Q Going back now a little bit. Prior to the
6 start of the public hearings you indicated that there
7 was some public comment being filed with the Clerk's
8 office; is that correct?

9 A Yes.

10 Q And was some of that filed by opponents or
11 opposition groups to this siting application?

12 A I actually think it was both. I think there
13 were proponents and opponents that were filing in that
14 period of time between November of '05 -- is that what
15 you are talking about -- and February of '06 when we had
16 the hearings?

17 Q Yes.

18 A There was a combination of both.

19 Q Before the start of the public hearing, is it
20 correct that the County's ordinance requires that any
21 documents that are to be presented or used at the public
22 hearing be filed?

23 A Yes.

24 Q And, in fact, did anybody file any documents,

1 or such documents, before the start of the public
2 hearing?

3 A Documents to be used, yes.

4 Q And were those documents also uploaded onto
5 the County's website?

6 A Yes.

7 Q At any point in time did you become aware or
8 did you believe that PDC was aware of all these letters
9 and documents that had been filed?

10 A We had asked them for an electronic version
11 of the application with the explicit intent of putting
12 it on the web. And they agreed to give us that. We
13 then took all of the public comment that we had received
14 from the opening of the application process to that
15 February date and we went back and we uploaded that onto
16 the web. So we scanned all those documents in and put
17 those on the web. So going into those hearings, I felt
18 that we had done everything that we could to make that
19 process as open as possible and to make those documents
20 out there so that everybody knew what was there. So --

21 Q And when you make documents open to the
22 public, the public, of course, includes PDC and its
23 representatives; is that correct?

24 A That's correct.

1 Q So it was equally -- all of this information
2 was equally available to the applicant as well as
3 anybody that wanted to oppose the application?

4 A That's correct

5 MR. MUELLER: I'm going to object. It's leading
6 and it's also vague as to which information he is
7 talking about. If he could clarify, it would help.

8 Q I'm specifically referring to the information
9 that was on the website, on the County's website. And
10 so that was equally available to anybody in the public
11 including PDC?

12 A Anyone with access to the Internet could have
13 pulled up any document that was on that website.

14 Q At any point in time during the public
15 hearing process, did you become aware that PDC was aware
16 of public opposition to its application?

17 A I think PDC was well aware of the public
18 opposition to their application process.

19 Q And isn't it true that at the very beginning
20 of the public hearings PDC presented a series of
21 proposed special conditions to specifically address
22 public opposition?

23 A Yes.

24 MR. MUELLER: I'm going to object. It's leading

1 and calls for him to speculate as to why PDC would have
2 done something.

3 HEARING OFFICER WEBB: Would you like to rephrase
4 the question?

5 Q Were you present at the beginning of the
6 public hearings?

7 A Yes.

8 Q Do you recall when Brian Meginnes, the
9 attorney for PDC, made an opening statement at the
10 hearings?

11 A Yes.

12 Q And do you recall when Mr. Meginnes proposed
13 the special conditions?

14 A Yes.

15 Q And do you recall Mr. Meginnes specifically
16 stating that he was submitting those in response to
17 public opposition and concerns?

18 A Yes.

19 Q And so did that statement lead you to believe
20 that PDC was well aware of public opposition?

21 A Yes.

22 Q And, in fact, PDC presented witnesses that
23 addressed concerns that were raised by opposition; is
24 that true?

1 A Yes.

2 Q Excuse me, let me clarify that. During the
3 public hearings they presented witnesses; is that
4 correct?

5 A That is correct.

6 Q Now prior to the start of the public
7 hearings, had the County articulated any concerns about
8 rail service to the proposed landfill site?

9 A No.

10 Q Had the County articulated any concerns about
11 air emissions or ambient air monitoring at the site?

12 A No.

13 Q Do you recall whether the County had
14 articulated any concerns about a transfer of ownership
15 by PDC to some other operator?

16 A No.

17 Q Did the County articulate any concerns about
18 further expansions of the landfill?

19 A No.

20 Q Had the County articulated any concerns about
21 guaranteeing disposal capacity for the waste generated
22 in the County?

23 A No.

24 Q Now all those items that I just identified

1 were special conditions that were offered by PDC at the
2 public hearing; is that correct?

3 A That is correct.

4 Q And do you know why PDC would have been
5 trying to address these items unless it was in response
6 to public opposition?

7 A I believe that is correct.

8 Q So are you aware of any other reason?

9 A No.

10 Q I'm going to jump around. And I apologize
11 for this. But I previously asked you a few questions
12 about a committee meeting where the Rules of Order were
13 reviewed for the public hearing. Do you recall that?

14 A I do.

15 Q And were you present at that meeting?

16 A I was.

17 Q And I believe I asked you and you indicated
18 that Counsel for an opposition group was present at that
19 meeting?

20 A That's correct.

21 Q Was PDC or any representatives of PDC also
22 present at that meeting?

23 A Yes, they were.

24 Q So they would have become aware of any

1 opposition groups, certainly, at least by that point in
2 the proceedings; is that correct?

3 A Yes, they would.

4 Q Now have you been involved in any other
5 landfill siting application processes?

6 A No.

7 Q So this is your first experience with it; is
8 that correct?

9 A Yes.

10 Q Now you were involved throughout the process,
11 though, is that correct?

12 A That is correct.

13 Q Now do you believe in your
14 experience -- well, let me take it -- step back. Have
15 you been involved in other types of public hearings?

16 A Yes.

17 Q And how long have you been in public
18 administration?

19 A I have been in public administration for 15
20 years.

21 Q 15 years. And in what capacity have you
22 served during those 15 years?

23 A In the 15 years, from an intern to budget
24 analyst to assistant county administrator to a county

1 administrator.

2 Q In those 15 years have you had the
3 opportunity to observe other public hearings?

4 A Yes.

5 Q And was there anything that took place with
6 regard to the hearing process that the County oversaw on
7 this siting application that you thought was unfair?

8 MR. MUELLER: I'm going to object. That calls for
9 the witness to offer an answer on the ultimate issue
10 which is up to the PCB. Secondly, to the extent that
11 Mr. Brown has purported to qualify the witness as an
12 expert in something I don't think he has qualified him
13 as an expert in fundamental fairness in Section 39.2
14 siting hearings. And, thirdly, it calls for a
15 self-serving answer. He is an employee of the
16 respondent.

17 HEARING OFFICER WEBB: I will sustain your
18 objection.

19 Q Did anybody ever object during the course of
20 the hearings that it was unfair?

21 A No.

22 Q Did PDC ever object that the proceedings or
23 hearings were unfair?

24 A No.

1 Q In fact, everybody who -- you had previously
2 indicated that everybody who wanted to speak got the
3 opportunity to speak at the public hearings?

4 A They did.

5 Q Now after the close of the public hearings,
6 there was a 30-day public comment period; is that
7 correct?

8 A That is correct.

9 Q Did the County receive any public comments
10 during that period of time?

11 A Significant public comment.

12 Q And did you personally review any of the
13 documents that were received during that period of time?

14 A I did periodically look at some of the
15 documents that were submitted, yes.

16 Q Now prior to the close of the public comment
17 period, did you ever become aware that County Board
18 members may have been receiving communications
19 concerning the application?

20 A When -- as we started to get -- the public
21 comments started to come in, Board members would come in
22 with documents that they had received, whether it be via
23 mail or via e-mail and they had forwarded those onto us
24 to be submitted as part of the public record. And we

1 communicated back to the Board members themselves saying
2 that if you receive the documents, please get them to us
3 so that we can put them in the public record.

4 Q So that was part of the process that you and
5 the County staff had implemented --

6 A That is correct.

7 Q -- was to ask County Board members that if
8 they did receive any documents to forward them onto
9 County staff?

10 A For inclusion into the record yes.

11 Q Were those documents, in fact, included in
12 the record?

13 A Every effort was made to put every document
14 that we received from the Board into the public record.

15 Q In fact, did you receive some such letters
16 and e-mails from County Board members?

17 A Yes, we did. Regularly.

18 Q And those would have been posted to the
19 website just like any other public comment; is that
20 correct?

21 A Yes.

22 Q Do you recall when the public comment period
23 would have ended?

24 A I think that would have been roughly around

1 the end of March is when we were looking at closing it.
2 It was about 30 days after the end of the close of the
3 public hearings. So it would have been the end of
4 March.

5 Q And after the close of the public comment
6 period, did the County continue to receive filings
7 relating to the application?

8 A Yes. We received filings. After that public
9 comment period had ended is when -- or right near the
10 close of the public comment period, actually with a
11 little bit of time left, we submitted our county staff
12 report. And then we received responses back, reactions
13 to our county staff report. And those were filed in the
14 record. And then we filed a supplemental staff report.
15 And with that supplemental staff report, there were
16 documents that were filed after the close of the public
17 comment period as well.

18 Q And isn't it, in fact, correct that PDC filed
19 things in the record after the close of the 30-day
20 public comment period?

21 A That is correct.

22 Q And would those documents have also been
23 included on the website?

24 A Yes, they would.

1 Q And was there a meeting of the subcommittee
2 that conducted the public hearings after the close of
3 the public comment period?

4 A There was a -- after the close of the public
5 comment period, we had a meeting at which point -- it
6 was April 3rd. It was a reconvening of the subcommittee
7 for the County to present, the County staff to present
8 their staff recommendations, which we did, our staff
9 report and our supplemental staff report. Prior to the
10 meeting on April 6th, at which point the full committee
11 of the whole met to -- or the full committee met, the
12 site hearing committee met to establish --

13 Q Would that meeting have been on April 6th?

14 A That was on April 6th, yes.

15 Q Were you present at that April 6th meeting?

16 A Yes, I was.

17 Q And were all the County Board members present
18 at that meeting?

19 A On April 6th, no. There was one County Board
20 member, I believe, that was absent.

21 Q And there was a subsequent -- were there any
22 meetings after the April 6th meeting?

23 A Yes. There was a meeting in May -- the date
24 is escaping me right now, but it was May 3rd, I think,

1 or May 8th -- I can't remember exactly when it
2 was -- that the full Board met to take final action on
3 the landfill siting decision.

4 Q But between the close of the public comment
5 period and the end of March, you indicated, and the time
6 when the committee met to vote on or to try to come up
7 with proposed findings of fact, was just a week or so;
8 is that accurate?

9 A That is accurate.

10 MR. BROWN: I have nothing further at this time for
11 this witness.

12 HEARING OFFICER WEBB: Cross-examination?

13 MR. MUELLER: Thank you. I will try to speak up,
14 or do you want me at the microphone?

15 HEARING OFFICER WEBB: If you can speak up, you can
16 stay there.

17 MR. MUELLER: Thank you, Ms. Webb.

18 CROSS-EXAMINATION

19 BY MR. MUELLER:

20 Q Mr. Urich, did I hear you correctly to say
21 that every effort was made to put every piece of
22 information received regarding this application on the
23 County's website?

24 A Yes.

1 Q And so if it wasn't on the County's website,
2 would it be fair to conclude that it wasn't received?

3 A It would be fair to conclude that.

4 Q Now you indicated that you supervised
5 preparation of the staff reports?

6 A That is correct.

7 Q Would it be fair to summarize the staff
8 reports as recommending siting approval subject to
9 certain conditions?

10 A That is correct.

11 Q You indicated that PDC was present at some of
12 the County Board meetings prior to the commencement of
13 the public hearings?

14 A That is correct.

15 Q And at some of those Board meetings, certain
16 members of the public spoke out against the proposed
17 application even before it was filed, right?

18 A Yes.

19 Q PDC never commented or spoke on the merits of
20 the siting proposal at any of those meetings, did they?

21 A Never on the merits. They were speaking in
22 response -- I think it was in response to some of the
23 public comments that were being made.

24 Q You said you recall Royal Coulter, the

1 president and chairman of the company, being there. Do
2 you remember him ever speaking on the application?

3 A No. It was only Mr. Meginnes.

4 Q And it was never on the merits, just on
5 answering a question on a procedural matter?

6 A Mostly it's my recollection that those
7 responses were in response to the content of the
8 statements that were being made publicly at that point
9 in time.

10 Q Now are there any County ordinances which
11 designate this website that you refer to as the official
12 repository of County records?

13 A No.

14 Q Is it the official repository of County
15 records?

16 A No.

17 Q Were there any ordinances adopted in
18 connection with this landfill application indicating
19 that notices to the public and to the parties and other
20 official information would be officially transmitted via
21 the County's website?

22 A No.

23 Q So the County's website was really an
24 informal way of getting information out to those members

1 of the public who wanted to utilize it, right?

2 A Yes.

3 Q And efforts were made to keep the information
4 accurate, but nobody ever pretended that the website was
5 the official repository of landfill application
6 information; is that true?

7 A That is true.

8 Q And your understanding is that the County
9 Clerk's Office was the official repository of landfill
10 related information?

11 A By our ordinance the County Clerk's Office is
12 the keeper of the official record.

13 Q And so, actually, the County Clerk, who at
14 that time was JoAnn Thomas, was the keeper of the
15 official record?

16 A Yes.

17 Q You indicated that there was a meeting in
18 January at which the rules and procedures for the
19 application hearing and the decision-making process were
20 discussed, correct?

21 A I think it was early February. But there was
22 a meeting prior to the hearings in that time frame of
23 late January, early February.

24 Q And you indicate that representatives of

1 opposition groups and even one of their attorneys was
2 present?

3 A That is correct.

4 Q At that meeting did the County ever advise
5 those opposition groups that they should telephone their
6 County Board members with any information they might
7 have?

8 A Not to my knowledge.

9 Q Did the County ever advise any of those
10 opposition groups at that meeting that they should go to
11 County Board members' homes with any information they
12 might have?

13 A No.

14 Q Did the County ever advise at any of those
15 meetings or at that meeting the opposition group members
16 that they should directly e-mail County Board members
17 with any concerns or information they might have?

18 A No.

19 Q In fact, what you advised was that if you had
20 concerns or information, you should either file it with
21 the County Clerk or present it at the public hearing,
22 right?

23 A I believe that is correct.

24 Q And PDC never complained about that advice

1 that the County gave to the opposition groups, namely,
2 that they should communicate either at the public
3 hearing or by filings with the County Clerk?

4 A To the best of my knowledge, no.

5 Q You indicated that you learned sometime later
6 on that members of the public and of certain opposition
7 groups specifically were e-mailing County Board members
8 directly?

9 A Yes.

10 Q And are you aware that the Peoria Disposal
11 Company representatives were e-mailing County Board
12 members directly?

13 A It's possible. But I can't recall if there
14 was anything from anyone in a proponent position who was
15 supporting the expansion of the landfill that sent
16 anything to a County Board member via e-mail.

17 Q And, in fact, the direct e-mails to County
18 Board members from opposition groups including from
19 opposition group leaders like Ms. Blumenshine on behalf
20 of the Sierra Club numbered in the hundreds, if not the
21 thousands, correct?

22 A There was a significant amount of e-mail that
23 was in opposition to the landfill expansion.

24 Q And when you say e-mail, we are not talking

1 about e-mail directly to County Board members, right?

2 A Well, I'm just talking about e-mail directly
3 into the public record, whether -- I can't answer what
4 was coming to each individual County Board member's
5 e-mail boxes.

6 Q However, once you learned that County Board
7 members were getting e-mails and other communications
8 directly, such as leaflets delivered to their homes and
9 so forth, you encouraged them to turn all of that in to
10 the Clerk?

11 A Absolutely.

12 Q And whatever was turned in to the Clerk then
13 was posted on the County's website?

14 A That is correct.

15 Q You don't know what percentage of those
16 direct communications were turned in to the Clerk, do
17 you?

18 A No.

19 Q Now, Mr. Urich, do you recall a series of
20 e-mails that you were involved in in mid to late April
21 2006 involving Kathy Stevenson?

22 A I do.

23 Q And, for the record, let me show you a
24 portion of that string of e-mails. Mr. Urich, this has

1 been previously marked as Exhibit 93 and actually
2 admitted as such. And I would ask you to briefly review
3 it and let me know whether or not you recall receiving
4 the e-mails directed to you and writing the ones that
5 purport to be written by you?

6 A Yes. These are familiar. I'm familiar with
7 these e-mails. I received this e-mail from Kathy
8 Stevenson and responded back to her. There is a chain
9 of responses going back and forth.

10 Q Directing your attention specifically to the
11 bottom of the first page, an e-mail from you dated April
12 18th, 2006. Do you see the last sentence of that e-mail
13 from you which says, "Please feel free to contact Mike
14 or I with any questions"?

15 A Yes.

16 Q And does the reference to Mike mean Mike
17 Phelan who was at that time a County Board member?

18 A Yes, it is.

19 Q Now, Mr. Urich, there has been a document
20 previously filed by the County just recently in a motion
21 to supplement the record which is referred to as the
22 Findings page allegedly generated on May 3rd, 2006. And
23 it's identified as page C137659.

24 And I believe that the way I handed this out

1 to you, Mr. Urich, the first page is an identifying page
2 generated by us and the second page is the actual
3 document. Do you recall ever seeing that page before?

4 A I do. I'm trying to put it into context. It
5 looks like it's just a portion of what would have been
6 the Findings of Fact. So --

7 Q Do you know whether that page was ever posted
8 on the website?

9 A I do not. I would assume, but I do not.

10 Q If I were to tell you that it was never
11 posted on the website, would it be fair for me to
12 conclude that it was never part of the public record
13 maintained by the Clerk?

14 A No. I think that the proceedings and the
15 public record and the record, once we move from the
16 adoption of the Findings of Fact on April 6th to the
17 final decision on May 3rd, the responsibility for all
18 these Findings of Fact and the paperwork that would go
19 along with that would be the responsibility of the
20 County Clerk. And she would have held those papers and
21 had those papers in her possession on the night of the
22 meeting.

23 Q Didn't you indicate that all papers that the
24 County Clerk had regarding this application were posted

1 on the website?

2 MR. BROWN: I'm going to object. I think that
3 mischaracterizes his prior testimony.

4 MR. MUELLER: It's cross-examination.

5 HEARING OFFICER WEBB: I will allow it.

6 A Could you repeat the question?

7 Q Didn't you indicate previously that
8 the -- all papers the County Clerk had regarding this
9 application were to be posted on the website?

10 A The intent was that all the papers that we
11 had were posted on the website, yes. There were certain
12 issues that we had, there were certain adjustments made
13 to the Findings of Fact at the April 6th meeting that
14 ultimately were modified, and there may have been some
15 changes. We had a printer here that was set up in this
16 room in case there was any debate or discussion over
17 changes in the Findings of Fact so that we could make
18 those changes that evening so that the Clerk could have
19 a full record of whatever those Findings of Facts would
20 be at that point in time.

21 So if there was a page that was modified
22 based upon the discussion that evening, that may have
23 been separate from what was ultimately posted or what
24 was posted prior to the meeting.

1 Q And so if that modified page didn't get on
2 the County website, it would be fair to say it was the
3 Clerk's screwup and not yours?

4 A I'm not saying it's a screwup at all. I
5 would say that it's a matter of at this point in time in
6 terms of determining the final course of the
7 proceedings. But the responsibility for the paperwork
8 ultimately and the official record was the County Clerk.
9 The keeper of the record per our ordinance is the County
10 Clerk.

11 Q And your best understanding as the County
12 Administrator was that the County Clerk understood your
13 desire that all of the official papers regarding this
14 application get onto the website?

15 A Yes. I would agree with that.

16 Q And the County Clerk's office actually had
17 the ability to directly upload to your website, didn't
18 it?

19 A I don't believe that -- but I do believe that
20 they have that capability.

21 MR. MUELLER: Mr. Urich, thank you very much.

22 THE WITNESS: Thank you.

23 HEARING OFFICER WEBB: Any redirect, Mr. Brown?

24 MR. BROWN: If I could have just a moment, please?

1 HEARING OFFICER WEBB: Sure.

2 MR. BROWN: We don't have anything further for
3 Mr. Urich at this time.

4 HEARING OFFICER WEBB: Mr. Mueller, these two
5 documents are already part of the record?

6 MR. MUELLER: They are. And I handed them out just
7 so that everybody had a copy and could see what we were
8 talking about. And I think in my questions I
9 sufficiently identified them so that the written
10 transcript will be clear.

11 HEARING OFFICER WEBB: Thank you.

12 (Whereupon, a recess was taken in the
13 proceedings.)

14 HEARING OFFICER WEBB: Mr. Brown, are you ready to
15 call your next witness?

16 MR. BROWN: Yes, ma'am. I call Russell Haupert.

17 HEARING OFFICER WEBB: Hopper?

18 THE WITNESS: Haupert, H-a-u-p-e-r-t.

19 (Witness sworn.)

20

21 RUSSELL HAUPERT,
22 called as a witness, after being first duly sworn, was
23 examined and testified upon his oath as follows:

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DIRECT EXAMINATION

BY MR. BROWN:

Q Please state your name.

A My name is Russell Hauptert.

Q And is it correct that you have previously had your deposition taken in this matter in September of last year?

A Yes, sir.

Q And in that deposition you indicated that you were the I.T. director for Peoria County?

A Yes, sir.

Q Are you still the I.T. director for Peoria County?

A I am.

Q And were you the I.T. director for Peoria County at the time the County was dealing with the PDC siting application from, roughly, November of '05 to May of '06?

A Yes, sir.

Q And you had previously testified about your involvement in dealing with the website that Patrick Urich has testified about; is that correct?

A I did, sir.

Q And do you know or is there any way to tell

1 if anybody ever used the County's website for the PDC
2 information page that was on there?

3 A Yes, sir. As a routine matter, our website
4 keeps track of the number of page views for each page.
5 And they are retained in logs which we can query
6 periodically.

7 Q And did you ever query any of those, I guess,
8 page logs, is it?

9 A Sure. Sure.

10 Q And do you have any idea of how many views or
11 how much use of that website --

12 A Yes.

13 Q -- took place?

14 A Up to about I would say September 7th of the
15 logs that we have we were just under 8,000 page views
16 for the main PDC expansion application web page. That
17 is the page that was dedicated to the filing and the
18 information associated with it.

19 Q Now are those records kept as part of your
20 regular course of business?

21 A Certainly.

22 Q And part of the County's regular course of
23 business?

24 A Yes. Yes. And really for any number of

1 pages out on the website we have that information.

2 Q And I'm going to hand you a document that I
3 have previously provided to Counsel. Do you recognize
4 this document?

5 A Say, that's a good-looking graph there. Yes,
6 I do recognize it.

7 MR. MUELLER: We are going to presume it was
8 prepared by him based on the characterization, and we
9 will waive any foundation objections, but don't
10 understand the relevance of it.

11 HEARING OFFICER WEBB: I'm sure that's about to be
12 made clear to us.

13 MR. BROWN: The relevance is that it goes to the
14 overall fundamental fairness of these proceedings or the
15 proceedings in front of the County Board. And I just
16 wanted to get into the record how much this website that
17 the County put together was actually used as part of
18 this overall process. So that's my position on the
19 relevance of it. Counsel can argue that. I believe
20 they may have even asked these questions in their
21 deposition of some of the County staff. I believe they
22 waived foundation requirements, correct?

23 MR. MUELLER: Yes.

24 Q Could you describe, briefly, what this piece

1 of paper means?

2 A The graph and the table associated with it is
3 a reflection of the number of page views that were
4 recorded on a monthly basis from November 5th through
5 September -- rather November of 2005, the complete
6 month, through September of 2006 which was a portion of
7 the month. And what you see are two sections. One is
8 the cumulative. The red section is the cumulative
9 number of website hits. So over time the running
10 cumulative total which came in to just under 8,000,
11 7,957 page views. And the blue section is the
12 month-to-month totals which would record the total
13 number of hits for that month as the time progressed.

14 Q Now you have used a couple of different terms
15 here. One is "page view" and one is "hits"?

16 A Yes. I should be more accurate. Page hits
17 are generally a less accurate indication of usage. We
18 actually record page views which is a little bit more
19 accurate. It is literally how many times that page was
20 displayed to a web user. Whereas web hits can include a
21 number of things that would not necessarily be
22 indicative of the actual usage of the page.

23 Q And so this graph -- or excuse me, this table
24 up above the graph, it says "Monthly hits." Is that --

1 A It's an old term that I just left in. I
2 should be using "page views." And that does accurately
3 reflect what the graph is recording as well.

4 Q And a page view is where --

5 A A person pulls up the page and looks at it in
6 its entirety.

7 Q And how did you put together this table and
8 the numbers in it?

9 A The numbers were drawn from a query that I
10 did of the log table for our website selecting all of
11 those records that had to do with the PDC page. I
12 summarized them in an Excel document and then created a
13 graph based on that summary.

14 Q To the best of your ability, are these
15 figures accurate?

16 A Yes, they are.

17 MR. BROWN: And we would ask that this be admitted
18 as -- I guess, it would be Exhibit 106?

19 HEARING OFFICER WEBB: Does the petitioner object
20 to the admission of this exhibit?

21 MR. MUELLER: We are going to object to the exhibit
22 based upon relevance. This doesn't tell us who accessed
23 the website; whether the same person accessed it
24 multiple times; whether it was opponents or proponents;

1 why they accessed the web page. I mean, the mere fact
2 that there were a lot of hits apparently during the time
3 when this application was pending is of, I think, no
4 significance at all.

5 HEARING OFFICER WEBB: Well, I'm not sure how
6 relevant it is, but as background information I don't
7 think it's too prejudicial to the petitioner. And it is
8 somewhat interesting. It's background information. So
9 I think I will admit this as Exhibit 106.

10 (Exhibit Number 106 was marked for
11 identification.)

12 Q Now as -- I guess as background information
13 as well about the website, is there any way of keeping
14 track of how many documents were downloaded off of the
15 website?

16 A Yes, sir.

17 Q And is that something that the County kept
18 track of as well?

19 A We tried to keep track of relevant
20 information as it pertains to popularity of documents
21 that are downloaded.

22 Q And do you have any idea of how many
23 documents would have been downloaded off of the web page
24 dealing with the PDC application?

1 A I know that I did a check sometime in March
2 for a report that I issued. And I believe that amount
3 was in excess of 3,700 documents downloaded at that
4 point in time.

5 Q Did you ever receive any complaints about the
6 PDC page or the website during the period the
7 application was pending from November of 2005 until May
8 of 2006?

9 A No, sir.

10 MR. BROWN: I have nothing further at this time.

11 HEARING OFFICER WEBB: Any cross?

12 MR. MUELLER: Just a couple.

13 (Pause in proceedings.)

14 MR. MUELLER: Ms. Webb, I apologize. We have
15 changed our mind, and we have no questions

16 HEARING OFFICER WEBB: Okay. Thank you very much,
17 Mr. Hauptert.

18 THE WITNESS: Thank you.

19 HEARING OFFICER WEBB: You may call your next
20 witness.

21 MR. BROWN: The County has no further witnesses at
22 this time.

23 HEARING OFFICER WEBB: Okay. Do you have any
24 further exhibits?

1 MR. BROWN: No, ma'am.

2 HEARING OFFICER WEBB: I'm going to read into the
3 record the briefing schedule that we already discussed
4 before the hearing started. The petitioner has agreed
5 to waive the decision deadline to May 17th; is that
6 correct?

7 MR. MEGINNES: Yes.

8 HEARING OFFICER WEBB: Okay. And you will also
9 file something in writing to that effect?

10 MR. MEGINNES: Yes. We will.

11 HEARING OFFICER WEBB: Thank you very much. As we
12 discussed, the petitioner's brief will be due on
13 February 16th. The respondent's brief will be due on
14 March 23rd. And the petitioner's reply will be due on
15 April 6th. I will also ask that -- I will also set the
16 public comment deadline as April 6th as well. Public
17 comment needs to be postmarked by April 6th. I will
18 allow the mailbox rule for the public comment, although
19 I would ask that the reply brief please be in the office
20 of the Pollution Control Board by April 6th. So the
21 record will be closed as of April 6th. I have requested
22 an expedited transcript. So we will have that within
23 three business days, and that will be posted on the
24 Board's website as quickly as possible. I think that's

1 it.

2 Would the petitioner like to make any closing
3 argument?

4 MR. MEGINNES: No. We would not.

5 HEARING OFFICER WEBB: Mr. Brown, would you like to
6 make any closing argument?

7 MR. BROWN: The County would waive closing.

8 HEARING OFFICE WEBB: Okay. Well, at this time we
9 will begin taking public comment. I will mention that
10 members of the public have two options. They may make a
11 sworn statement under oath that is subject to
12 cross-examination, or they may make a public comment
13 which is not sworn under oath and which is not subject
14 to cross-examination. I did tell Mr. Edwards that I
15 would call him first. So, Mr. Edwards?

16 MR. EDWARDS: I would like to defer a little bit at
17 this point to get my thoughts together. And maybe
18 somebody else can go first.

19 HEARING OFFICER WEBB: All right. Please raise
20 your hand if you would like to speak at this hearing.

21 Wow, I do not see any hands raised. Nobody
22 is here to speak at today's hearing? Oh, okay. Ma'am?

23 MS. VOEGELI: Shall I come up?

24 HEARING OFFICER WEBB: Yes. Please come sit at the

1 witness stand, or you can stand at the podium, either
2 way. You are just making a public comment?

3 MS. VOEGELI: Yes.

4 HEARING OFFICER WEBB: Okay. Thank you. And your
5 name, please?

6 MS. VOEGELI: I have a terrible cold. My voice is
7 going in and out. My name is Jennifer Voegeli.

8 HEARING OFFICE WEBB: Could you spell that, please?

9 MS. VOEGELI: Yes. It's V as in Victor,
10 o-e-g-e-l-i.

11 HEARING OFFICER WEBB: Okay. You may begin,
12 Jennifer.

13 MS. VOEGELI: I live near the landfill, in a
14 neighborhood near the landfill. I was initially very
15 opposed to this. I attended most of the hearings last
16 winter. And as I listened to all the experts, I came to
17 the conclusion that the expansion is safe, that it
18 should be allowed in exchange for the concessions that
19 PDC granted by the end of the proceeding. I think that
20 it's important that our community find a local solution.
21 Opponents talk about making this a super fund site, and
22 I don't think digging it up and carting it somewhere
23 else, I think all of that is not very realistic. I know
24 personally the fear and emotion around this issue, that

1 it's very difficult to see past that to what the facts
2 are. I've come to this place -- I mean, it's been a
3 difficult journey, so to speak. I just think we have a
4 very rare and unique opportunity to bring the old
5 portions of the landfill up to current standards. And I
6 think any other solution is going to make -- will have
7 to wait for it to leak before something gets done.

8 So I just think that the facts don't support
9 the fear and emotion around this, that it should be
10 allowed, but only with these concessions that PDC gave.
11 And we need a perpetual care fund. The fact of the
12 matter is the landfill is there. It's been there for 30
13 years. It's a part of Peoria's legacy, and we have a
14 local opportunity to deal with our own problem. And I
15 just think it's important that this be allowed with
16 concessions. Thank you very much.

17 HEARING OFFICER WEBB: Thank you. Would anyone
18 else care to speak, make a public comment on the record?
19 Yes, ma'am? What's your name, please?

20 MS. BLUMENSHINE: My name is Joyce Blumenshine,
21 B-l-u-m-e-n-s-h-i-n-e. I was previously chair of the
22 Heart of Illinois Group Sierra Club. And I'm here as a
23 concerned citizen volunteer. I would like to comment
24 that on Friday of this last week PDC issued another

1 proposal on the landfill. And in the paper on Saturday
2 Brian Meginnes was quoted that they have now a backup
3 plan for another way to get their expansion. They will
4 declare themselves an industrial site because they mix
5 things in with the waste. I would think that points out
6 again that this landfill issue is something that PDC
7 realizes that their facts aren't going to sustain this.
8 So they are trying to get the expansion. In the
9 hearing, at the end of the hearing I distinctly remember
10 that Brian Meginnes said it was a fair hearing. And if
11 you look at the days of testimony, I didn't calculate
12 this, but the nine, I believe, professional witnesses
13 from PDC had a preponderance of the testimony time.

14 My concerns are that the public's view was
15 something that came from the grass roots, that came from
16 the community concern that reflect their overall
17 concerns for the future of this landfill and that the
18 PDC application didn't address all that. There are old
19 parts of the landfill that until we started raising the
20 issues were not really talked about. And the comments
21 from Mr. Edwards, immediately he responded to proponents
22 there is no lining under the barrel trench needing
23 assistance for about 20 years. So I just want to
24 reiterate this was a huge issue for our community. That

1 at the hearing I did hear Brian Meginnes say it was a
2 fair hearing. I thank you for your time.

3 HEARING OFFICER WEBB: Thank you.

4 Anybody else? Mr. Edwards. Your name is Tom
5 Edwards, right?

6 MR. EDWARDS: Tom Edwards. I live at 902 West Moss
7 Avenue, Peoria.

8 I would like to point out this landfill
9 is -- this landfill sits over the aquifer which supplies
10 most of the water for the Peoria area and the
11 surrounding areas by far. It's also upwind of the
12 entire city of Peoria and surrounding areas. And
13 everywhere there has been experiments and studies
14 conducted to date, by the European countries and New
15 Jersey and New York State, has shown increases in birth
16 defects and strokes and other illnesses in the vicinity
17 of landfills due to air pollution. And this has come
18 out within the last six or seven years, mostly within
19 the last five years due to a study in Europe. And this
20 one is certain -- I have been in the landfill,
21 unauthorized. And I looked at some of their vents,
22 pipes. There is a lot of air pollution coming out of
23 there. I'm the only person, I think, in the city of
24 Peoria that has done that. I think we've got to start

1 studying that. And no records, no statistics, no
2 monitoring of the air pollution of the landfill by the
3 State of Illinois or the federal government. They are
4 totally unmonitored.

5 There are 843 different chemicals. Some of
6 the most worst chemicals known to man except nuclear, of
7 course, that are allowed in the landfill. Only 20 are
8 monitored. And the monitoring of those 20 is very, very
9 sketchy. Actually, PDC calls -- they take quarterly
10 samples. PDC calls -- Peoria Disposal Company calls the
11 State when they want them to come out and take samples.
12 In other words, okay, today is a good day to come out
13 and take them. Then they come out and take samples
14 together with PDC. This is a very -- well, you can
15 imagine yourself the pressure that the State's under.
16 And they recently stated they are going to go back to
17 once a year sampling instead of quarterly sampling.

18 This is the highest scope of the entire area
19 out there. This expansion proposed would take it up
20 another five stories more, at least 45 feet, probably 50
21 because we found out that part of the area is already
22 leaking. There is 64 acres used out there. Of that 64,
23 we can only use 32. And of that 32 it has already been
24 demonstrated that eight or ten of those acres are

1 leaking also.

2 The landfill is privately owned. It's always
3 been privately owned. And it's the state and federal
4 government's responsibility to provide a perpetual care
5 plan. I have contacted the State, and they are looking
6 at that possibility of long-term care. We are talking
7 far beyond the 30 or 40 years that this is going to
8 require. But that's just the wrong place for a landfill
9 like this. On top of our aquifer, right out at the end
10 of the City of Peoria.

11 We are talking about the average from 11 to
12 12 states bringing all of their toxic waste here to
13 dump. I was recently up in Minnesota, at Duluth,
14 Minnesota, and where do they go? Here. And it's a
15 terrific burden for us to take all of these things. I
16 have looked at the records, it's a total of 15 states in
17 total that come here. One year Texas sent its waste up
18 here. We are talking about a lot a lot of waste, and
19 most of the waste comes from outside of Illinois.

20 Recently Chicago's hazardous waste landfill
21 was closed by the new owner. It wasn't even a state
22 mandated closure. We are the only landfill this side of
23 the Rocky Mountains all the way to Indianapolis and the
24 upper half is Michigan. So that's got to come here, or

1 it's got to go to Indianapolis. And I'm sure
2 Indianapolis has something to say about that, too. So
3 we are talking about much more waste already coming
4 here.

5 We have here the longest hearing in the
6 history of this Central Illinois area on it. There were
7 six days, 56 hours of testimony. A lot of it was taken
8 by the landfill owner himself. I will submit a written
9 report in the comment period. But right now this is
10 certainly a hazard for the entire -- all of the people
11 of this area. Also it reaches the water in the Illinois
12 River.

13 Oh, yes, I know what I wanted to say. We are
14 talking about the landfill since 1987. As you see on
15 trucks, 77 years in business. That landfill has been in
16 operation since 1940 or 1939. I will say 1940 to be
17 safe. They have photographs. We have photographs, too,
18 that were taken by another turnover years ago of the
19 open pit dumping in the beltlines. And this landfill we
20 are talking about now is 64 acres they are using. The
21 first of it was -- 14 acres of that was a barrel trench.
22 And I thought it was a waste equipment barrel they put
23 in the ground. I thought one of those barrels was still
24 intact. And we talked about leaking in the landfill.

1 Why hasn't somebody explored this? Because nobody knows
2 about it. You look at the water company, they aren't
3 testing for these things. And they aren't testing for
4 them. Okay. They've got monitoring wells around the
5 entire landfill, five or six of those monitoring wells
6 are at barrel trench. They have never been used. They
7 aren't in operation as of the last time I checked the
8 EPA. Five or six that aren't being used. And there is
9 all kinds of discrepancies like this. So let's start
10 monitoring those. I'm saying the fact is, if we really
11 look, we've got poisons going through our water now that
12 are unsafe.

13 Go to the grocery store and watch people buy
14 bottled water. Look at the people that are delivering
15 it to their houses. They sense something is wrong with
16 the water coming out of their tap. So the landfill --
17 and as you look at those pictures and photographs taken
18 out there in 1949 -- we are talking about something that
19 as one long-time resident said to me, If that landfill
20 ever breaks open, this will become a ghost town. People
21 will leave. Industry will leave. And that landfill did
22 break open about 1980. And this is the first public
23 comment, what I'm making now. I saw an older person who
24 saw it. And there was an official of the State of

1 Illinois who watched it. Hazmat was called in. It
2 rolled down the hill. It rolled across the highway
3 about three feet deep out into the sludge land. People
4 with space-age type uniforms had to be called from the
5 state or federal agency, whatever Hazmat is, to clean
6 that up. Route 8 was closed because of the spill. Now
7 this new landfill is going to go up another five stories
8 high, and it's going on top of the hill, not to be
9 buried. It's going to be encased in dirt walls made by
10 man. So what keeps this stuff from leaking through the
11 dirt walls? Plastic. Plastic in front of that.

12 You know, daily bringing the trucks in and
13 dump in the landfill there. And it goes through a
14 process of dumping. They will bring a bulldozer around
15 there to pack it down. How intact are those plastic
16 liners going to be? And how intact are they going to be
17 with the possible acids and stuff that are broken out?
18 This is the most dangerous thing we have ever had in
19 Peoria, and it could really eliminate this town. We
20 have ghost towns in other places. They became ghost
21 towns for various reasons. The one in Missouri became a
22 ghost town because of nuclear waste.

23 So I think we have very -- it's not just
24 important to us, but it's important to the United States

1 and the world, our nation, the entire world. We've got
2 to start looking. We are in the space age technology,
3 talking about sending things to other planets. How easy
4 is that going to be, sending our waste to other planets?
5 We are so far behind. This is basically archaic,
6 primitive ways of dealing with waste. And they ban
7 landfills. They talked about 20 landfills. There are
8 only 13 left that are commercial landfills in the United
9 States. But of the 13 landfills -- we only have 13
10 landfills. A couple other places in Illinois were
11 privately owned. They are closed now. They don't want
12 to take the risk. They don't want the hazard. They
13 don't want the liability. I have been advised by the
14 Center for Health Environment and Justice there is no
15 place to get adequate and decent insurance. Lloyd's of
16 London won't insure these landfills. So like I'm
17 saying, if this landfill ever breaks, it's going
18 to -- Peoria is going to become a ghost town. And it's
19 already broken once and no records, because the records
20 weren't being kept of those kinds of things. Thank you.

21 HEARING OFFICER WEBB: Thank you.

22 Yes, ma'am? What is your name, please?

23 MS. CONVERSE: Kim Converse.

24 HEARING OFFICER WEBB: I'm sorry, what was the last

1 name?

2 MS. CONVERSE: Kim Converse.

3 HEARING OFFICER WEBB: Converse?

4 MS. CONVERSE: C-o-n-v-e-r-s-e. I just want to
5 express a couple of things. The County's duty, as I
6 think all understood it and still do understand it
7 today, is that the County Board was to base their
8 decision on the facts and the evidence. And they did
9 that. And we are very proud that our community has
10 rallied around such important health and safety issues.
11 We are proud that there have been so many different
12 groups of individuals on their own who have spoken and
13 learned about the issue. We are proud to have been a
14 part of that, and we are absolutely confident
15 that -- like Mr. Meginnes said in the hearing that you
16 will find, too, it was a fair process, very open. And
17 certainly there were and still are many, many -- a
18 mountain of evidence to support our position. And we
19 will continue to follow this issue and be very active in
20 the community that we are so proud of. Thank you.

21 HEARING OFFICER WEBB: Thank you.

22 Anyone else? Sir? Your name, please?

23 MR. ZWICKY: Gary Zwicky, Z-w-i-c-k-y.

24 HEARING OFFICER WEBB: Thank you.

1 MR. ZWICKY: I spoke at the hearing. I testified
2 at the hearing and represented the medical community of
3 Peoria. And the medical community and the doctors in
4 Peoria and Peoria County have spoken on this issue. All
5 three medical staffs of Peoria area hospitals have
6 spoken and opposed this expansion in the proposed form
7 based on perceived health risks in the future. And this
8 whole discussion is all about risks. I, as a physician,
9 and all of your doctors that take care of you are
10 required to disclose risks before they do any procedure
11 on you or even advise any treatment. They are required
12 by law to talk about risks. That's what's been lost in
13 this whole discussion is, what are the risks and what
14 are the benefits? The benefits are to a private
15 company. The risks are being assumed by the entire
16 population of this area. And if you look at the facts
17 that were presented, Peoria County has a higher than
18 average cancer rate according to the Illinois Cancer
19 Society. We are one of the highest in Illinois.

20 Number two, we have the highest lead levels
21 of any -- some of the top lead levels in children
22 anywhere in the country. Now nobody, including me, is
23 pointing the finger at PDC. I'm not doing that. Nobody
24 is saying PDC is causing cancer or high lead levels.

1 What we are saying is, Why should we accept more risk by
2 importing these things into the community and burying
3 them here from others across the country? It's one
4 thing to talk about taking care of our own pollutants
5 that are produced in this county or even produced in
6 this state. But to look at importing these toxic
7 chemicals into Peoria where the population of Peoria is
8 put at risk is wrong. Thank you.

9 HEARING OFFICER WEBB: Thank you.

10 Anybody else? Ma'am? Your name, please?

11 MS. GERARD: My name is Suzanne Gerard,
12 G-e-r-a-r-d. And I would like to speak to Mr. Edward's
13 statement that people would leave this area. This has
14 already happened in my own family. My daughter and her
15 husband had a baby. They lived in Seattle. They moved
16 back to Peoria last year in order to raise this child in
17 proximity to the family. They bought a house. They
18 found out about the toxic waste dump. They never moved
19 into their house. They put it on the market immediately
20 and left this area. They moved to Madison, Wisconsin.

21 One of these young people is a recruiter of
22 professional technical workers and the other is a
23 software designer. How are we going to have a medical
24 technical community here if the people who are in this

1 field find out about the toxic waste and immediately
2 leave?

3 HEARING OFFICER WEBB: Thank you.

4 Anybody else? Ma'am? Your name, please.

5 MS. STALLING: My name is Judy Stalling. Do you
6 need my address?

7 HEARING OFFICER WEBB: No. But could you spell
8 your last name, please?

9 MS. STALLING: S-t-a-l-l-i-n-g.

10 HEARING OFFICER WEBB: And it was Judy?

11 MS. STALLING: That's correct.

12 HEARING OFFICER WEBB: Okay. Thank you.

13 MS. STALLING: As part of the fairness issue, the
14 fundamental fairness, I think that this community groped
15 with how do citizens participate in a siting approval
16 decision. As a citizen, we struggled back and forth
17 trying to understand to what extent was our County Board
18 making a legislative versus a judicial decision and how
19 could we participate in this. We struggled mightly with
20 this. We took action that was very public. We walked
21 neighborhoods. We got yard signs. We sent letters to
22 the editor. It was very public what the citizens of
23 this community were trying to do. Nowhere during this
24 many months' process did anyone tell us to cease and

1 desist what we were doing. So as far as the fairness is
2 concerned, to the very best of our ability we have tried
3 to follow what we understood to be the legal and correct
4 way for citizens to participate in such an action by our
5 County Board. Thank you.

6 HEARING OFFICER WEBB: Thank you.

7 Ma'am? Your name, please?

8 MS. OZUNA-THORNTON: F. Christine Ozuna, O-z-u-n-a,
9 hyphen, Thornton, T-h-o-r-n-t-o-n. I am concerned that
10 after our Board made this decision, which was a
11 difficult decision, and it went back and forth for a
12 long time and the permit was denied, I'm concerned that
13 there is continued dumping now. And I have a further
14 concern that if this can go on, appeals, et cetera, for
15 a great length of time, that business as usual -- it's
16 kind of business as usual even though a whole community,
17 the whole area has come forward, the Board has spoken
18 and it doesn't seem to have made a lot of difference as
19 far as what is actually happening. As a matter of fact,
20 I understand that there has been request to even add
21 more substances than are already on the list. And it
22 seems to me that's a backward motion from what the
23 community has desired and shown that they desire. I
24 think there is a good reason that there are only 20 or

1 13 or whatever the actual number is of dumps in this
2 area of hazardous waste dumps. And our area has been
3 known, the Midwest, not just our county, as the richest
4 farmland, not in the United States, but in the world.
5 The richest farmland in the world. We have been called
6 the breadbasket of the world. And why of all places on
7 earth with our beautiful waterways, with our Illinois
8 River that goes into the Mississippi River which is some
9 of the most fertile land around and especially around
10 the riverton waterways why would this be a chosen area
11 to have such a toxic -- if you want to say toxic or just
12 hazardous waste dump, not just from our area as was
13 mentioned, but from all the other many states, up to 15
14 I understand, have been bringing materials in, hazardous
15 materials.

16 I know -- you know, I have heard the talk
17 that it's safe and the liners are so wonderful. But I'm
18 going to say that I don't care if they were three-foot
19 steel liners. In this area with our tornadoes, with
20 being near a main earthquake fault, no one can guarantee
21 to me that this is not going to get out and mar our
22 beautiful irreplaceable wildlife not to mention the
23 farmland which feeds the world.

24 I think many of us have been to the airports.

1 And I have been shocked myself at times because they say
2 it's code orange or it's code red or whatever. And at
3 Peoria airport I saw our young wonderful military there
4 with submachine guns. And I believe that there is more
5 threat here, right here to us immediately now, not to
6 mention to my children, to their children and to the
7 whole historical area and the future of our area, the
8 Midwest, the United States and the world when this kind
9 of dangerous material is allowed.

10 I would call the Board, I would call the EPA
11 to take responsibility for this very great threat to our
12 area and to our nation and not to minimize this. I
13 don't care what pretty words come forth, what fancy
14 little legal statements come forth. We are dealing with
15 health issues, with life and death here. And it
16 behooves all of us to do the best that we can do now
17 because tomorrow may be too late. Thank you.

18 HEARING OFFICER WEBB: Thank you.

19 Anybody else? Ma'am, your name please?

20 MS. YOUNG: My name is Mavis Young, Y-o-u-n-g. And
21 I have been following this and got involved with this
22 from the beginning from hearing Lois Gift speak at
23 Bradley University. I remember about that from when I
24 was younger. And my primary reason, it still holds, was

1 that I see this not only as a community issue but as
2 very much a global issue. And I look at this and state
3 this in hopes that, you know, we keep saying, If it can
4 play in Peoria, it can play anywhere. Well, if we could
5 get the message across, it has a rippling effect, that
6 this can be a major dynamic catalyst for pioneering
7 technological changes to the way waste is handled here
8 and worldwide. In Europe they have the most stringent
9 laws on their waste. But industries and things there
10 that want to sidestep those now are shipping their waste
11 to other Third World countries or dumping them into the
12 oceans.

13 And I think it was back in the summer I was
14 coming home from Chicago and heard it on the radio. And
15 this Asian woman had come specifically to the United
16 States to appeal for help to get their country from not
17 repeating and dumping waste in her country. And the
18 person interviewing her asked, Would you dare -- how
19 would you dare come here? Then, Do you plan to go back?
20 And she said yes. And she said, I can lose no more,
21 that my family had already been all killed from
22 Tiananmen Square and all that standing up for things. I
23 cannot get a job because I have been blackballed. So
24 she says, I only have my life to sacrifice. And I feel

1 kind of the same way about this, that all of humanity
2 needs to get together to stop and find new ways from
3 self-destructing ourselves. Thank you for listening.

4 HEARING OFFICER WEBB: Thank you.

5 Ma'am? Your name, please?

6 MS. STOREY: Diane Storey, S-t-o-r-e-y. I am not
7 rich, and I'm not famous. I'm not powerful. I'm just
8 an ordinary citizen who one day became involved in what
9 was happening in our community. And I became involved
10 not only by speaking out and writing and even developing
11 a website, talking with people on a one-to-one basis and
12 understanding that information is so powerful. I want
13 to thank the County Board for taking the time for
14 looking at us and hearing us speak and reviewing what
15 the people of Peoria have to say. When we see this
16 process going to work, it empowers us. When more people
17 begin to hear what is happening in our community, we
18 begin to think. We become more involved. When more
19 people find out what is happening, and we all know. And
20 I think we come to understand that we are all now aware
21 that PDC is here, right here in Peoria. We have been
22 called radical environmentalists. I don't agree with
23 that. I don't think it's radical. I think we are just
24 talking. We are talking one to one as human beings. We

1 want to understand what's going on. It's just
2 information. Yes, we have been here 30 years, but now
3 we know. The only thing that I, in my opinion, think
4 that is radical is to build a manmade hilltop higher
5 than anywhere else in Peoria County of toxic sludge
6 waste and poisons that can last maybe forever. Thank
7 you to the County Board for reviewing the facts and the
8 figures, that there is no cure. After an accident
9 happens, we are in trouble. So what we can do and what
10 the people have thought about is to prevent. And that's
11 why we are here to say this. Thank you. We want to
12 prevent the disease, health problems that may happen in
13 the future. And this is with foresight and forethought
14 carefully done. Thank you.

15 HEARING OFFICER WEBB: Ma'am? Your name, please?

16 MS. PURCELL: My name is Carol Ann Purcell,
17 P-u-r-c-e-l-l. I came here in 1957 with my husband and
18 two children. I taught at Bradley University. And I
19 also serve this community as a librarian at the public
20 library and at Saint Francis Medical Center. I now have
21 lost my husband and my only daughter. There is
22 something in the water or the air in this area. I am
23 leaving this area. I hope you as a Board will uphold
24 the County Board's decision to prevent the expansion of

1 this operation. Thank you.

2 HEARING OFFICER WEBB: Thank you.

3 Would anyone else like to speak here today?

4 Ma'am? Your name, please?

5 MS. CLARKE: My name is Jean Clarke, C-l-a-r-k-e.

6 I'm an ordinary person. I'm not an alien. I do belong
7 to the Sierra Club. The reason I belong to them is
8 because they believe the way I do. I have a lot of
9 allergies. If a minute amount of dust mites causes my
10 body to react, what would all these toxic wastes do? My
11 ear, nose and throat doctor told me to wash my nose out
12 daily with salt water, but he told me not to use tap
13 water. He told me to use distilled water. I wonder why
14 that is? I have fish. I have a pond, a 3,600
15 gallon pond. A tiny amount of pollution will kill them.
16 Now it may not kill me immediately; but if it kills
17 fish, it eventually will. And we need to be aware of
18 this. You know there are test holes in case the
19 pollution breaks through the liner. But once it does,
20 it's too late. We can't clean up the aquifer. And how
21 many waste disposal areas have we read about like Love's
22 Canal and other places? It isn't even -- nobody even
23 thinks about it until people start dying. And it's the
24 children that die first. I'm really against the

1 landfill expanding. And I don't live near it, but I
2 think it's not a good thing.

3 HEARING OFFICER WEBB: Thank you.

4 Would anyone else like to speak today?

5 Ma'am?

6 MS. OZUNA-THORNTON: Can I add something?

7 HEARING OFFICER WEBB: To me? Yes. You may
8 approach. You just can't ask the party any questions.

9 Do you have a procedural question for me?

10 MS. OZUNA-THORNTON: No. Can I add something?

11 HEARING OFFICER WEBB: Oh, add something. Oh,
12 okay. Go ahead.

13 MS. OZUNA-THORNTON: I'm Christine Ozuna-Thornton.
14 I was nervous, and I forgot to mention one of the most
15 important things. And that is that my husband and my
16 parents have both had cancer as well as five other
17 members of my family. And tonight I will be going to a
18 wake of a friend of mine, Mary Hooves (phonetic), who
19 died of pancreatic cancer at the age of 60. She lives
20 over the San Koty aquifer. So I just wanted to mention
21 that there are real people who are going through things.
22 I know, you know, I may be asked, Well, are you saying
23 we did this? Is it because of this? And I would just
24 say that, Can you prove that it's not because of this?

1 And is all of this continued bringing in more stuff
2 going to help the situation? Thank you.

3 HEARING OFFICER WEBB: Thank you.

4 Would anyone else like to speak here this
5 morning? Ma'am? Your name, please?

6 MS. STEVENSON: My name is Kathy Stevenson,
7 S-t-e-v-e-n-s-o-n. And I'd just like to speak to the
8 process itself. It is an emotional issue. But as we
9 were going through this, and I attended a fair amount of
10 the hearings as they were going on, the initial hearings
11 and I think when the County Board actually presented
12 their recommendations. And it was my understanding all
13 along that it was always based on criteria and that you
14 had to set the emotions aside. And I know that's hard
15 for people to do. But when we went through it and it
16 was based on criteria, it was my understanding you just
17 had to have one criteria that was not met. And if you
18 didn't meet one criteria, the County Board could vote
19 against it. They voted on three. And then during the
20 meetings I attended, one of criteria was actually based
21 on information that PDC provided. So in my estimation
22 and everything I attended, it was based on fact. It was
23 based on criteria, and I just don't understand why we
24 are even here today.

1 HEARING OFFICER WEBB: Thank you.

2 Anybody else? Okay. if nobody
3 else -- anybody else that I can't see in the back? All
4 right. I think that concludes our public comment. Is
5 there anything else, anything further from the parties
6 to discuss before we adjourn?

7 Okay. I will make a -- I will proceed to
8 make a statement as to the credibility of the witnesses
9 testifying here at this hearing. Based on my legal
10 judgment and experience, I find all of the witnesses
11 testifying to be credible. At this time I will conclude
12 the proceeding. It is January 8th at approximately
13 11:20. And we stand adjourned.

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17 (Whereupon, the proceedings concluded

18 at 11:20 a.m.)

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1 STATE OF ILLINOIS)
)
2 COUNTY OF PEORIA)

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CERTIFICATE OF REPORTER

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6 I, GALE G. EVERHART, CSR-RPR, Notary Public in and
7 for the County of Peoria, State of Illinois, do hereby
8 certify that the foregoing transcript, consisting of
9 pages 1 through 85, both inclusive, constitutes a true
10 and accurate transcript of the original stenographic
11 notes recorded by me of the foregoing proceedings had
12 before Hearing Officer Carol Webb, in Peoria,
13 Illinois, on the 8th day of January, 2007.

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Dated this 10th day of January, 2007.

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GALE G. EVERHART, CSR-RPR
Illinois License No. 084-004217

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