

ILLINOIS POLLUTION CONTROL BOARD
August 24, 2007

AMERICAN BOTTOM CONSERVANCY)	
and SIERRA CLUB,)	
)	
Petitioners,)	
)	
v.)	PCB 07-84
)	(Third-Party Pollution Control Facility
CITY OF MADISON, ILLINOIS, and)	Siting Appeal)
WASTE MANAGEMENT OF ILLINOIS,)	
INC.,)	
)	
Respondents.)	

HEARING REPORT

On August 23, 2007, a hearing in this matter was held at the Madison County Administration Building in Edwardsville, Illinois. Attorney Bruce Morrison appeared on behalf of the petitioners. Attorney John Papa appeared on behalf of the City of Madison, and attorneys Don Moran and Penni Livingston appeared on behalf of Waste Management of Illinois, Inc. (WMII).

Witness Credibility

1 witness testified during the hearing:

Ms. Kathy Andria

Based upon my legal judgment, experience, and observations at hearing, I find that the credibility of witness is not an issue in this matter.

Exhibits

Petitioners moved to admit certain exhibits that are already contained in the administrative record. Documents labeled as ABC Exhibits 1-7 contain general background information, and ABC Exhibit 8 contains photographs and maps of the site. At hearing, respondent WMII pointed out that these documents were referred to as “Andria” exhibits during the City’s public hearings, and voiced concern that it would be confusing to now refer to them as ABC exhibits. The hearing officer subsequently checked the City’s amended index of documents and the administrative record. While the City hearing transcripts refer to the documents as “Andria” exhibits, the documents are labeled as “ABC” exhibits, and appear as such in the City’s amended index of documents. The hearing officer advised petitioners that it was not necessary to admit the exhibits into evidence since they are already part of the

administrative record. However, the exhibits were filed with the Board, and the corresponding page number of the record is provided in the exhibit list attached to this order.

Petitioners' exhibit 9 contains pages from the administrative record of PCB 01-59 pertaining to the vertical expansion of the Milam landfill in Fairmont City. Respondents objected on the grounds of relevance. Exhibit 9 was accepted as an offer of proof, but was not admitted into evidence.

Petitioners' exhibit 11 consists of notes from John Kelly. Respondents objected due to a lack of foundation and potential unreliability of the document. Exhibit 11 was accepted as an offer of proof, but not was admitted into evidence.

Respondent City of Madison offered two exhibits into evidence. Exhibit 1 is the former city ordinance establishing procedures for pollution control facility site requests. Exhibit 2 is a receipt ledger from the City Clerk's office. Petitioners did not object to either document. Accordingly, the documents were admitted.

Respondent WMII made an offer of proof of a letter from the Illinois Historic Preservation Agency to rebut a line of questioning at hearing that was allowed as an offer of proof.

A list itemizing the offered exhibits and summarizing their status is attached to this order.

Briefing Schedule

The transcript is due by August 28, 2007. Petitioners brief is due by September 18, 2007. Respondents' brief is due by October 9, 2007. Petitioners' reply, if any, is due by October 12, 2007. The mailbox rule will not apply, although parties may file electronically.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
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August 23, 2007 Hearing**Exhibit List**

Exhibit	Description	Status
ABC Exhibit #1	Article entitled "Landfills Are Dangerous"	See pp. C1436-1444 of record
ABC Exhibit #2	Region Six Data Analysis	See pp. C1446-1450 of record
ABC Exhibit #3	Madison County Bikeway Map and Trail Guide	See pp. C1536-1537 of record
ABC Exhibit #4	Horseshoe Lake State Park Brochure	See pp. C1538- 1539 of record
ABC Exhibit #5	Info re: Cahokia Mounds Historic Site	See pp. C1540-1543
ABC Exhibit #6	Cahokia Mounds Museum Society Brochure	See pp. C1544-1545 of record
ABC Exhibit #7	IL Historic Preservation Agency Cahokia Mounds Brochure	See pp. C1546-1547 of record
ABC Exhibit #8	Maps and Photographs of Site	See pp. C0456-0457, C0474-0475, C0479-0481, C0483 of record
ABC Exhibit #9	Milam Landfill Vertical Expansion (PCB 01-59)	Not Admitted
ABC Exhibit #10	No exhibit 10 was offered into evidence	N/A
ABC Exhibit #11	Notes from John Kelly	Not Admitted
City of Madison Exhibit #1	Former City Ordinance re: Pollution Control Facility Site Requests	Admitted
City of Madison #2	City Receipt Ledger	Admitted
WMII Exhibit #1	August 3, 2007 Letter to Keith McMullen from Anne Haaker at the IL Historic Preservation Agency	Not Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on August 24, 2007, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on August 24, 2007:

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