

JUN 03 2009

STATE OF ILLINOIS  
Pollution Control Board

PC#8

**Public Comments submitted to the Pollution Control Board by Thomas Gilmour**  
**RE: Case # PCB 2007-146, Fox Moraine LLC v United City of Yorkville**  
**June 2, 2009**

ORIGINAL

I wish to comment on the issue of fairness as it applies to the Landfill Hearings that took place in Yorkville in 2007. I attended all of the hearings and witnessed the proceedings which are now being called "unfair" by Fox Moraine. Just the opposite is true! The hearings were conducted in a fair and orderly fashion and moderated in a professional way by Hearing Officer Larry Clark. Fox Moraine presented several witnesses, some taking several days to present all of their information. Much of their information was presented in the form of lengthy and elaborate power points while the speaker narrated and expounded on the topic. Fox Moraine has said that it was given all the time it needed to call its witnesses and was not denied the opportunity to do so. During this time, I observed that the City Council listened intently to the information presented and asked important questions of the witnesses, often seeking further clarification or explanation. As I see it, Fox Moraine's claim that these hearings were unfair is totally unfounded and has no basis.

As for the community members who sat in the audience during the hearings, they also listened to the information presented by Fox Moraine and were then allowed to submit questions for the witnesses. The questions from the audience were read by Mr. Clark and were answered by the witnesses. This also was done in a fair and orderly way.

Fox Moraine also claims that objectors to the Application, namely members of Friends of Greater Yorkville, engaged in prejudicial ex parte contacts with members of the City Council. This claim is unfounded, and Fox Moraine was unable to offer any proof to this claim in the Appeal Hearings. As a member of this group, I can say that this is a false claim with no substantiation whatsoever. Furthermore, in the Appeal Hearings, it was evident that Fox Moraine was confused about who the actual members of FOGY were.

When the series of events leading up to Fox Moraine's application to the City of Yorkville are examined, it is clear that Fox Moraine tried to find the most receptive host community for its landfill. When talks with Kendall County officials ended, Fox Moraine then began talks with the City of Yorkville, and consequently a series of land annexations were planned to extend out to the proposed landfill property to bring this property into the city limits. What was unfair was the way this was done – in a process hidden from the public. When the public did finally become aware of these annexation plans, they voiced their opinions in public meetings held during this time. Fox Moraine should recognize that the public was within its rights to speak publically and express opinions, this being their Constitutional rights of freedom of speech.

After all these events, and after Fox Moraine's failure to offer proof that it could meet the siting criteria, it now wants to say the whole thing was just "fundamentally unfair." This is like a Little League baseball team who loses a game and then claims the other team won dishonestly and says the umpire was unfair! Fox Moraine cannot show any proof or evidence to its list of "unfair" allegations, even though it had the opportunity to do so in the Appeal Hearings. The fact remains that the Application failed to satisfy the required siting criteria. I therefore urge the Pollution

Control Board to uphold the decision of the Yorkville City Council to deny the landfill siting application. What indeed would be fundamentally unfair would be the overturning of the decision made by the City Council.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Gilmour". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas Gilmour  
23 Fox Glen Dr., Yorkville, IL 60560  
June 2, 2009