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OCT 29 2014

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
October 29, 2014

ROXANA LANDFILL, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 15-65
	)	(Third-Party Pollution Control Facility
VILLAGE BOARD OF THE VILLAGE OF	)	Siting Appeal)
CASEYVILLE, ILLINOIS; VILLAGE OF	)	
CASEYVILLE, ILLINOIS; and	)	
CASEYVILLE TRANSFER STATION,	)	
L.L.C.,	)	
	)	
Respondents.	)	

 ORIGINAL

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VILLAGE OF FAIRMONT CITY, ILLINOIS,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 15-69
	)	(Third-Party Pollution Control Facility
VILLAGE OF CASEYVILLE, ILLINOIS,	)	Siting Appeal)
BOARD OF TRUSTEES and CASEYVILLE	)	(Consolidated)
TRANSFER STATION, L.L.C.,	)	
	)	
Respondents.	)	

**HEARING REPORT**

On October 28, 2014, a hearing in this matter was held at the Caseyville Village Hall in St. Clair County. Attorney Jennifer Sackett Pohlenz appeared on behalf of Roxana Landfill, Inc.; attorneys Donald Moran and Robert Sprague appeared on behalf of the Village of Fairmont City; attorney Brian Manion appeared on behalf of the Village of Caseyville and its Board of Trustees; attorney Penni Livingston appeared on behalf of Caseyville Transfer Station.

**Witnesses**

The following witnesses testified during the hearing:

Mr. Scott Penny  
Mr. John Siemsen  
Mr. John Gilbert

### Stipulations, Prehearing Motions, Exhibits

The parties jointly presented a document entitled "Agreed Stipulations." These were not labeled as an exhibit, but were admitted into the record.

Additionally, the parties jointly agreed to admit depositions into evidence as if read into the record. Due to the number and length of the depositions and exhibits, and the fact that Ms. Pohlenz was working out of a hotel, the hearing officer agreed to accept the depositions by email. Portions of these documents were made as offers of proof to protect the deliberative process privilege. At the end of the hearing, counsels for both respondents asserted that they were waiving the deliberative process privilege. The petitioners objected. Because the hearing officer could not view the documents at hearing, the testimony subject to the deliberative process privilege was not admitted, but remained as an offer of proof.

Petitioner's motion to quash the subpoena duces tecum of Susan Piazza was deemed moot, as Ms. Piazza did not appear at the hearing and the hearing could not be continued. Ms. Piazza is an employee of Allied Waste Transportation. Due to the question of relevance regarding Ms. Piazza's role in the case at hand, her lack of compliance does not appear to have materially prejudiced any party.

Petitioners' joint motion to exclude documents from the administrative record was denied, and Caseyville Transfer Station's motion for Hearing Officer Site visit was denied.

As summarized in the attached list, seven documents were offered as exhibits at hearing. Exhibit 3 was already a part of the administrative record. The remaining exhibits were not admitted, but accepted as an offer of proof.

### Public Participation

About twelve members of the public attended the hearing, and six offered public comment. Comments were heard from:

Mr. Norman Miller, Canteen Township Supervisor  
Mr. Scott Penny, Village of Fairmont city  
Ms. Kathy Mertzke, property owner  
Mr. Ken Petroski, Canteen Township Committeeman  
Ms. Patricia Morrison, Canteen Township property owner  
Ms. Ann Rodgers, Mayor of the Village of Washington Park

This hearing was held in the council chambers, which is the same room where the hearing was held by the Village of Caseyville. As the adequacy of the room size was raised as an issue at hearing, the hearing officer estimates that the room seats about 30 people comfortably, or about 50 people if packed in.

**Briefing Schedule**

The transcript is due by October 31, 2014. Petitioners' briefs are due by November 7, 2014; respondents' briefs are due by November 14, 2014; and petitioners' replies are due by November 18, 2014. The public comment deadline is November 12, 2014. The mailbox rule shall not apply to any of the above mentioned filings. Documents must be received in the Clerk's Office by 4:30 p.m. on the due date to be deemed timely filed.

IT IS SO ORDERED.



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Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/524-8509  
[Carol.Webb@illinois.gov](mailto:Carol.Webb@illinois.gov)

**PCB 15-65 and PCB 15-69**  
**October 28 Hearing**

**Exhibit List**

Exhibit	Description	Status
Hearing Exhibit 1 offered by Caseyville Transfer Station	May 7, 2014 meeting minutes for the Village of Fairmont City	Not Admitted
Hearing Exhibit 2 offered by Caseyville Transfer Station	February 10, 2014 hotel bill for John Siemsen	Not Admitted
Hearing Exhibit 3 offered by Roxana Landfill	February 10, 2014 letter to the Village of Caseyville from John Siemsen	Already part of administrative record
Hearing Exhibit 4 offered by Caseyville Transfer Station	Proposed ordinance for siting applications	Not Admitted
Hearing Exhibit 5 offered by Caseyville Transfer Station	A Comparison of Host Agreements	Not Admitted
Hearing Exhibit 6 offered by Caseyville Transfer Station	The Basics of Siting a Pollution Control Facility	Not Admitted
Hearing Exhibit 7 offered by Roxana Landfill	February 21, 2014 email from Kenneth Bleyer to John Gilbert	Not Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on October 30, 2014, 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 October 30, 2014:

John T. Therriault  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601



Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
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[Carol.Webb@illinois.go](mailto:Carol.Webb@illinois.go)

PCB 2015-065  
Rob Watt, Village Clerk  
Village of Caseyville  
909 S. Main Street  
Caseyville, IL 62232

PCB 2015-065  
Jennifer J. Sackett Pohlenz  
Clark Hill, PLC  
150 N. Michigan Avenue  
Suite 2700  
Chicago, IL 60601

PCB 2015-065  
Caseyville Transfer Station, L.L.C.  
John P. Siemsen, R. A.  
290 South Main Place  
Suite 101  
Carol Stream, IL 60188

PCB 2015-065  
Leonard Black, Mayor  
Village of Caseyville  
909 S. Main Street  
Caseyville, IL 62232

PCB 2015-065  
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Livingston Law Firm  
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Fairview Heights, IL 62208

PCB 2015-065  
Kenneth A. Bleyer  
Roxana Landfill, Inc.  
211 Taylor St., Suite 14  
Port Townsend, WA 98368