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13 Transportation.

14 ALSO PRESENT:

15 MS. MARIE TIPSORD
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22 REPORTED BY:

23 Pamela A. Marzullo
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1 HEARING OFFICER HALLORAN: We're Continuing
2 with the direct of Steven Gobelman. Also on behalf
3 of IDOT is Christopher Brant, B-r-a-n-t.

4 I'm going to do a brief info. My name is Bradley
5 Halloran, Hearing Officer with the Illinois Pollution
6 Control Board. I'm assigned to this matter 14-3JM versus
7 IDOT. It's October 28th, approximately 9:42.

8 This matter is continued from October 28th 2020,
9 yesterday. This meeting here is also being available
10 through Webex. And right now, we have IDOT's attorney,
11 Ellen O'Laughlin, continuing the direct of her expert,
12 Steven Gobelman, who is still under oath.

13 I think I covered the bases. We do have here -- I
14 think we have people on Webex as well from the Board.
15 Ms. O'Laughlin, you may start

16 MS. O'LAUGHLIN: Thank you.

17 sss

18 STEVEN GOBELMAN,
19 was adduced as the witness herein; after having been first
20 duly sworn, testified as follows:

21 DIRECT EXAMINATION (Continued)

22 BY MS. O'LAUGHLIN:

23 Q. Good morning, Mr. Gobelman. We're just
24 continuing from yesterday. What I would like to ask

1 you is a couple questions about IDOT area of
2 liability. If you could turn to 2205-9 of your
3 report.

4 A. Okay.

5 Q. What did you not include -- why did you
6 not include 5SAS into IDOT's liability.

7 A. Based on the Board's rules, I thought it
8 was very clear that they were only addressing IDOT's
9 involvement in right-of-way 0339, which was
10 construction of the Greenwood Avenue, the embankment
11 required.

12 As everybody knows, this original process
13 was about a parking lot that had asphalt bumpers,
14 that were alleged to have been destroyed and
15 mismanaged by IDOT.

16 There were two types of construction going
17 on there. There was the Greenwood Avenue, which is
18 included in the embankment, which is why they needed
19 the right-of-way 0393-38.

20 In order to fill that embankment, and the
21 embankment was being built because there was a
22 bridge that was being built in the proposed highway
23 that was going to be built, and it had also included
24 a bridge over a railroad; and, therefore, it became

1 touchdown to this area where it came all the way
2 back to the surface.

3 It also then required an embankment also
4 being built on Grand Road, which was the cross
5 street.

6 **Q. Pull Exhibit 202 out of your binder, and**
7 **you'll be referring to the report. Just take it**
8 **out.**

9 A. In order for IDOT to build that
10 embankment, they had to create multiple feed roads
11 in order for workers to be able to continue to use
12 and traverse through Greenwood Avenue to get to the
13 party's side to work.

14 **Q. Okay. What embankment is that?**

15 A. The main embankment, the main detour road,
16 had to be created.

17 **Q. Okay. So, the detour road you're**
18 **referring to, can you point that out on Exhibit 202?**

19 A. It is the Grand Road and basically going
20 from the northwest -- southwest corner up to the
21 northeast by the property.

22 It ties back into Greenwood Avenue
23 somewhere near the location of 5S, 6S, 7S and 8S.

24 **Q. That was the numbers 5S, 6Sm 7S and 8S.**

1 **That's what you are referring to throughout this**
2 **hearing in discussing IDOT's liability?**

3 A. Yes, those are the borings associated with
4 the south side of Site 6 that the Board didn't use
5 in their description to IDOT.

6 So, in order to build the embankment, IDOT
7 had to cut a large area, bring it down to grade and
8 had to steal some areas along this area to bring it
9 up to grade.

10 **Q. That is the detour road?**

11 A. The detour road. That all had to be done
12 in advance of any construction associated with the
13 Greenwood Avenue embankment that was going to be
14 built.

15 **Q. And the Greenwood Avenue embankment, point**
16 **that out and describe that on Exhibit 2.**

17 A. The construction for Greenwood Avenue are
18 shaded in gray beginning at stages 7 plus 60, and
19 then going west to the edge of the map where it
20 crosses the detour road.

21 **Q. Seven plus 60, what is that, in connection**
22 **with the IDOT, or is that a different structure?**

23 A. Seven plus 60 is the IDOT station along
24 Greenwood Avenue and reflected in the 1971

1 construction plan. That is noted as the beginning
2 of construction. However, in that, there was
3 additional work.

4 Basically, they were going to resurface
5 Greenwood Avenue so it had to a smooth tie-in from
6 stages 7 plus 60 to 7 plus 00.

7 **Q. The 7 you're referring to is shown here on**
8 **Exhibit 202 as running through the middle of**
9 **Greenwood Avenue; is that where that is?**

10 A. Yes, basically it typically runs through
11 the center line of Greenwood Avenue. There is also
12 a center line in the zoning here of Stage 2
13 associated with detour road and following IDOT
14 constructional road.

15 It picks up where they are at to a
16 continuing place. The survey will state the road
17 embankment and doing work at a certain stage, doing
18 building plans and financing.

19 **Q. Okay.**

20 A. So, in terms of the embankment for
21 Greenwood Avenue, that begins in sort of the green
22 area in the top 6 on map A., the green area is
23 defined as the IDOT construction limit that they
24 needed to build the embankment.

1 **Q. At what point does the embankment to**
2 **Greenwood Avenue begin, in terms of 1S, 2S, 3S, 4S**
3 **and 5S?**

4 A. Well, the beginning of Greenwood Avenue
5 embankment. This area does not start until the
6 Detour Road A is in place.

7 So, it's already grade, and they've
8 already diverted traffic onto the detour road so
9 they can begin the work.

10 **Q. Where does the embankment, the rising**
11 **embankment for Greenwood Avenue, more or less,**
12 **begin?**

13 A. The embankment, in essence, starts at some
14 point west of 7 plus 60. In 7 plus 60, they are
15 already at the grade of the original Greenwood
16 Avenue.

17 So, the embankment -- I have to look at
18 the old plan. I believe it starts somewhere around
19 8 plus 00 before it starts typically up.

20 **Q. Okay. This is somewhere in between?**

21 A. Yes.

22 **Q. Okay. If you could go down from there, it**
23 **looks like it is west?**

24 A. The Greenwood Avenue basically is 7 plus

1 60. It's basically between 4S and 5S.

2 **Q. Okay. So, the Board considered all of**
3 **this before in the first hearing?**

4 A. There was transite material found
5 throughout the entire site. The detour runs over
6 the Nicor Gas. The Board anticipated it was going
7 to involve everywhere IDOT --

8 **Q. You're referring to the Detour Road A?**

9 A. Yes.

10 HEARING OFFICER HALLORAN: One at a time,
11 please.

12 THE WITNESS: The entire Detour Road A that
13 runs southwest to northeast.

14 BY MS. O'LAUGHLIN:

15 **Q. Okay.**

16 A. It crosses over Nicor GAFK. The Board
17 said IDOT was liable for all construction work. It
18 was included with the borings associated with the
19 Detour Road A, and specifically the other features
20 which apply to this is dealing which boring D345,
21 the Board specifically stated it was on the east
22 side of 0393.

23 On 0393, in the Board's ruling stated if
24 D3 -- I mean, D345 was stated in the Board's ruling

1 that it was within the right-of-way, it is
2 applicable to IDOT. If it's not in the
3 right-of-way, it's not applicable to the
4 right-of-way.

5 D345 sits along the corridor of the detour
6 road. The Board was very clear that it wasn't
7 talking about anything that had to do with the true
8 Road A, which included if the boring D345 was
9 outside the right-of-way; and, therefore, would also
10 include the borings along the south side of
11 Greenwood Avenue 5S, 6S, 7S and 8S.

12 **Q. Okay. So, the Board did not find IDOT**
13 **liable in connection with Detour Road A at all?**

14 A. No.

15 **Q. This was all considered and set forth in**
16 **the first hearing that you're reviewing now?**

17 A. All this information was provided in the
18 first hearing.

19 **Q. Okay. If you could turn to 205-9, the**
20 **last paragraph prior to 6.**

21 A. Okay.

22 **Q. *205-9 If you could read beginning with --**
23 **reading that last paragraph beginning with "The**
24 **IPCB."**

1 A. "IPCB," The Illinois Pollution Control
2 Board, "ruled that the eastern edge of the
3 reconstruction of Greenwood Avenue was near soil
4 sample location 4S, which is near IDOT Stages 7 plus
5 60, the beginning of the Greenwood Avenue roadway
6 construction."

7 **Q. Okay. That's what we just talked about in**
8 **Exhibit 202?**

9 A. Yes.

10 **Q. If you could continue to read, please.**

11 A. "The IPCB further ruled that IDOT did not
12 open up enough ACM ways in the construction of
13 Detour Road A that is associated with borings 5S
14 through 8S."

15 **Q. Okay. Again, just to reiterate, you just**
16 **said -- if you could begin reading the second**
17 **sentence. I'm not quite sure where we were.**

18 A. "The IPCB further ruled that IDOT did not
19 open ACM way in the construction of Detour Road A,
20 which is associated with borings 5S through 8S."

21 **Q. Okay. Let's make it clear, for the**
22 **record. You have -- if you could show on**
23 **Exhibit 202 the area that you're referring to 5S**
24 **through 8S?**

1 A. 5S through 8S is the area to the west of
2 station 7 plus 00 that's the center line of
3 Greenwood Avenue, which is outside of the embankment
4 that is not along Greenwood Avenue.

5 **Q. Okay. So, the detour road is associated**
6 **with 5S through 8S?**

7 A. Correct.

8 **Q. If you could continue to read, please.**

9 A. "Based on the amount of fill materials
10 used to create Detour Road A, 2.5 feet or less, the
11 depth that ACM found as a latex substance agent
12 three feet or more for general legal excavation
13 depth of 7.5 feet. I do not see any new information
14 that would be considered new evidence to the agency
15 in the area defined by the Illinois Pollution
16 Control Board."

17 **Q. Okay. If you could go to Exhibit 21A-24.**

18 HEARING OFFICER HALLORAN: Madam Court
19 Reporter, is everything okay? Are you able to
20 record? Did you get everything?

21 THE COURT REPORTER: Yes.

22 THE WITNESS: 21A --

23 BY MS. O'LAUGHLIN:

24 **Q. 24.**

1 A. What binder?

2 Q. It begins with the binder that starts with
3 6.

4 HEARING OFFICER HALLORAN: I think everybody
5 has Exhibit 21A through 24. You made proceed.

6 BY MS. O'LAUGHLIN:

7 Q. Is 21A to 24 the right document that shows
8 Detour Road A?

9 A. No, it shows Detour Road D.

10 Q. Which one is detour road A?

11 A. 21A through 23.

12 Q. Please turn to Exhibit 21A through 23.
13 Now, you just discussed the amount of fill that
14 would be needed.

15 What is this whole document, Exhibit 21A?

16 A. This document is the -- well, as it exists
17 in this binder, it is the add fill for the
18 construction project so you could lift the Greenwood
19 Avenue construction project.

20 Q. Okay. And then what is -- how did you
21 rely on the information in Exhibit 21A-23?

22 A. In this exhibit, it shows you the layout
23 of Man Street to Greenwood Avenue of Detour Road A.

24 Below that, it gives you the cross-section

1 of the survey of the ground surface along that
2 corridor.

3 As you see, there are areas that are
4 elevated and areas that are below the line that's
5 marked as -- on the left-hand side as 590, which is
6 the elevation they are trying to achieve with a
7 grade to match up with the grade elevation of
8 Greenwood Avenue.

9 **Q. And that's where you come up with the**
10 **2.5 feet or less?**

11 A. Yes.

12 **Q. And then the JM's review excavation test,**
13 **627.5C, can you explain what that is? That's the**
14 **amount that they remediated down at that area?**

15 A. In some areas, I think it's more
16 associated with the northeast excavation.

17 **Q. Where did you obtain that information?**

18 A. That would have been from their final
19 report.

20 **Q. You referenced the final report?**

21 A. Yes.

22 **Q. And then the depth of ACM found in the**
23 **site investigation three feet or more, where did you**
24 **obtain that information?**

1 A. That was found as part of their
2 investigation reports.

3 **Q. That was --**

4 A. That was referenced and shown in 202, the
5 depth and price of materials that were found in the
6 borings associated along the south side of Greenwood
7 Avenue.

8 **Q. Okay. Again, this information was not the**
9 **final work plan, but the ACM found in the site**
10 **investigation, that was also at three feet or more,**
11 **that was all in the first hearing; is that right?**

12 A. Yes.

13 **Q. Okay. So, you heard the mystery solved on**
14 **Mr. Dorgan's report, and you heard Mr. Peterson's**
15 **explanation of some photographs saying the depth of**
16 **the site.**

17 **Did you review those photographs that were**
18 **discussed yesterday or Monday?**

19 A. I, unfortunately, looked through all the
20 photos that they submitted.

21 **Q. How many photos did they submit?**

22 A. I think it was over 10,000 photographs.

23 **Q. Of those 10,000 -- I thought you said**
24 **30,000.**

1 A. I think it was 30,000 documents, pages.

2 Q. Okay. And only 10,000 photos?

3 A. Yes.

4 Q. So, the photos they selected they talked
5 about yesterday, does that have any -- how does that
6 play into your analysis on Detour Road A?

7 MS. BRICE: I would like to enter an objection.
8 This would be in your opinion you testified in the
9 deposition that he had no opinions about the
10 photographs.

11 HEARING OFFICER HALLORAN: Ms. O'Laughlin?

12 MS. O'LAUGHLIN: I'm just asking him to respond
13 to Mr. Peterson's explanation, I believe it was on
14 Monday, on the photographs.

15 I mean, they are saying -- there are a
16 series of photographs that show something. I would
17 like him to explain why they don't show everything
18 that is listed.

19 HEARING OFFICER HALLORAN: Ms. Brice?

20 MS. BRICE: This is all laid out in Dorgan's
21 report about the photographs, had conversations with
22 Mr. Peterson about the discussions, and he received
23 all of Mr. Dorgan's report. He said -- in his
24 deposition, he said he had no information about

1 that.

2 HEARING OFFICER HALLORAN: I'm going to sustain
3 the objection. You can offer that, bring it as an
4 offer of proof.

5 BY MS. O'LAUGHLIN:

6 **Q. Mr. Gobelman, go to 205-9, can you read**
7 **the last sentence of that paragraph before you?**

8 A. "Based on the amount of fill material used
9 for Detour Road A of 2.5 feet or less, the depth of
10 ACM found at the site investigation three feet or
11 more and JM mediation excavation depth of 67.5 feet.

12 "I do not see any new information that
13 would be considered new evidence to increase the
14 area defined by the Pollution Control Board."

15 **Q. What do you mean by "new information"?**

16 A. The information that Mr. Dorgan used in
17 his report to try to explain why there needed to be
18 an expansion of the area associated with Site 6.

19 **Q. New information in his attempt to increase**
20 **liability for Site 6?**

21 A. Yes, he wanted to include 5S through 8S.

22 MS. O'LAUGHLIN: And then through the offer of
23 proof, I would like to ask him about Mr. Peterson's
24 testimony.

1 HEARING OFFICER HALLORAN: Okay. Again, in an
2 offer of proof, and Ms. Brice can cross-examine
3 under an offer of proof. We'll see what the Board
4 decides. You may proceed.

5 BY MS. O'LAUGHLIN:

6 Q. You heard Mr. Peterson's description of
7 the photographs during this hearing and looked at
8 those photographs.

9 Does that have any impact on your
10 conclusions in your report contained -- that you
11 just read, or is that contained in the Section 5.356
12 area within IDOT's responsibility, as defined by
13 IPCB?

14 A. No, it doesn't change it. I would have
15 expected, based upon the original information we
16 provided at the first hearing, that borings 5S
17 through 8S had a variety of different
18 specimen-containing materials at depth from zero to
19 3 feet in those borings.

20 I would expect that there would be
21 material discovered on the -- within the excavation.

22 Q. So, it's consistent with the information
23 you had looked at previously?

24 A. Yes.

1 **Q. That concludes my offer of proof.**

2 HEARING OFFICER HALLORAN: Thank you.

3 MS. BRICE: Can I cross?

4 HEARING OFFICER HALLORAN: Yes. When the time
5 comes, let me know.

6 BY MS. O'LAUGHLIN:

7 **Q. Turning to 205-D of the report, the**
8 **section that begins 5.2, "Site 3 area within IDOT's**
9 **responsibility as defined by IPCB."**

10 A. I lost you. Where are you at?

11 **Q. 205-D, the section that begins 5.2, "Site**
12 **3 area within IDOT's responsibility as defined by**
13 **IPCB."**

14 A. Okay.

15 **Q. I just want you to go there.**

16 A. Okay.

17 **Q. Well, read the first sentence.**

18 A. "IDOT's responsibility, as defined by the
19 Illinois Pollution Control Board within parcel 0393,
20 includes soil boring locations D325, D315, D316,
21 D350 and D345, to the extent that will leave D345
22 all on parcel 0393."

23 **Q. Turning to Exhibit 202, can you describe**
24 **those boring locations in relation to the embankment**

1 **of Greenwood Avenue?**

2 A. Those D325, D316, D315 fall within 0393
3 and within the IDOT's construction 11. It appears
4 that D350 was within the construction limits of the
5 area that comes through the 0393, as a part of the
6 detour road, and D345 exists in Exhibit 202. It
7 falls slightly outside 0393 within the construction
8 limits of the detour road.

9 **Q. And the specific borings referenced in the**
10 **IDOT -- excuse me, the specific borings referenced**
11 **in the Illinois Pollution Control Board Order**
12 **December 2016, identifies references specific**
13 **borings in relation to -- that are close to the**
14 **Greenwood embankment?**

15 MS. BRICE: Objection.

16 HEARING OFFICER HALLORAN: We have an
17 objection.

18 MS. BRICE: I would like to make an objection.
19 Mr. Gobelman is testifying about Exhibit 202, which
20 is the exhibit used in the first hearing, which is
21 very different from the exhibit used in his
22 supplemental report in 207 and in 205.

23 He has different places that are places
24 which Mr. Dorgan established. His pointing to

1 boring locations on 202 is misleading.

2 HEARING OFFICER HALLORAN: I think you can
3 attack that in your vigorous cross-exam. Overruled.
4 Thank you.

5 MS. BRICE: Thank you.

6 BY MS. O'LAUGHLIN:

7 Q. Mr. Gobelman, if you could, describe how
8 those boring locations, that are referenced in the
9 Boring order, relates to the embankment of Greenwood
10 Avenue?

11 A. They are all involving the borings that
12 are associated within the right-of-way 0393, and
13 0393 was only necessary in order to build the
14 embankment associated with Greenwood Avenue and
15 nothing to do with the construction of the Detour
16 Road A.

17 Q. Okay. Then Ms. Brice had an objection
18 regarding the map 3 supplemental report as part of
19 this hearing, but we're discussing what the boring
20 found in the first hearing, and Exhibit 202 is
21 pertinent to that analysis that you used in your
22 report, right?

23 I mean, it shows -- Exhibit 202 shows the
24 borings that were presented to the Board in the

1 **first hearing?**

2 A. Correct.

3 **Q. Okay. I would like to turn to**
4 **Exhibit 21A-26. Are you there?**

5 A. Yes.

6 **Q. What is this document?**

7 A. This is a cross-section of the soil
8 borings found associated under Greenwood Avenue and
9 Sand Street, the surface reflects what the final
10 construction grade will be in association with those
11 streets.

12 **Q. Could you read what the information on the**
13 **bottom right states?**

14 A. There was a note on the bottom right-hand
15 side for the contractor to reflect that this
16 information -- "The information provided on this
17 figure is for information only."

18 **Q. Okay. Is there anything else indicated in**
19 **this document to you?**

20 A. It does lay out in the Greenwood Avenue
21 profile that, in essence, the work -- the embankment
22 work, and stuff like that on Greenwood Avenue,
23 begins at 7 plus 60.

24 **Q. Okay.**

1 A. Beyond to the further east, that is all
2 deferred.

3 Q. Okay. Thank you. I would like to go to
4 the next one. I would like to use your report that
5 begins with, "The analysis of the task bucket."

6 HEARING OFFICER HALLORAN: Is there a way to
7 move the tripod closer to the speaker for Pamela or
8 no?

9 BY MS. O'LAUGHLIN:

10 Q. Go to Exhibit 4.

11 A. In 207?

12 Q. In 207, correct. In Figure 4, 207-16,
13 what is this figure?

14 A. This figure shows the AT&T location.

15 Q. We talked about this yesterday?

16 A. Yes.

17 Q. Let's move to Exhibit 5.

18 A. 207-17?

19 Q. In Gobelman Exhibit 5, 2070-17, Gobelman
20 Exhibit 5, what is this a picture of?

21 A. This is a figure showing the location of
22 North Shore Gas line that is part of the location on
23 the map.

24 Q. Can you describe the location of the North

1 **Shore Gas?**

2 A. The North Shore Gas comes into Site 3
3 along the western border, roughly halfway within the
4 site, and traverses diagonally up to the northeast
5 and crosses into Site 6 somewhere between boring 3S
6 and 4S.

7 **Q. And this is the hashed area?**

8 A. The hashed area, yes, is the area that I
9 used in my calculations for the North Shore Gas.

10 **Q. What is the green and the pink?**

11 A. The pink color is the area that falls
12 outside of 0393. The green area is the area that
13 falls within 0393.

14 **Q. Okay. And what are the total costs for**
15 **the North Shore Gas bucket?**

16 A. Are you asking for what is on the total
17 page?

18 **Q. Yes, correct. What are the total costs**
19 **that Johns Mansville paid for Site 3 for the North**
20 **Shore Gas cap bucket?**

21 **Is it 332,000? It's 207-5.**

22 A. Oh, 332,005.4.

23 **Q. How did you determine IDOT's share of**
24 **liability?**

1 A. I looked at the area of the corridor that
2 was going through Site 3, and that was divided by
3 the total area of the dashed line as it traversed
4 all of Site 3.

5 **Q. So, is that what these two colors**
6 **demonstrate?**

7 A. Those two colors represent the entire
8 area.

9 **Q. Okay. And how much in the green area**
10 **falls within the IDOT area of liability?**

11 A. Approximately 39.3 percent.

12 **Q. Okay. And then what did you do with the**
13 **39.3 percent?**

14 A. I used that to calculate IDOT's -- what is
15 attributed to IDOT for the cost associated with that
16 area.

17 **Q. You came up with what amount?**

18 A. 130,682.

19 **Q. Moving to Site 6 for the North Shore Gas**
20 **line, can you explain what you did to determine**
21 **IDOT's liability for Site 6 for this gas bucket?**

22 A. The way it lays out, I used linear feet of
23 the gas line as it traverses through Site 6.

24 **Q. Okay.**

1 A. And then basically used the reporting -- I
2 believe reporting of Mr. Dorgan's report, that
3 stated that the length along the south side of
4 Site 6 was approximately 2,000 linear feet.

5 **Q. What is the linear feet of IDOT's**
6 **responsibility on Site 6?**

7 A. The amount of IDOT's responsibility is the
8 center between 4S and 5S was 72 feet.

9 **Q. Okay. And then did you calculate the**
10 **percentage based on linear feet?**

11 A. Yes, it came up to 6 -- sorry, 3.6 feet.

12 **Q. Okay. And then you applied that to the**
13 **total cost that JM made?**

14 A. Yes.

15 **Q. You came up with how much for the IDOT**
16 **attribution?**

17 A. 8,455.

18 **Q. And for the cost for Site 3 and 6, it**
19 **cannot be attributed to -- applied to both Sites 3**
20 **and 6?**

21 **How did you figure out-- how did you**
22 **determine IDOT attribution for Sites 3 and 6?**

23 A. I took the cost that I attributed to IDOT
24 for Site 3 and added the specific cost to IDOT for

1 Site 6, and then divided by the total amount that
2 Johns Mansville paid regarding the gas line portion
3 and came up with a percentage for those Sites 3 and
4 6 cost of 24.5 percent.

5 Q. Okay. And that's based on the analysis
6 for Site 3 or Site 6, and then you came up with the
7 percentage for Site 3?

8 A. Yes.

9 Q. Is there anything else worth noting
10 regarding the North Shore Gas line involvement in
11 figure 5?

12 A. No.

13 Q. I'm going to ask you now about the
14 utility/ACM soil excavation gas buckets.

15 If you could turn to your first report.
16 What may be helpful is 205-11. The reason why it's
17 in your first report is because why?

18 I'll withdraw that. Do you discuss
19 utility ACM excavation in your supplemental report?

20 A. No, because nothing changed in the
21 calculation based on the changes associated with the
22 work.

23 Q. Okay. What is the utility ACM soil
24 excavation gas buckets? If you could describe

1 **previously what was done.**

2 A. It's regarding the service of construction
3 work done based on the test soils for Site 6, which
4 is calculated, in essence, the same way Mr. Dorgan
5 calculated his using this calculation that my
6 attributions were different.

7 **Q. Okay. So, what was your attribution?**

8 A. I utilized the calculations that I used
9 for the ACM line for site 6. It's the total length
10 for Site 6, which is approximately 5,470 linear
11 feet, and the length attributed to IDOT's
12 responsibility, which is defined as 197 linear feet
13 along the western edge of site 6 to the halfway
14 point between 4S and 5S, and then that percentage
15 became 3.6 percent.

16 **Q. And that 3.6 percent did what?**

17 A. The 3.6 percent was then applied to the
18 total cost that was spent in that gas buckets of
19 155,318, and I came up with an IDOT responsibility
20 of 5,591.

21 **Q. Okay. And, then, the utility ACM total**
22 **excavation occurred on both sides of site 6?**

23 A. Yes.

24 **Q. That only pertains -- that gas bucket only**

1 **pertains to Site 6?**

2 A. Yes.

3 **Q. Moving to Gobelman Figure 6, which is**
4 **207-18?**

5 A. Yes.

6 **Q. Okay. What is Gobelman Figure 8?**

7 A. It is a figure showing the location of the
8 northeast excavation.

9 **Q. Describe where the northeast excavation**
10 **is?**

11 A. It is along the northern border of Site 3
12 that runs from a point some place east of total
13 boring 3S to a point slightly east of 6S.

14 **Q. It is the hashed area?**

15 A. The hashed area.

16 **Q. The hashed area on Gobelman Figure 6?**

17 A. Yes.

18 **Q. What is the northeast excavation site gas**
19 **buckets?**

20 A. It was an area that they were required to
21 do more extensive excavation associated with
22 excavation in that area.

23 HEARING OFFICER HALLORAN: You're trailing off
24 again. Sorry.

1 THE WITNESS: It's an area they did a more
2 extensive excavation in that area.

3 BY MS. O'LAUGHLIN:

4 Q. Okay. In Gobelman Figure 4, there is two
5 sets of lines. Can you describe those two sets of
6 lines?

7 A. Yes, it describes the area within the
8 right-of-way 0339 and the area outside of 0393.

9 Q. And what does the 1889 mean?

10 A. That is the area that was calculated
11 underneath that of what is the area -- the square
12 feet of the area within 0393 and the area outside of
13 the 0393 that was calculated at 6,611 square feet.

14 Q. You mean 5,000?

15 A. 5,611 square feet.

16 Q. What did you do with those numbers?

17 A. I took those and --

18 Q. Did you calculate percentage?

19 A. Yes. Just a second.

20 Q. Okay.

21 A. I took the percent, the square feet inside
22 0393, 1889, and divided it by the total of the whole
23 area, which would have been the total of 1889 plus
24 5611 square feet, which is a total of 7,500 square

1 feet, and that gave me a percentage of 25.2 percent.

2 **Q. And with that 25.2 percent, you did what?**

3 A. I applied it to the cost -- the total cost
4 for site -- associated with Site 3, with the
5 northeast excavation of 29,934 and came up with
6 IDOT's cost of 12,583.

7 **Q. Okay. And what about D45, boring D45, did**
8 **you include that within IDOT's area or no? How did**
9 **you treat that?**

10 A. Well, in laying out the boring locations,
11 even in the revised site map, D345 falls outside of
12 IDOT's right-of-way 0393.

13 According to the Board's rule, or Board's
14 ruling, as it fall outside, that is not IDOT's
15 liability; however, I decided in the first report
16 that I submitted that since it fell outside of 0393
17 of about five feet, that I would include it within
18 right-of-way 0393; but I didn't want to spend two
19 days testifying about a five-foot differential
20 within right-of-way 0393.

21 So, the purpose of all these figures, I am
22 letting D345 be inside 0393.

23 **Q. And IDOT's area 6 liability?**

24 A. IDOT's area of liability.

1 **Q. Are there any northeast excavation costs**
2 **associated with Site 6.**

3 A. I do not have any costs associated with
4 Site 6.

5 **Q. Okay. Let's move to the dewatering gas**
6 **buckets.**

7 A. Okay.

8 **Q. What is the dewatering?**

9 A. Dewatering was required in the
10 construction project because the ground water
11 elevation in this area was pretty high, and so any
12 excavation would tolerate the ground water; and in
13 order for them to create the corridor, they needed
14 to have a dry condition.

15 Soils can be managed both sides with three
16 liquids in them, so they had to install a ground
17 water pumping system so the water would fall down to
18 ground water along the north side of Site 3 and then
19 the south side of Site 6 so that could work.

20 **Q. Okay. And what utility lines for other**
21 **gas buckets were associated or needed by dewatering?**
22 **You could turn to 207-7 of your report to help you.**

23 A. For site 3, the utilities that were
24 affected were the Nicor line, the North Shore Gas

1 line, the City of Waukegan waterline and the
2 northeast excavation.

3 **Q. Okay. And for Site 3, how did you**
4 **determine IDOT's responsibility or liability?**

5 A. I calculated it the same way Mr. Dorgan
6 did in his, except I applied allocations for IDOT
7 were less than his.

8 **Q. And why is that?**

9 A. Because of the percentages that I had
10 assessed on the area or the link that were impacted
11 within those different gas buckets.

12 Also, I didn't include any costs to the
13 City of Waukegan waterline, because it was outside
14 of the Board's ruling on the boring location.

15 **Q. Okay. So, what did you -- are these part**
16 **of your Table 1? Is this calculation part of your**
17 **Table 1?**

18 A. Those are found in Table 1. They are the
19 same calculation tables that Mr. Dorgan used in his
20 report.

21 **Q. If you could turn to 207-22. Now, you**
22 **said you used the same methodology as Mr. Dorgan?**

23 A. Correct.

24 **Q. But your percentage of IDOT liability is**

1 less than the amount of overall percentages and
2 different numbers?

3 A. Correct.

4 Q. But the methodology is the same. Okay.
5 So, let's go to the dewatering analysis, which is on
6 207-23.

7 A. Yes.

8 Q. Can you walk us through how you -- it's
9 the same methodology. We've gone through it with
10 Mr. Dorgan.

11 Your overall amounts are different so you
12 have a different percentage?

13 A. Yes. And the summation of costs
14 associated with dewatering in those utilities that
15 needed the dewatering; and, in essence, there is a
16 division of 50 percent, based upon what those
17 utilities were cost attributed to IDOT.

18 And then take the total amount that IDOT
19 was attributed divided by the total amount, and you
20 come up with a percentage.

21 Q. What percentage did you come up with?

22 A. For Site 3, my percentage was 21.7.

23 Q. What did you do with the 21.7 percent?

24 A. I placed that 21.7 at every line that was

1 listed in Mr. Dorgan's for the cost for dewatering.

2 **Q. Okay. And what was the total amount you**
3 **attributed to IDOT liability for dewatering on**
4 **Site 3, based on this methodology?**

5 A. For Site 3, the cost was 56,221.

6 **Q. Okay. Site 6 dewatering?**

7 A. I used the same process of utilities that
8 were associated with dewatering associated with
9 Site 6, divided by the total amount, I came up with
10 a percentage of 23.5 percent, and the total cost for
11 that at Site 6 was 106,587. IDOT's cost -- the cost
12 attributed to IDOT was 37,738.

13 **Q. Okay. And you limiting it to IDOT's area**
14 **of liability?**

15 A. Correct.

16 **Q. Okay. Do you know offhand what Mr. Dorgan**
17 **did?**

18 A. He did a number of things.

19 **Q. And you reference to Site 6 dewatering**
20 **analysis?**

21 A. I believe he assessed the AT&T lines as
22 one in and one out, I believe. Without looking, it
23 was 50 percent of the dewatering process associated
24 with Site 6.

1 **Q. Okay. How about the cost for dewatering**
2 **for Sites 3 and 6, in particular?**

3 A. That calculation is shown in a sub-box at
4 the bottom of that table, which is the total
5 dewatering cost for Sites 3 and 6.

6 The total of IDOT's cost attributed to
7 IDOT, which was 93,000. If you divide those
8 together, and you come up with a percentage of 22.4.

9 And that is put into the Site 3 through 6
10 boxes that have costs; and of the 39,000 of 175 that
11 was spent for dewatering, regarding the combined
12 Site 3 and 6 area, IDOT's cost -- I attributed
13 IDOT's cost to be 8,775.

14 **Q. Is there anything else that is pertinent**
15 **to your analysis of dewatering costs that we haven't**
16 **already discussed?**

17 A. No.

18 **Q. Moving along to Gobelman Figure 7, which**
19 **is 207-19 -- are you there?**

20 A. Okay.

21 **Q. What is this a figure of?**

22 A. This is a figure of the location of what
23 is called the lap area.

24 **Q. Describe this on your figure 7?**

1 **Q. And did you include that in IDOT's**
2 **liability?**

3 A. No.

4 **Q. And why?**

5 A. Because it's outside of the borings that
6 were assessed by the Board. I think it also stated
7 on page -- Exhibit 205-15, at 207, nothing changed
8 associated with the cost associated with the ramp
9 when I created my total cost.

10 **Q. Okay. Moving along, is there anything**
11 **else worth noting about ramp costs for this figure?**

12 A. No.

13 **Q. Moving along to Gobelman Figure 8, 207-20.**

14 A. Yes.

15 **Q. What is Gobelman Figure 8?**

16 A. It is a figure showing the area regarding
17 IDOT's allocation regarding the filling and capping
18 location.

19 **Q. What are filling and capping costs?**

20 A. It is the costs associated with the
21 capping project that had to be done at the
22 conclusion of all the remedial work.

23 **Q. What was the area involved that needed to**
24 **be filled and/or capped?**

1 A. All of site 3 needed to be capped.

2 **Q. Including the ramp area?**

3 A. The ramp area exists because they couldn't
4 cap in that area, and then they got a waiver for
5 capping on the northeast corner of Site 3, because
6 they couldn't -- they weren't able to place a cap
7 along the embankment. I believe it was too steep,
8 or something like, that they couldn't do.

9 HEARING OFFICER HALLORAN: Do you have an
10 objection?

11 MS. BRICE: Yes, I have an objection.
12 Mr. Gobelman has identified the map in the extra
13 report for that filling area on the figure, not as
14 the larger area which the other witnesses testified,
15 which involves a much larger ramp area.

16 He is, therefore, now reciting to what he
17 heard in the testimony today -- over the last couple
18 of days and changing his opinion.

19 HEARING OFFICER HALLORAN: Ms. O'Laughlin?

20 MS. O'LAUGHLIN: I don't understand the point
21 she's making.

22 HEARING OFFICER HALLORAN: I don't understand
23 the point.

24 MS. O'LAUGHLIN: I don't understand the

1 objection she's making. I don't understand the
2 point that she's making.

3 MS. BRICE: This is a new opinion.

4 HEARING OFFICER HALLORAN: Well, you know,
5 again, like the last -- the offer of proof, it
6 sounds like he's just responding to the last couple
7 of days of testimony, which I don't think is a bad
8 thing.

9 His opinion is based on now the past
10 direct testimony he heard the last two days.

11 MS. O'LAUGHLIN: Mr. Hearing Officer, his
12 opinion is supposed to be based on his expert
13 report.

14 This is directly contradicting what is set
15 forth in the report; therefore, we never had an
16 opportunity to discuss anything about this.

17 MS. BRICE: I don't believe it's contradicting
18 or supplementing anything from his expert report.

19 MS. O'LAUGHLIN: Why don't I withdraw that
20 objection, and we will focus on your expert report
21 regarding filling and capping.

22 BY MS. O'LAUGHLIN:

23 **Q. If you could turn to 205-15.**

24 **A. Yes.**

1 **Q. If you could read that paragraph?**

2 A. "Due to site conditions, it was not
3 practical to install the required section cap in an
4 area on the northwest corner of Site 3. Instead of
5 a section cap, a 3-inch stone aggregate layer was
6 placed over the impacted clay in lieu of top soil
7 adjacent to a low, off-site wet area.

8 "Since this work occurred within's parcel
9 0393, and is located to the west of the soil sample,
10 location D325 is located outside of IDOT's
11 responsibility, as defined by the Illinois Pollution
12 Control Board liability area."

13 **Q. Where is D329 located on any of these**
14 **figures?**

15 A. In essence, it is the second boring to the
16 east of the boring listed there. The first boring
17 is D326, which is the farthest west boring within
18 0339 and D325 is the next boring.

19 **Q. Okay. And then the ramp area you just**
20 **read from your expert report is depicted?**

21 A. As the far western portion of Site 3.

22 **Q. Okay. And did you include costs**
23 **associated with the ramp task bucket in your IDOT**
24 **attribution?**

1 A. No, the associated cost of 20,880 is not
2 attributed to IDOT's responsibility as defined by
3 the Pollution Control Board.

4 **Q. Moving to filling 7. What are -- I**
5 **already asked you what filling included. I'm not**
6 **going to ask you again.**

7 **What are the filling and capping costs**
8 **task bucket for site 3?**

9 A. The total cost is 426,254, and this
10 includes the construction needed for filling and
11 capping construction T&M for filling and capping
12 construction, management for filling and capping.

13 **Q. Which totals that amount?**

14 A. That totals 426,500 -- sorry, 426,254.

15 **Q. And those cap costs came from Mr. Dorgan's**
16 **report?**

17 A. Yes.

18 **Q. And how did you determine what filling and**
19 **capping costs should be allocated to IDOT?**

20 A. I calculated the entire area associated
21 with Sites 3 and the area of IDOT's responsibility
22 regarding the borings listed and extended the
23 Board's boring of D325 and extended it to the next
24 cleaning of the boring, which was D3-26.

1 **Q. Why is it being a clean boring relevant or**
2 **pertinent to your analysis?**

3 A. Normal practice of things, if you are
4 going between borings -- two borings that are
5 contaminated, you assume passages.

6 In order to do clean-up and stuff like
7 that, typically if the next boring is clean, you
8 only know you are clean until you get to that clean
9 boring.

10 So, I didn't assume a halfway distance. I
11 went to the next clean-up boring, because that would
12 be showing that the entire area was clean.

13 **Q. Okay. And that area that you just**
14 **described, can you explain how it is demonstrated in**
15 **your Figure 8?**

16 A. In Figure 8, there is a hatched-in site on
17 Site 3 within the right-of-way of 0393 that hatches,
18 in essence, from boring D -- D326 and extends to the
19 east, so the eastern edge of right-of-way 0393, and
20 it is then calculated that area is 0.2 acres.

21 **Q. Okay. And how did you determine what**
22 **should be allocated to IDOT, based on your hatching**
23 **process, in determining that as .2 acres?**

24 A. I had to calculate that area associated

1 with the area that we're hatching that included the
2 borings of IDOT's responsibility and going to the
3 west to the next cleanest boring.

4 Q. Okay. And what percentage of this
5 .2 acres of Site 3?

6 A. It is approximately 6.5 percent of Site 3.

7 Q. Okay. And then what did you do with the
8 6.5 percent calculation?

9 A. I used that percentage to calculate for
10 site 3 IDOT -- what IDOT attributed to.

11 Q. Okay. Which is how much?

12 A. 27,707.

13 Q. Okay. So, this is all of Site 3, that
14 area required filling and capping; is that correct?

15 A. Yes.

16 Q. Okay. And then of all those .2 acres is
17 what the Board found IDOT liable for and wanted
18 further evidence?

19 A. Correct.

20 Q. Okay. And moving to Site 6.

21 A. In site 6, I included the hatching from
22 the western edge of Site 6 to a point halfway
23 between boring 4S and 5S, halfway between because 5S
24 also contained asbestos-containing material, so I

1 went halfway to the halfway point.

2 **Q. And why halfway?**

3 A. That's standard practice for doing that.
4 It is assumed that the contamination exists through
5 that whole area, and you sort of look at it is what
6 it is attributed to.

7 Is it attributed to contamination
8 associated with borings or contamination associated
9 with 5S? It's halfway between standard practice.

10 **Q. Okay. This map also shows IDOT's area of**
11 **liability as referenced by the Board's boring**
12 **efforts?**

13 A. Yes, it references 1S, 2S, 3S and 4S.

14 **Q. And you can see the size of Site 3 in**
15 **relation to the IDOT area of liability for -- excuse**
16 **me, the IDOT area of liability doesn't support the**
17 **December 2016 order, which references boring**
18 **locations. It doesn't demonstrate it.**

19 **And except for Site 6, it shows it running**
20 **out to Site 6?**

21 A. Correct.

22 **Q. This goes to the geography that IDOT is**
23 **liable for?**

24 A. Yes.

1 **Q. And what was the percentage that you found**
2 **for Site 6 filling and capping costs?**

3 A. The percentage for Site 6, which was a
4 calculation of the linear feet, within the borings
5 that I discussed that were associated with IDOT, has
6 a total length of the north and south corridor for
7 Site 6 came up with a percentage of 3.6 percent,
8 which after calculating that to the total, came up
9 with the cost attributed to IDOT of 11,173.

10 **Q. Okay. And what about cost for Site 3?**

11 A. I utilized Mr. Dorgan's process of
12 calculating the portion of cost for the cost that
13 could not be separated.

14 So, in this case, the amount that I had
15 currently calculated for Site 3 and Site 6 was a
16 total of 38,879.

17 And the total cost for Site 3 and Site 6
18 was 736,607, which provided a percentage of 5.3,
19 which related to IDOT's responsibility in the cost
20 for sites a throw and 6 of 18,657.

21 **Q. Okay.**

22 **MS. O'LAUGHLIN: Would it be okay if we took a**
23 **short break? I know we're trying to get through**
24 **this.**

1 HEARING OFFICER HALLORAN: That's great. Let's
2 be back in 15 minutes. Pamela, you are relieved for
3 15 minutes.

4 (A recess was taken.)

5 HEARING OFFICER HALLORAN: All right. So, it's
6 approximately 11:29. We're back on the record.
7 Ms. O'Laughlin?

8 BY MS. O'LAUGHLIN:

9 Q. Mr. Gobelman, I want you to review a group
10 of task buckets that applies to the higher -- that
11 are not segregated in Site 3. They are not
12 segregated in Site 6. That applies to the whole
13 Site 3 and 6.

14 And the methodology that you used for the
15 general site/site preparation costs, the health and
16 safety costs, the UTA oversight costs, and the cost
17 for legal support services, did you use the same
18 methodology as Mr. Dorgan?

19 A. Yes.

20 Q. Let's start with the general site/site
21 preparation costs. What are those?

22 A. Limited to the general project management
23 support interface with regulatory, the professional
24 service oversight of project activity escalation and

1 maintenance of storm water control, practice
2 control, clearing, rubbing of the site and the
3 preparation for construction.

4 **Q. Okay. Those were not segregated for the**
5 **entire Site 3 and 6?**

6 A. They were segregated by the work
7 associated for Site 3, and there was some stuff that
8 was associated with Site 6, and there were costs
9 associated with Sites 3 and 6.

10 **Q. Okay. Turning to your report 207-8 --**

11 A. Yes.

12 **Q. -- 3.5, "General Site/site Preparation."**
13 **What are the total general site/site preparation**
14 **costs?**

15 A. The total cost that JM gave for Site 3
16 were 932,730. For Site 6, it was 807,328.

17 **Q. In terms of costs for the project, the**
18 **costs that JM purportedly paid, those are pretty**
19 **significant amounts, the time for the ramp of**
20 **\$20,000.**

21 **But for the general site,**
22 **site/preparations, which are applied to the whole**
23 **site, the 932,730 is at the high end of costs?**

24 A. Yes, I agree.

1 **Q. Okay. So, turning to your Table 1, which**
2 **begins at 207-22 and runs through 207-25.**

3 **In essence, Mr. Dorgan's table shows your**
4 **calculation of how you came up with percentages,**
5 **which you then applied to the general site**
6 **preparation; is that a fair summary?**

7 A. Yes.

8 **Q. So, turning specifically to 207-24, and**
9 **the task bucket general site/site preparation --**

10 A. Okay.

11 **Q. -- how did you determine IDOT's**
12 **attribution?**

13 A. The calculation that is created outside of
14 the bottom of the table on the right-hand side
15 called the general site prep.

16 It has for Site 3 the total, which relates
17 to the way Dorgan did it, the total construction
18 costs associated with Site 3, divided by --

19 **Q. And what are the total construction costs**
20 **associated with Site 3?**

21 A. 1,476,454.

22 **Q. Where did that number come from?**

23 A. That comes from the addition of all the
24 costs from -- that Mr. Dorgan said were attributed

1 to those costs.

2 Q. What does the total construction cost
3 represent, 1,476,454?

4 A. That's the total amount of the cost that
5 applied to the construction of Site 3.

6 Q. At the bottom right of Exhibit 207-24, in
7 the bottom right, there is "General site/site
8 preparation," and you have total construction costs
9 in Site 3 that same amount 1,476,454.

10 Do you see that?

11 A. Say that again?

12 Q. At the bottom right of 207-24.

13 A. Yes.

14 Q. General site/site preparation?

15 A. Yes.

16 Q. You have total construction cost, total
17 IDOT attribution and percent of IDOT's attribution?

18 A. Yes.

19 Q. So, we already talked about what the total
20 construction cost is.

21 What does the total IDOT attribution
22 represent?

23 A. The cost for the construction services
24 that were attributed to IDOT's responsibility that

1 was defined by the Board, 247,616.

2 **Q. Thank you. And where did you get the**
3 **numbers from?**

4 A. It was from all the attributions
5 associated with the different task buckets that
6 applied to this general site, the prep work.

7 **Q. Okay. And let's walk through what task**
8 **buckets are included. Okay?**

9 A. Okay.

10 **Q. So, to find out the total IDOT attribution**
11 **for Site 3 cost, is the AT&T -- your allocation for**
12 **the AT&T telephone line would be included?**

13 A. That table doesn't specifically state
14 exactly where it's coming from, because I am just
15 copying from Mr. Dorgan's table and how he
16 calculated this system.

17 **Q. Okay.**

18 A. So, in his calculation, he is adding --
19 the computer is doing this. It added itself
20 together based upon the same cells that he added
21 together.

22 The total cost attributed to the cost
23 being looked at, which he just said IDOT contributed
24 to it, and recalculating it by hand.

1 I want to go to Dorgan's report, it says
2 how he calculated that.

3 **Q. How did you come up with the 15.8 percent?**

4 A. The 15.8 percent is just a simple
5 calculation of what was being told by Mr. Dorgan's
6 report of the total construction cost for Site 3,
7 and using the same IDOT allocations that he used in
8 his calculation, given that my allocations for those
9 specific cells are different, based upon the
10 percentages that I applied.

11 **Q. So, they involved your percentages?**

12 A. Yes. And then they made the decision in
13 coming up with a percentage of 15.8.

14 **Q. So, the total IDOT attribution reflects**
15 **your numbers in the task bucket that we talked about**
16 **earlier?**

17 A. Yes.

18 **Q. Okay. What did you do with the**
19 **16.8 percent?**

20 A. I applied that 16.8 percent to the general
21 site and site prep associated with Site 3 that had
22 cost in it and applied 16.8 percent to each one of
23 those costs, and came up with a total IDOT -- that
24 would be costs attributed to IDOT of 124,676.

1 **Q. Okay. And that number is shown at the**
2 **bottom row of Table 1, 207-22, task bucket Site 3,**
3 **pren general, site preparation?**

4 A. Yes.

5 **Q. Moving to Site 6, general Site 6/site**
6 **preparation, the rows on the bottom of this page you**
7 **have the percent item attribution for Site 6 as**
8 **being 5.5 percent. Do you see that?**

9 A. Yes.

10 **Q. How did you arrive at 5.5 percent?**

11 A. Again, I took the total construction cost
12 that was provided that Mr. Dorgan used in his report
13 of 1,232,059, and then added the cells that he used
14 in his calculation but using my cost associated with
15 allocated to IDOT.

16 **Q. Okay. Do you know cells those were?**
17 **Would it include the Waukegan waterline? Was the**
18 **Waukegan waterline one of those cells?**

19 A. I don't have it written specifically which
20 cells they were being applied from.

21 **Q. Okay.**

22 A. I can go back into Mr. Dorgan's report,
23 and then it would be the same calculation.

24 **Q. Okay. So, let's go through these and**

1 we'll compare it to the percentages that Mr. Dorgan
2 came up with in his calculation so we get an idea
3 how these two match up.

4 But for now, how did you arrive at the
5 5.5 percent attribution?

6 A. Taking the total construction costs for
7 Site 6 and divided it into my IDOT allocations for
8 those total construction costs as attributed to IDOT
9 and came up with 5.5.

10 Q. And then what did you do with the 5.5?

11 A. I applied it to the individual cells with
12 the insight for the general site prep.

13 Q. Okay. So, you're assessing 5.5 percent
14 for Site 6 general site/site preparation costs to
15 IDOT?

16 A. Yes.

17 Q. Okay. And you come up with what amount?

18 A. Total amount attributed to IDOT is 6,538.

19 Q. No.

20 A. I'm sorry 44,403.

21 Q. Correct. We'll got there. And, so, Sites
22 3 and 6, you came up with a percent IDOT attribution
23 of 8.8 percent?

24 A. Correct.

1 Q. Was that determined through the same
2 method you had described?

3 A. Yes, and that Mr. Dorgan used.

4 Q. And then you applied that percentage?

5 A. To the cell that had the cost in it and
6 came up with IDOT attribute of 6,538.

7 Q. Okay. Let's, if we can, pull out
8 Mr. Dorgan's appendix F, I believe. I have a hard
9 time reading this one. We may not stay here.

10 It is Exhibit 204. Can you find where
11 Mr. Dorgan did a similar analysis for general
12 site/site preparation on his -- in his figures?

13 A. Yes.

14 Q. Where is that?

15 A. 204-110.

16 Q. 204-110?

17 A. Yes.

18 Q. Okay. So, 204-110, Mr. Dorgan's
19 Exhibit F, and your Table 1, 207-24, is a similar
20 methodology in using the same construction costs and
21 using the same overall general site/site
22 preparation; is that correct?

23 A. Yes, it utilizes the total construction
24 cost, utilizing individually what we assessed IDOT's

1 responsibility costs, coming up with a percentage
2 for those areas and applying those percentages to
3 the cost for the general site/site prep.

4 Q. Okay. So, for Site 3, you come up with a
5 percentage of 16.8 percent; is that correct?

6 A. Correct.

7 Q. And what is the percentage that Mr. Dorgan
8 arrived at?

9 A. 74.2 percent.

10 Q. Okay. And, so, you each applied that
11 percentage to the cost with your respective IDOT
12 allocations?

13 A. Yes, for the general site/site prep.

14 Q. Okay. And obviously the figures are
15 different because the percentage allocation is
16 different?

17 A. Correct.

18 Q. Okay. And the 74.2 percent for
19 Mr. Dorgan, and the 16.8 percent for you, is based
20 on your analysis of earlier allocation of task?

21 A. Correct.

22 Q. Okay. So, that general methodology was
23 applied to the general site/site preparation, and it
24 was also applied to the health and safety expenses?

1 A. The same methodology of how it's
2 calculated for his and mine.

3 **Q. Okay. So, turning to 207.24, your**
4 **Table 1, so for Site 3 -- excuse me, for health and**
5 **safety, the costs are allocated to Sites 3 and 6; is**
6 **that right?**

7 A. Yes.

8 **Q. Okay. And you applied that same**
9 **percentage, 8.8 percent, to the Site 3 and 6, health**
10 **and safety costs?**

11 A. Yes.

12 **Q. Okay. So that same percentage applies to**
13 **the site 6 overall calculation?**

14 A. Correct.

15 **Q. Okay. What are those?**

16 A. It would be the costs associated with the
17 health and safety plan and the potential of
18 monitoring the work in regards to safety. Costs
19 associated with that would be applied to safety with
20 how they charged in their system.

21 **Q. Okay. And applying 8.8 percent to the**
22 **overall total cost of 77,000, you come up with what**
23 **amount?**

24 A. 6,776.

1 Q. And turning to Mr. Dorgan's Exhibit F,
2 204-110, his percentage for IDOT attribution for
3 Site 3 and 6 is 63.1 percent.

4 Am I reading that right?

5 A. Correct.

6 Q. Okay. So, he came up with a 63.1 IDOT
7 attribution, based on whatever he did, and he
8 applied that, that same percentage?

9 A. Correct.

10 Q. Same methodology, different percentage?

11 A. Correct.

12 Q. Okay. And, similarly, task bucket EPA
13 oversight, what are EPA oversight costs?

14 A. It's the cost the USEPA was charging for
15 their review.

16 Q. Okay. And those could not be assigned to
17 a particular job. It applied to the whole area.

18 So, did you follow the same methodology
19 for the EPA oversight of costs?

20 A. Yes, it was the same calculation that we
21 used in the general site/site prep for Site 3; and
22 the calculation that was used for Site 6,
23 16.8 percent for Site 3, and 5.5 percent for Site 6.

24 Q. And you're looking at 207-25?

1 A. I'm looking at 207-24, which is at the
2 bottom beginning with "The general site/site prep.

3 **Q. Right.**

4 A. Those percentages are applied into the EPA
5 oversight cost, in regards to their cost associated
6 for Site 3 and for Site 6.

7 **Q. Okay. And, similarly, port services cost,**
8 **how did you figure out IDOT's attribution?**

9 A. Again, there's a calculation we had at the
10 bottom of the table that is identical to what
11 Mr. Dorgan did, and was explained by Mr. Dorgan in
12 his testimony, in regards to the total cost for the
13 utility work, which is divided into; and then the
14 total cost of Site 6 utility work, and any amount
15 that I applied for IDOT's allocations.

16 And then there's a cost for sites 3 and 6,
17 utility work, and a cost for what I attributed to
18 IDOT regarding that, and the total for those
19 different areas. Utility work was 1,638,836 for the
20 total cost of the utility work that JM did.

21 The amount regarding those same areas that
22 we pulled those off from, IDOT -- the cost
23 attributed to IDOT was 190,281.

24 **Q. Okay. Do you know offhand what utilities**

1 **were involved in determining the total cost for**
2 **utility work?**

3 A. It included -- it was with regards to the
4 legal work associated with easements and other
5 agreements for Sites 3 and utility work.

6 I didn't define the specific utilities
7 that applied to it. I adjusted it as the general
8 site and site prep.

9 I utilized the same areas or buckets that
10 Mr. Dorgan used in calculating -- coming up with
11 those totals and used the same allocations that were
12 percentages regarding those and creating those
13 totals attributed to IDOT.

14 It wasn't specifically written, the exact
15 cells from each location within the table.

16 **Q. Okay.**

17 A. It was presented in the demonstrative that
18 was provided by Mr. Dorgan. It was done exactly the
19 same way.

20 **Q. Okay. So, the total IDOT attribute for**
21 **utility work is how much?**

22 A. The percentage that I came up with at 11.6
23 percent, and it came up to the IDOT's -- the cost
24 attributed to IDOT as 8,333.

1 Q. Correct. Okay. And turning to
2 Mr. Dorgan's Exhibit F, 204-111, what percent IDOT
3 attribution did he come up with?

4 A. 47.5 percent.

5 Q. Okay. And you came up with 11.6 percent;
6 is that right?

7 A. Yes.

8 Q. And then that 11.6 percent, just like the
9 others, you applied that to the legal services?

10 A. Correct.

11 Q. And came up with?

12 A. 8,333.

13 Q. Okay. I would like to turn to 207-10.
14 Are you there?

15 A. Yes, correct.

16 Q. So, what is this chart or table on 207-10?

17 A. It's the summary table of all the costs
18 attributed to IDOT regarding individual task buckets
19 that were processed and developed in the table that
20 we just talked about.

21 Q. Okay. So, this summary includes all the
22 things that we've gone through yesterday and today,
23 regarding the breakdown of each of the task buckets,
24 what IDOT attributed to the task bucket?

1 **Q. So, let's walk through this to come up**
2 **with a total that you arrived at for IDOT**
3 **attribution.**

4 **So, starting -- and this is a summary of**
5 **everything we've been walking through since**
6 **yesterday and today?**

7 A. Yes, it reflects the cost attributed to
8 IDOT for each bucket list for each column for cost
9 of Site 3, cost for Site 6 and the cost for the area
10 defined as Sites 3 and 6.

11 **Q. So, for Nicor Gas, which is the first**
12 **line, that was a task bucket?**

13 A. Correct.

14 **Q. How much did you attribute to IDOT for**
15 **Nicor Gas?**

16 A. It attributed the cost of Nicor gas is in
17 the defined area.

18 **Q. And the City of Waukegan waterline, how**
19 **much cost that you attribute to IDOT?**

20 A. I didn't attribute any cost to the
21 Waukegan waterline because it crossed 0393 outside
22 of the defined boring location.

23 **Q. And for AT&T, which is the third line in**
24 **your summary chart?**

1 A. I attributed a total cost of 31,303.

2 Q. Okay. And for utilities/ACM excavation?

3 A. I attributed a total cost of 5,591.

4 Q. And for North Shore Gas, what was your
5 attribution?

6 A. I attributed 153,385.

7 Q. And the northeast excavation, what was
8 your total attribution to IDOT?

9 A. Northeast excavation that was attributed
10 12,583.

11 Q. And what was dewatering?

12 A. Dewatering was attributed to IDOT of
13 102,734.

14 Q. Frak?

15 A. Frak was not attributed to IDOT.

16 Q. Filling and capping?

17 A. Filling and capping costs was 57,537.

18 Q. General site/site preparation?

19 A. The cost attributed to IDOT was 175,617.

20 Q. Health and safety cost?

21 A. Health and safety was 6,776.

22 Q. USEPA oversight cost?

23 A. The cost to IDOT was 46,191.

24 Q. Legal support?

1 A. Legal support costs contributed to IDOT
2 3,133.

3 **Q. And all of those were how much?**

4 A. Total cost attributed to IDOT was 600,050.

5 **Q. What is your opinion -- I'll withdrew the**
6 **question. Let me rephrase that.**

7 **Did you reach this opinion to a reasonable**
8 **degree of professional certainty, or whatever the**
9 **magic expert language is?**

10 A. Yes, based upon the information I had at
11 the time of creating this information.

12 MS. O'LAUGHLIN: If I can just take a quick
13 break to review my notes. I think I'm done. Let me
14 confer with counsel.

15 HEARING OFFICER HALLORAN: Nobody leave the
16 room.

17 (Recess taken.)

18 MS. O'LAUGHLIN: We have no further questions
19 of Mr. Gobelman in our direct examination.

20 HEARING OFFICER HALLORAN: I think we've agreed
21 we're going to take an hour lunch, and we're going
22 to be back here at 1:05, and we'll see you then.
23 Thank you.

24 (Recess taken.)

1 HEARING OFFICER HALLORAN: We're back on the
2 record now. It's approximately 1:15. Mr. Gobelman
3 is still on the stand under oath. Susan Brice, the
4 attorney, is continuing cross.

5 MS. BRICE: Just before I start, I'm just
6 renewing my continuing objection with respect to
7 Mr. Gobelman and his map and figures.

8 HEARING OFFICER HALLORAN: And the record so
9 notes. Thank you.

10 CROSS-EXAMINATION

11 BY MS. BRICE:

12 Q. Okay. Mr. Gobelman, you were the expert
13 during the initial hearing on liability in this
14 case; is that correct?

15 A. Correct.

16 Q. And you offered a number of opinions in
17 your expert report at the hearing, right?

18 A. Yes.

19 Q. And you testified you were 100-percent
20 correct about those opinions, didn't you?

21 A. Not 100 percent, within a reasonable
22 degree of certainty.

23 Q. Okay. If you would open the exhibit in
24 front of you. I think it needs to be attributed to

1 -- I'm handing you what is the deposition transcript
2 from the first hearing June 23rd of 2016.

3 Do you remember testifying on that day?

4 A. No.

5 Q. Do you remember testifying in the first
6 hearing?

7 A. Yes.

8 Q. Okay. If you could turn, please, to page
9 26 of this document. Let me know when you are
10 there.

11 A. Yes.

12 Q. Okay. I'm on page line 21, page 26. It
13 says, "Question: Okay. Well, I think when we
14 discussed earlier at the very beginning of your
15 cross-examination, you had testified that your
16 opinions, all of your opinions, were reached to a
17 higher percent degree of certainty.

18 "Do you recall that?

19 "Answer: Yeah, I consider that would be a
20 reasonable degree of high expert certainty.

21 "Question: A 100 percent certainty?

22 "Answer: Same thing.

23 "Question: A reasonable degree of
24 scientific certainty and 100-percent certainty are

1 the same thing?

2 "Answer: Uh-huh, in my mind, they work."

3 Do you recall that testimony?

4 A. I don't remember it. It is what it is.

5 Q. But it is here in this transcript,
6 correct?

7 A. Correct.

8 Q. Thank you. The Board disagreed with some
9 of your opinions in your expert report and your
10 opinions in the hearing, right?

11 A. I don't recall.

12 Q. Well, the Board -- you said that there was
13 no liability associated with IDOT. Is that your
14 opinion?

15 A. Yes.

16 Q. Okay. And the Board found that IDOT
17 wasn't liable, did it not? Is that yes or no?

18 A. Yes.

19 Q. In fact, what you say it's possible for
20 IDOT to have buried ACM at site 3 and 6. The Board
21 found that IDOT did, in fact, buried ATM in those
22 locations, didn't it?

23 A. I would say the Board found that IDOT was
24 liable for certain borings associated within certain

1 sites within the right-of-way.

2 Q. Again, you are being offered as an expert
3 in the damages phase of this case, correct?

4 A. Yes.

5 Q. And you are -- you reached a number of
6 opinions; is that right?

7 A. Yes.

8 Q. Okay. I would like for you to turn to
9 Exhibit 205. Do you see that?

10 A. Yes.

11 Q. Okay. And this is your initial expert
12 report dated August 22nd, 2018; is that correct?

13 A. Yes.

14 Q. And you wrote this report, correct?

15 A. Correct.

16 Q. And you changed your opinions as of that
17 date, August 22nd, 2018, correct?

18 A. Yes.

19 Q. Okay. And you maintain that those
20 opinions were 100 percent correct, didn't you?

21 A. I think I said within a reasonable degree
22 of certainty.

23 Q. Okay. You said, did you not, that you
24 were 100 percent -- you weren't sure that they were

1 a 100 percent certainty?

2 A. I don't believe I testified to that.

3 Q. Okay. Let's open your deposition. We're
4 going to Gobelman Exhibit 1, the deposition that was
5 taken. I believe everyone should have the
6 deposition in front of you them. And we're turning
7 to page 48.

8 Gobelman 1 is dated --

9 HEARING OFFICER HALLORAN: Exhibit 29?

10 MS. BRICE: Sorry. Exhibit 229A. And we're
11 going to the page number 48. And, Mr. Horan.

12 Let me know if my page numbers are off. I
13 think they are right.

14 HEARING OFFICER HALLORAN: Yes, they are right.

15 BY MS. BRICE:

16 Q. If you could go to 48, line 9. Do you
17 recall having your deposition taken in this matter?

18 A. Yes.

19 Q. Your deposition was taken ON two occasions
20 in this matter, correct?

21 A. Correct.

22 Q. Okay. And in the first deposition on page
23 48, line 8, it says, "Question: Are you 100-percent
24 certain that you were last time?"

1 "Answer: 100-percent certain within a
2 reasonable degree of scientific certainty.

3 "Question: Okay. What does that mean?

4 "Answer: I am pretty confident that my
5 approach is accurate.

6 "Okay. So, give me a percentage of
7 certainty.

8 "Answer: You want to go to percent, I'll
9 go 100 percent with you.

10 "Question: Okay. So, there's room for
11 doubt that your opinions are incorrect or inaccurate
12 in any way?

13 "Answer: The approach is correct."

14 Do you see that?

15 A. Yes.

16 Q. Okay. And that was from your first
17 deposition in this case; is that correct?

18 A. Correct.

19 Q. In the deposition, you talked about
20 earlier in your cost attribution opinion, from this
21 report that you said was 100-percent accurate in
22 your deposition, turned out not to be accurate;
23 isn't that true?

24 A. Yes, correct.

1 Q. In fact, Mr. Dorgan provided your August
2 report, pointing out problems in your report; did he
3 not?

4 A. He rebutted the report, yes.

5 HEARING OFFICER HALLORAN: Maybe if
6 Mr. Gobelman will speak up.

7 BY MS. BRICE:

8 Q. I'm going to rephrase it again.
9 Mr. Dorgan rebutted your report, pointing out
10 various problems with your report; is that right?

11 A. Yes.

12 Q. And in response, you changed some of your
13 opinions, didn't you?

14 A. I don't believe I changed my opinions. I
15 changed the location of right-of-way 0393.

16 Q. But in changing the location of the
17 right-of-way of 0393, your numbers, your opinion
18 numbers, increased \$100,000 from 400 and something
19 thousand dollars; isn't that the case?

20 A.: Yes, I allocated more costs.

21 Q. If you could turn to 207 in your report.
22 In the binder, sorry. This is your report dated
23 November 7th, 2018.

24 This is a supplemental report, correct?

1 A. Correct.

2 Q. This is a supplemental report that you
3 wrote after receiving information from Mr. Dorgan;
4 is that right?

5 A. After I was aware that the right-of-way
6 was marked in the wrong location, yes.

7 Q. It changes your matrix, right?

8 A. Yes.

9 Q. And that changes some of your cost
10 attributions also?

11 A. Yes.

12 Q. Okay. Once again, YOU maintain that these
13 figures and opinions in 207 are 100 percent correct;
14 is that right?

15 A. I'm not sure what language you are using
16 with regard to that.

17 Q. Okay. Let's take out your second
18 deposition, which is 229D. We're going to page 3, I
19 believe. I'm sorry, we're going to page 30 of this
20 second deposition on February 7th, 2019, page 30.

21 HEARING OFFICER HALLORAN: They are off again,
22 Ms. Brice.

23 MS. O'LAUGHLIN: Can you give us the number?

24 HEARING OFFICER HALLORAN: I believe it's 229D.

1 BY MS. BRICE:

2 Q. 229D-31.

3 A. Okay.

4 Q. And I'm going to the top of the page of
5 30, and we're talking about your second report, and
6 I say -- and you do remember being deposed a second
7 time, correct?

8 A. Yes.

9 Q. Okay. You argue "You are 100-percent
10 certain that Figure 1.8 -- Figures 1 through 8 that
11 came in the supplemental report are correct?

12 "Answer: Yes."

13 A. Yes.

14 Q. Okay. You haven't issued any new reports,
15 have you, after this supplemental report Exhibit
16 207; is that correct?

17 A. Correct.

18 Q. Okay. You used to work for IDOT; is that
19 right?

20 A. That's correct.

21 Q. How long did you work for IDOT?

22 A. 22 years.

23 Q. And now you work for Andrews Engineering,
24 correct?

1 A. Correct.

2 Q. Is IDOT currently your client at Andrews
3 Engineering?

4 A. They are a client.

5 Q. Are they your client? Did you get the
6 money off of the work you did for IDOT?

7 A. I get nothing for the work I do for IDOT,
8 other than what I get here.

9 Q. Okay. Now, your bonus at Andrews is based
10 upon how many hours you bill, correct?

11 A. No.

12 Q. Okay. Let's go back to your first
13 deposition, page 60. The statement in your
14 deposition is accurate; is that correct?

15 A. I think so, yes.

16 Q. And I have here -- give me a second.
17 Sorry about that. My bad. We're going to line 10.

18 It says, "Okay. And what's involved in
19 your bonus" is the question.

20 "Answer: I believe it's based on the
21 availability. Availability. How high a percentage
22 you are available at being profitable and your
23 management of your project."

24 Do you see that?

1 A. I don't know what page you are on.

2 Q. Page 50, line 10.

3 A. Okay.

4 Q. Do you see that?

5 A. Yes.

6 Q. Do you dispute you said that in your
7 deposition?

8 A. No.

9 Q. Isn't it true that more than half your
10 work at Andrews comes from IDOT?

11 A. No.

12 Q. Okay. Turn to page 49 of the same report,
13 line 19, and it says, "Okay. What percentage of
14 your work do you do for IDOT?

15 "Answer: I would suspect it's probably
16 somewhere 50 percent, 60 percent, I guess."

17 Do you see that?

18 A. Yes.

19 Q. Okay. As I understand it, the expertise
20 you are relying on, in offering your opinions today,
21 is your experience dealing with evaluating costs on
22 Highway Authority and agreements with the USEPA; is
23 that right?

24 A. No.

1 Q. Okay. Turn to page 15 of this same
2 report -- of the deposition, please. If go to line
3 17 -- well, let me go to line 18.

4 It says, "What experience are you relying
5 on in offering these opinions.

6 "Answer: Well, my experience in dealing
7 with evaluating costs of Highway Authority
8 agreements. And I am done dealing with my work with
9 the Highway Authority." Do you see that?

10 MS. O'LAUGHLIN: Where are you?

11 BY MS. BRICE:

12 Q. I'm on 229, line 18. Do you see that?

13 A. Yes.

14 Q. You have no experience doing a cost
15 allocation between these litigants under circular or
16 state law, correct?

17 A. I probably can't remember if I have done
18 work under state law.

19 Q. Okay. I can show you your deposition
20 where you say that. Yes or no?

21 A. I don't recall.

22 Q. Okay. Turn to page 16, please. I would
23 like you to go to lines 1 through 4, "Do you have
24 any experience doing cost allocation under circular

1 state law?

2 "Not specifically regarding state
3 allocation law. I would say no."

4 Do you see that?

5 A. Yes.

6 Q. Do you know what the forecasters are?

7 A. Yes.

8 Q. Tell me what they are?

9 A. I believe they have to do with, you know,
10 the cost factors.

11 Q. What are the factors?

12 A. I don't remember all the factors.

13 Q. You don't know?

14 A. No, I don't recall.

15 Q. There is a number of maps and figures in
16 your expert report that are based on survey,
17 correct?

18 A. I wouldn't necessary say they were
19 surveys. There were some surveys that were
20 included.

21 Q. Some of the maps you report are surveys,
22 in part; is that accurate?

23 A. Yes.

24 Q. Is that an appropriate way of saying it?

1 A. Yes.

2 Q. Okay. And you don't have experience
3 creating surveys, do you?

4 A. No.

5 Q. You don't dispute Mr. Dorgan's
6 qualifications for offering the opinions contained
7 in his report, do you?

8 MS. O'LAUGHLIN: Objection.

9 HEARING OFFICER HALLORAN: You have to stand up
10 and shout.

11 MS. O'LAUGHLIN: I'm sorry. Objection, he did
12 not offer an opinion on Mr. Dorgan's qualifications.

13 HEARING OFFICER HALLORAN: I'll overrule her.
14 Mr. Gobelman can answer, if he's able.

15 THE WITNESS: I have no opinion on the
16 qualifications.

17 BY MS. BRICE:

18 Q. Do you have any reason to dispute his
19 qualifications?

20 A. No.

21 Q. Turn to 204 in your binder, please. What
22 is this?

23 A. It is Mr. Dorgan's expert report on damage
24 certificate to IDOT.

1 Q. I'm going to ask you a series of questions
2 together, just to make this go fast, and I don't
3 think you'll have a problem with it, because we
4 already talked about it.

5 You agree with Mr. Dorgan on the amount of
6 the cost incurred by JM and that these costs were
7 reasonable and paid; is that correct?

8 A. I agree that the amount of costs that they
9 were paid, because they were paid by JM.

10 Q. And that they are reasonable?

11 A. I assume Johns Mansville would have made
12 the determination of reasonability.

13 Q. But you're not disputing that they are
14 reasonable, correct?

15 A. I'm accepting that if they were paid, they
16 are accurate.

17 Q. Do you agree with how Mr. Dorgan placed
18 the costs in the various task buckets?

19 A. What.

20 Q. Do you agree with Mr. Dorgan how he placed
21 the costs in the various task buckets, correct?

22 A. Yes, I agree.

23 Q. And you used the same 13 taks buckets to
24 do your own calculation, right?

1 A. Yes, I used the same allocation.

2 Q. And you agreed the amount of money that
3 went into each task bucket. So, therefore, you guys
4 used a similar methodology in reaching your
5 attribution?

6 A. Correct, we utilized the same protocol for
7 JM.

8 Q. And just to be perfectly clear, he's got
9 -- in the back of his report, he's got Exhibit B,
10 which came from Dr. Ebihara; Exhibit C, which came
11 from Peterson; and Exhibit D that -- let me back up.

12 C is a cross tabulation. C is from
13 Peterson. It is a cross tabulation. D is the
14 management invoice table. E is the job manual.

15 You don't have a dispute with any of those
16 documents in his report, correct?

17 A. Correct.

18 Q. What you guys are disputing are the
19 attributions in Exhibit S, correct?

20 A. How I attributed costs.

21 Q. As I understand it, your only problem with
22 Dorgan's Figure 1 -- if you want to take a look at
23 it is 204-38.

24 I'm talking about Dorgan's Figure 1,

1 Exhibit 204-38, and my question is: My
2 understanding is that your only dispute with
3 Dorgan's Figure 1 is that you didn't know the
4 storage of the material for the figures"; is that
5 correct?

6 A. I don't think I used that term. My
7 problem was that it didn't lay out when I was
8 aligning it with the actual survey and the figure in
9 the final report. What they did on the location of
10 Site 3 and layed it on top of it.

11 Q. Turn to your first deposition, if you
12 would, please, the earlier deposition that we had
13 and turn to page 14. I'm going to line 22.

14 And it says, "Question: But your problem
15 with Figure 1 is he doesn't identify the source
16 material within which he used to create the figures;
17 is that what you said?

18 "Answer: And the source materials, how
19 did they come up with it?

20 "Question: Would that be the same issue
21 with respect to Figure 3 and Figure 4?

22 "Answer: Yes.

23 "Question: And no other specific problems
24 in Figure 3 or Figure 4?

1 **"No, I don't notice anything."**

2 **Do you see that?**

3 A. Yes.

4 **Q. Turn back to 204-38, please, and I would**
5 **like to direct your attention to the very bottom of**
6 **204-38. 204-38 is your Figure 1 that we were just**
7 **talking about; is it not?**

8 A. Yes.

9 **Q. Okay. Do you see at the bottom it says,**
10 **"Note: Site layout drawings by AE Con."**

11 **Do you see that?**

12 A. Yes.

13 **Q. If you had this document, this 204.38 in**
14 **your possession at the time you wrote your report,**
15 **it didn't show up, right?**

16 A. Yes.

17 **Q. Your August and November report both**
18 **contained opinions, right?**

19 A. I'm sorry?

20 **Q. Your August and November report both**
21 **contained opinions, correct?**

22 A. Yes.

23 **Q. Is there one that contains your current**
24 **opinion, or do I need to look at both of them to**

1 **extract the opinions?**

2 A. To extract the -- the second report only
3 changed the allocations for change because of the
4 change in the location of the right-of-way.

5 So, you would have to look at -- if you
6 wanted to see the full IDOT allocation description,
7 you would have to look at both reports.

8 **Q. You described your methodology for coming**
9 **up with the opinions in your report as percent of**
10 **impact versus the area; isn't that right?**

11 A. I don't know if I said that.

12 **Q. If you want to take a look at your first**
13 **deposition again on page 45, and I'm going to line**
14 **12, and it says, in response to -- "okay. What did**
15 **you tell -- I'm looking at this as dealing with the**
16 **cost allocation using percentage of impact versus**
17 **the area."**

18 **Do you remember that?**

19 A. I don't remember it, but it's written.

20 **Q. Do you dispute that you said that?**

21 A. If it's written, I don't.

22 **Q. You say, "This method accounts only for**
23 **the area that the Board specifically identified."**
24 **Is that right?**

1 A. I don't recall.

2 Q. Okay. Let's go back to 45 and at line 15.
3 It says, "And why is that? Why did you decide to
4 use percentage impact?"

5 "Answer: To me, it was a change to be an
6 appropriate way of looking at things, as far as if
7 there are specific areas that the Board should rule
8 that IDOT is liable for.

9 "IDOT should only be accounting for that
10 area impacted within their area." Do you see that?

11 A. Yes.

12 Q. Can you please provide me with a treatise,
13 or any form of peer reviewed literature, that
14 discusses this impact methodology?

15 A. Not off the top of my head.

16 Q. In fact, you didn't look at how important
17 allocation response costs in an environmental case
18 before writing your report, did you?

19 A. I did not look at any court papers.

20 Q. Well, that wasn't my question. My
21 question is: You didn't look at how important to
22 allocate response costs in environmental cases, did
23 you?

24 A. I didn't review any.

1 Q. And you didn't think to look at other ways
2 to approach cost attribution in the case; isn't that
3 right?

4 A. I don't know.

5 Q. Okay. Turn to page 46 in your first
6 deposition. We're going to line 3, and it says,
7 "And how does -- did you consider any other
8 approaches, other than looking at what you described
9 as a percentage in task?"

10 "Answer: No. I don't think I came up
11 with any other approaches."

12 Do you see that?

13 A. Yes.

14 Q. Okay. Let's take a more granular look at
15 your methodology. You seem to limit your IDOT areas
16 of liability areas immediately surrounding soil
17 borings specifically identified by the bores as
18 being attributed to IDOT; is that right?

19 A. Yes.

20 Q. So, let's just take one short example.
21 Turn to 207-5 in your supplemental record. I want
22 to direct your attention to the North Shore Gas
23 line, the section on Site 6.

24 You come up with 72 linear feet is the

1 IDOT responsibility because the North Shore gas line
2 on Site 6 only touches boring 4S; is that correct?

3 A. No.

4 Q. No? Okay. You want to tell me how that
5 is not the case?

6 A. I state that it's around soil location 4S.

7 Q. And on the next page, it says, "It is just
8 east of soil sample 4S"; is that right?

9 A. Yes.

10 Q. And your opinion doesn't consider
11 causation, does it?

12 A. No.

13 Q. And it doesn't consider what would
14 actually be describing USEPA's choice of remedy,
15 does it?

16 A. No.

17 Q. You've read the enforcement action,
18 correct?

19 A. Correct.

20 Q. And it focused on corridors for
21 underground utilities to ensure the utility workers
22 were not later exposed to asbestos, correct?

23 A. Correct.

24 Q. So, it was not just concerned with

1 **asbestos around a single bore, was it?**

2 A. What JM had to do is dissolve the bore and
3 how it was (inaudible).

4 I'm trying to figure out -- we've gone all
5 afternoon. This is the same setup.

6 **Q. I'm talking about the enforcement action**
7 **memorandum itself, okay? It was focused on creating**
8 **clean corridors around underground utilities to**
9 **ensure the utility workers were not later exposed to**
10 **asbestos. And you said, "Yes.**

11 **And then I said, "So, I said 'it,' meaning**
12 **the enforcement action memorandum, was not just**
13 **concerned with asbestos around a single boring, was**
14 **it?"**

15 A. Correct, but it involved all impacts of
16 asbestos that were attributed to Johns Mansville,
17 and I'm only looking at the asbestos that are
18 attributed to -- that IDOT is responsible to.

19 MS. BRICE: I move to strike as nonresponsive.

20 BY MS. BRICE:

21 **Q. I think I heard you say earlier in this**
22 **case that you are not an expert in AutoCAD; is that**
23 **correct?**

24 A. Right.

1 Q. And you've only, as I understand it,
2 played around with it in dealing with simple stuff;
3 is that right?

4 A. In essence, yes.

5 Q. But your expert reports for the base of
6 this case relied heavily on base maps and figures
7 created in auto cast, correct?

8 A. Correct.

9 Q. And you relied on Mr. Neuyen, and I'll
10 spell that for you, Court Reporter. It's
11 N-e-u-y-e-n. To use auto cast to mark the map
12 configures in your report; is that right?

13 A. He did the AutoCAD for me, yes.

14 Q. If you could turn to 229S, right after --
15 actually, after 204, and a few back behind that,
16 229S-377.

17 A. Okay.

18 Q. Okay. Have you seen this document before?

19 A. Not before the hearing.

20 Q. Not before this hearing? So, you weren't
21 given a copy of this document at any point in time?

22 A. This document as it exists on paper here,
23 no.

24 Q. Okay. Were you given, at a certain point,

1 an AutoCAD, like a thumb drive that had AutoCAD
2 drawings on it in an AutoCAD file, an EWG file, that
3 had been given to JM -- to IDOT's counsel? Were you
4 given that?

5 A. I don't believe so.

6 Q. Okay. I believe earlier in the hearing
7 there was some testimony that that wasn't provided
8 before you wrote your expert report.

9 Do you recall that?

10 A. Yes.

11 Q. Okay. Is that your recollection?

12 A. Yes.

13 Q. Okay. I would like to mark Exhibit 6699,
14 which also happens to be Exhibit 205-46. I have it
15 here on the Board, and I'll hand this to you,
16 Mr. Gobelman.

17 (Said document was marked as
18 Exhibit No. 6699 for
19 identification.)

20 BY MS. BRICE:

21 Q. This is a document that you used in your
22 expert report, correct, 205-46?

23 A. Yes.

24 Q. And you used it to -- tell us what you

1 used it for?

2 A. I used it to deal out the lateral
3 locations of 1S through 9S in Site 6.

4 Q. Okay. I would like you to turn that
5 document on its side and tell me if this is an auto
6 cad document, does it have an EWG reference on it?

7 A. Yes.

8 Q. Okay. So, you had this auto cad document
9 in your possession, prior to writing your first
10 report, Exhibit 205; is that right?

11 A. I did not have the auto cad document in my
12 possession when I wrote the first report.

13 Q. You had that document --

14 A. I had a pdf of the document in the report.

15 Q. Right. But you knew that that was an auto
16 cad generated document, because it said it was it an
17 EWG file, correct?

18 A. Yes.

19 Q. And did you ask right away, "Hey, can I
20 get these auto cad files"?

21 A. No.

22 Q. If you could turn to 225 in your binder,
23 please, and I will represent for the record that
24 these are also actually -- hold on, let me back up.

1 I might be confusing things.

2 It's in the binder that we gave to you,
3 Mr. Gobelman's binder. Actually, let's just stay
4 with 66. I think they are in this document as well,
5 which has already been admitted. Okay?

6 So, there are --

7 A. Where am I supposed to be?

8 Q. I want you to look at Exhibit 6673, 6699,
9 6674 and 75. Okay? So, these are Exhibits 66.

10 I'll represent, for the record, these are
11 from that same document for the remedial actual work
12 plan revision 2, which you used one of them in your
13 reports.

14 And then if you turn to 225, this is also
15 from that report, I will represent for the record,
16 and it does not have a Bates number on it, but it is
17 from that same report, and you can see the Bates
18 number for Exhibit 225-1110. Okay?

19 Do you see these documents? Are these
20 auto cad documents?

21 A. All the pdfs in all the reports are auto
22 cad documents.

23 Q. So, these were in your possession at the
24 time you wrote Exhibit 205?

1 A. I had in my possession the pdfs that were
2 in the report, yes.

3 **Q. That were generated in auto cad, correct?**

4 A. They were generated by somebody else in
5 auto cad, yes.

6 **Q. Let's talk about your two pages back.**
7 **First, let's turn to 205-22, which is your initial**
8 **base map.**

9 MS. BRICE: Mr. Halloran, all of these are in
10 that binder that we gave you. Everything that I'm
11 talking about should be in that binder. Okay?

12 BY MS. BRICE:

13 **Q. So, Exhibit 205-22 is your initial base**
14 **map; is that correct?**

15 A. Yes.

16 **Q. Okay. And then turn the page to 207-13,**
17 **which is the supplemental base map; is that correct?**

18 I believe you testified about this
19 **extensively earlier.**

20 A. Yes.

21 **Q. So, these two base maps, as I understand**
22 **it, serve as a foundation for the figures that**
23 **follow them in each of the respective reports; is**
24 **that right?**

1 A. Yes.

2 Q. So, all of your attribution opinions are
3 tied to these base maps and figures, correct,
4 understanding that 207 trumps 205 in certain
5 situations?

6 A. Yes.

7 Q. So, it follows, then, does it now, if your
8 base map and figures are inaccurate, then
9 calculations you made, based been inaccuracies, are
10 also inaccurate; isn't that the case?

11 A. It would be different, yes.

12 Q. Okay. Stick with 205-22 for a moment.
13 You testified earlier at the first hearing you
14 determined various maps and the records did not line
15 up; is that right, in the first report?

16 A. Yes.

17 Q. In fact, you concluded that the maps the
18 Board relied on, in determining where IDOT was
19 viable at the first hearing were inaccurate; isn't
20 that right?

21 A. I didn't make any proof of inaccuracy. I
22 was just saying they weren't consistent in the way
23 they lined up.

24 Q. Okay. Well, let's go to your deposition.

1 The first deposition on page 63, and then line 10,
2 please.

3 The question is: "Based upon your opinion
4 in this report, your current report, you're saying
5 that the map support to render its opinion were not
6 accurate?"

7 "Answer: You are utilizing my base maps.
8 Those maps would -- I would have been inaccurate."
9 Did you say that?

10 A. Yes.

11 Q. Those maps were relied upon by the Board
12 were based on materials submitted by HS to USEPA,
13 correct?

14 A. Yes.

15 Q. And approved by US EPA, United States
16 Environmental Protection Agency?

17 A. Yes, they were approved.

18 Q. And, nonetheless, you and your colleague,
19 Mr. Neuyen, decided to create your own new maps from
20 scratch; isn't that right?

21 A. No.

22 Q. Okay. Turn to page 55 of your deposition,
23 please, the first deposition, and I am on line 5,
24 page 55, line 5.

1 I'm sorry, it's actually line 3. "What is
2 your point you're trying to make here in
3 Section 5.1?

4 "In essence, the point is without having a
5 base map that I can depend on, I created one, in
6 essence, from scratch, based upon the information
7 from various reports, because the rest of my
8 dealings was going to be based upon that base map
9 and I needed to have it as accurate as I thought it
10 could be."

11 Do you deny saying that in your
12 deposition?

13 A. No.

14 Q. And you've never created a base map
15 before, have you?

16 A. I'm not sure what context you are using as
17 creation.

18 Q. Well, it's something you've never done
19 before creating your own map -- let me ask it this
20 way have you ever created a map just on features and
21 boundaries on a property that USEPA has already
22 approved a map where those features and boundaries
23 have been placed.

24 A. Not that I remember.

1 Q. Let's look at 205 -- to base map 205-22.

2 Sorry, I apologize.

3 Let's go to 202, which we talked about a
4 lot, and this is further back in the middle section
5 of the binder.

6 A. What was that again?

7 Q. 202. Are you there, Mr. Gobelman?

8 A. Yes.

9 Q. Okay. What is this document, sir?

10 A. The document that I created that would
11 show the areas where asbestos-containing material
12 was found throughout the right.

13 Q. And this is from the first hearing,
14 correct?

15 A. Yes.

16 Q. This was presented to the Board as
17 evidence in the first hearing?

18 A. Correct.

19 Q. After the Board issued its decision, you
20 determined this very same map was inaccurate,
21 correct?

22 A. I determined that Site 3 depicted in this
23 map didn't line up with other information that I had
24 regarding the boundaries in Site 3.

1 Q. Okay. Let's go back to 205-22, which is
2 the base map.

3 Would it be helpful for me to put it up on
4 the easel?

5 HEARING OFFICER HALLORAN: Sure.

6 BY MS. BRICE:

7 Q. 205-22 is the original base map from the
8 first report?

9 A. Yes.

10 Q. On this map that you created, I believe
11 you testified that you used the northern boundary on
12 site 3 from where it was located on the map used in
13 the first hearing, including 202, about 10 feet to
14 the north; is that correct?

15 A. I moved the boundary to the north because
16 the three maps that I compared to didn't have good
17 relationships to each other; and, therefore, I moved
18 -- I decided in order to allocate the cost, I would
19 just use the end line of Site 3 as the boundary of
20 Site 3.

21 Q. Okay. The question is more simple than
22 that. You moved -- turn to 202. On 205-22 you
23 moved the northern boundary about 10 feet to the
24 north, correct?

1 A. Correct.

2 Q. As I understand it, and you just said you
3 moved it to where you thought it would co-exist with
4 a fence that you claim you saw on a Google image; is
5 that right?

6 A. Yes.

7 Q. But you weren't sure that that was exactly
8 accurate, were you, about it being co-extensive --
9 the northern boundary being co-extensive with the
10 fence line?

11 You weren't 100 percent sure that that was
12 accurate, were you?

13 A. No, I thought I was accurate, but that is
14 where I put the northern boundary was on the fence
15 line.

16 Q. Let's go back to your deposition, page 58,
17 please. This is the first deposition again, and I'm
18 on page 58 line 4.

19 The fence line -- tell me if you are
20 there.

21 A. I am.

22 Q. Okay. The fence line is demarking -- this
23 is your answer, "The fence line is the demarking
24 that somewhere inside that fence line of Site 3.

1 Whether it's accurate that the boundary of Site 3 is
2 actually on the fence line, there is no information
3 on that.

4 "Question: Okay.

5 "Answer: I'm just making that as an
6 assumption, and I'm making it to site 3 is the fence
7 line."

8 Did you say that?

9 A. Yes.

10 Q. Okay. And then just for -- let's just go
11 to page 60, also, and then lines 4 through 9. So,

12 "Answer: The assumption that I'm making is that the
13 fence encompasses Site 3.

14 "Question: Encompasses is different from
15 being on Site 3 boundary, though.

16 "Answer: It can be on the GAFK site
17 re-boundary. I don't know."

18 Do you see that?

19 A. Yes.

20 Q. Even though you didn't know, you put it
21 there anyway, didn't you?

22 A. Yes, at the time it was a bad
23 representation.

24 Q. And you didn't tie in the location of many

1 Site 3 boundaries, such as boring locations, to this
2 new northern boundary of Site 3 on 205-22; isn't
3 that right?

4 A. Yes.

5 Q. 205-22 wasn't your first draft of your
6 base map, for the second base map?

7 A. I don't recall.

8 Q. Let's look at 221 in your binder. Do you
9 see this?

10 A. Yes.

11 Q. Okay. What is this document?

12 A. I believe it was a pdf that we had laid in
13 into the site.

14 Q. Okay. So, this is a document -- I'll note
15 to the bottom it says, "SG003644."

16 So, this was produced by you, correct?

17 A. I guess. I don't know.

18 Q. But it says "Andrews Engineering" on it,
19 does it not?

20 A. Yes.

21 Q. Okay. What's the date on there? I
22 believe it says April 2018. Do you see that?

23 A. Yes.

24 Q. Okay. And that's before your first

1 damages report in this case, correct?

2 A. Correct.

3 Q. Okay. And this document has state claim
4 gorges on it, does it not?

5 A. Yes.

6 Q. But you didn't use this map, did you --

7 A. That was --

8 Q. Can I finish my question? This is not the
9 same as 205-22, is it?

10 A. No.

11 Q. Do you know who Don L. Jenkins is?

12 A. No.

13 Q. So, it turns out, as we've discussed, you
14 made some mistakes when you created 205-22, and
15 Mr. Dorgan pointed these out.

16 In fact, the northern boundary of Site 3
17 is not co-extensive with the fence, is it?

18 A. No.

19 Q. Okay. So, everything tied to the northern
20 boundary in Site 3 was also misplaced on 205-22;
21 isn't that right?

22 A. The borings within the right-of-way were
23 tied to the northern boundary of what I would have
24 called Site 3. So, they were moved. When I moved

1 it up, it moved up.

2 Q. Okay. So, just to be clear, so everything
3 you had tied to the northern boundary of Site 3 was
4 also misplaced on 205-22? It locked it into the
5 northern boundary?

6 A. The borings within 0393, yes.

7 Q. Let's look at your second base map again,
8 207-13. This is your corrected base map, right?

9 A. Yes.

10 Q. By correcting the base map, your IDOT
11 attributions went up, as we previously discussed,
12 correct?

13 A. Yes.

14 Q. They went from about 489,000 to about
15 \$600,050, right, roughly?

16 A. Roughly.

17 Q. And that's because when you moved site 3
18 boundary north on 205-22, it impacted how much of
19 the work was tied to the IDOT -- your IDOT area of
20 liability, correct?

21 A. Yes, it affected some of the areas.

22 Q. Take a look at, just by way of example,
23 205-26, which is your North Shore task line IDOT
24 area of liability?

1 A. Yes.

2 Q. And then pull up the same one for 207,
3 which I believe is 207-17. Are you there?

4 A. Yes.

5 Q. Okay. So, on 205-26, what was the square
6 footage of your Site 3 IDOT area of liability for
7 North Shore GAFK?

8 A. On 205?

9 Q. 205-26.

10 A. The area on the outside of 0339 --

11 Q. Inside. Inside the green. 3278, do you
12 see that?

13 A. Yes.

14 Q. And is that site 3 IDOT area of liability
15 square footage for the North Shore task line based
16 on this map.

17 A. I believe so.

18 Q. Okay. So, then, as we said, going back to
19 207-17, I would like you to answer the same question
20 with respect to 207-17.

21 What is the square footage?

22 A. The square footage that I'm attributing to
23 IDOT is -- it looks like 4271. That is also I'm
24 sending a larger area beyond the D326 were in the

1 original photo. The allocation for IDOT ended prior
2 to D3-26.

3 Q. Right.

4 A. The area becomes larger, because of the
5 way that is allocated.

6 Q. But it becomes larger because of what
7 changes you had to make in the map because in the
8 first map, it was a smaller area of liability; but
9 after you made the change, it was a larger area of
10 liability, correct?

11 A. Yes, it changed.

12 Q. Now, I have a question here: Once you
13 realized you needed to correct your initial base map
14 205-22, you didn't go back to Exhibit 202 from the
15 first hearing, did you?

16 A. No.

17 Q. You didn't begin a new other map from the
18 first hearing, right?

19 A. Yes.

20 Q. Instead you used 205-22 as your starting
21 point, and that had Mr. Neuyen make some changes to
22 it; is that accurate?

23 A. I changed the location of the
24 right-of-way.

1 Q. Okay. And anything tied to the northern
2 boundary of Site 3; isn't that correct?

3 A. It applied -- it moved the northern
4 boundary of Site 3 south ending .

5 Q. Right. But you started with 205-22. You
6 didn't start with a new map and go back and create
7 something new.

8 You just started with 205-22 and moved
9 things at 205-22 to come up with 207-13?

10 A. Correct.

11 Q. As I understand it, you don't have an
12 opinion at this point on the accuracy of the AE Con
13 maps contained in the final report; is that right?

14 A. I don't have an opinion regarding the map
15 on the final report.

16 Q. So, for creating these base maps, and I
17 think you described it in 205; is that correct, the
18 sources you relied upon?

19 A. Yes.

20 Q. Okay. I'm just going to -- if you want to
21 turn to 205-7, it might make it easier for sake of
22 reference. Okay?

23 So, I have it here. You say that you used
24 a legal description to plot parcel 0339; is that

1 right?

2 A. Yes.

3 Q. And you used the IDOT as-built to plot the
4 stationing; is that correct?

5 A. Correct.

6 Q. And you used ELM16, which is 205-45, to
7 plot the site 3 borings, correct?

8 A. Yes.

9 Q. And you used AE Con map 6699, which we had
10 up on the board here. You used that one to plot the
11 site 6 borings; is that correct?

12 A. Yes.

13 Q. Okay. You also used that document to plot
14 and scale the northeast excavation, right? I think
15 that is on 205-8 up at the top.

16 A. Yes.

17 Q. And you used Mr. Dorgan's Figure 1, which
18 is 204-38, that we talked about a lot in this case,
19 to plot the AT&T line, right?

20 A. Correct.

21 Q. And, finally, you used AE Con's final site
22 survey to plot the North Shore taks line, the
23 Waukegan waterline and the Nicor waterline; is that
24 correct?

1 A. Correct.

2 Q. And you used the same forces for both
3 maps, Exhibit 205-22 and 207-13; is that right?

4 A. Correct.

5 Q. But you admit that some of these sources
6 are inconsistent with one another, do you not?

7 A. The layout of Site 3 was inconsistent
8 among the maps, yes.

9 Q. Let's turn to 205-43. Actually, I think
10 it's 205-42. I apologize.

11 What is this document showing?

12 A. The layout I had created showing the site
13 3 layout based upon the final report, based on the
14 northern easement that we had for the corners, the
15 layout of the Atwell survey, and the layout of
16 Mr. Dorgan's Site 3 limits.

17 Q. So, the point of this was to show certain
18 of these maps were inconsistent with one another,
19 right?

20 A. Yes, I made the assumption originally that
21 the Atwell survey had to be more accurate than the
22 others.

23 Q. Okay. But you used Dorgan 1 for the AT&T
24 lines, right?

1 A. It is the only map that I had to show
2 where the AT&T lines were.

3 Q. I believe that the document that you have
4 right there shows some of the 205-46. So, this
5 shows some of the AT&T line?

6 A. It shows some communication line.

7 Q. Okay, thank you. So, you used the Dorgan
8 one for the AT&T line, and you used the AE Con final
9 site report for the location of the Nicor line, the
10 North Shore gas line and the City of Waukegan line
11 that's is green on this 205-42, correct?

12 A. Yes, but I also would represents this map
13 of 205-46 only shows the partial area of Site 3, and
14 not the entire area of Site 3, where all
15 communication lines come in.

16 Q. Right. I understood. But I think when I
17 showed you the rest of 66 previously, and the record
18 will reflect what it reflects, but I believe the
19 AT&T lines are shown throughout 66, which you
20 testified to previously that you had in your
21 possession prior to drafting your expert report.

22 So, my point is that you used, to create
23 your base map, the red line for some of your -- to
24 locate certain things, and the green lines to locate

1 some certain things, which you say are inconsistent
2 with one another; is that right?

3 A. The location layout of Site 3 doesn't line
4 up with each other.

5 Q. Go back to 205-22, please. If you read in
6 the legend, I can bring it up here to you, it says
7 -- what does it say under No. 2? If you could read
8 the legend No. 2 to me.

9 A. It says, "IDOT right-of-way 0393. lane
10 acquisition legal description and Atwell plat of the
11 property surveyed July 22nd, 2018."

12 Q. Okay. And the Atwell -- hand me that
13 back. You are referencing Exhibit 205-22, correct?

14 A. Exhibit 205-22, yes.

15 Q. And on looking at the three lines, the
16 three Site 3 boundaries, the Atwell map is included,
17 correct? That was 205-42?

18 A. Yes.

19 Q. Okay. Can you please provide your answer
20 again, Mr. Gobelman?

21 Does the Atwell on 205-43 have the Atwell
22 plat. 205-42.

23 A. Yes.

24 Q. Turn the page to 205-43, please? I

1 believe you testified earlier, I'm not sure, that
2 your map is this black dotted, the dashed line; is
3 that correct?

4 A. I believe so.

5 Q. Okay. And that doesn't line up with the
6 northern or eastern boundary on any of these other
7 maps identified on 205-43, does it?

8 A. No.

9 Q. When creating a map from different
10 sources, you need a common source of reference,
11 right?

12 A. You need to be able to tie it into to
13 something to make it work right.

14 Q. So, do you need a common point of
15 reference?

16 A. Ideally, it would be nice that all the
17 figures had the same plat that you could tie into.

18 Q. Okay. Let's turn to your deposition at
19 page 85, please, line 8. Again, this is your first
20 deposition.

21 HEARING OFFICER HALLORAN: What page again?

22 MS. BRICE: 85.

23 BY MS. BRICE:

24 Q. The question is: "What's the reference

1 that you -- well, would you agree you need to have a
2 similar reference point in order to prepare
3 different maps?"

4 "Answer: Uh-huh."

5 "Question: Right?"

6 "Okay."

7 Then the court reporter said, "Is that a
8 yes?" And the witness says, "Yes. Sorry."

9 Do you see that.

10 A. Yes?

11 Q. Do you deny saying that in your
12 deposition?

13 A. No.

14 Q. But you agree that Dorgan Figure 1 lacks a
15 common point of reference with your base map? Do
16 you remember talking about that?

17 A. No.

18 Q. Okay. Would you agree that Dorgan Figure
19 1 lacks a common point of reference with your base
20 map?

21 A. Yes.

22 Q. Yet you used this to plot the AT&T line,
23 correct?

24 A. Yes.

1 Q. I understand that you believe the most
2 reliable way to plot the property is to GPS them in;
3 is that right?

4 A. Yes, it's creating maps at the
5 northeastern coordinates. It would be an accurate
6 way of producing where they are at.

7 Q. What I asked is: The most reliable way to
8 determine property boundaries is to GPS them in?"

9 Is that something you believe?

10 A. I believe it's an accurate way of
11 depicting --

12 Q. Is it the most reliable way?

13 A. I never compared reliability.

14 Q. Turn to page 79 in your deposition, and
15 starting at line 17, and the question is: "Is there
16 a more reliable way to determine property boundaries
17 than this sort of manual overlay in cad?

18 "Objection, vague and ambiguous.

19 "THE WITNESS: Well, if I have to -- I
20 mean, in dealing with properties, you have legal
21 descriptions that define the property boundaries.
22 You can GPS them in to obtain corners and running a
23 line down, determining what they are.

24 "Okay. Did you do that here?

1 "No."

2 Do you see that there, sir?

3 A. Yes.

4 Q. So, you didn't do that here, right, using
5 the GPS?

6 A. No.

7 Q. When you prepared your initial base map,
8 you used the CQM, which is Christopher Quail Mary
9 final site survey; is that right? You can turn to
10 205-45 right there. Sorry, 47.

11 A. Okay.

12 Q. Okay. And you used this to place your key
13 site figures, correct?

14 A. I believe so.

15 Q. Okay pren. This is attached to your
16 report, right?

17 A. Yes.

18 Q. So, there are northings,
19 n-o-r-t-h-i-n-g-s, and eastings, e-a-s-t-i-n-g-s
20 ings, on this survey; isn't that correct?

21 A. Correct.

22 Q. And where are those northings and eastings
23 on this document? Can you please describe it for
24 me?

1 A. The northern easements are shown at the
2 corners of Site 3.

3 Q. Okay. And these were likely EPS, then, I
4 take it?

5 A. I would assume so.

6 Q. But you didn't rely on these GPS
7 coordinates to geo locate the northern boundary of
8 site 3, did you?

9 A. I utilized those coordinates in comparing
10 it to the Atwell survey.

11 Q. That's not my question. You didn't use
12 these coordinates to create your northern boundary
13 for Site 3 on 205-22, correct?

14 A. Correct.

15 Q. The Board's description -- the Board's
16 decision, excuse me, describes IDOT's areas of
17 liability? Scratch that. Sorry.

18 So, in some instances, the Board
19 identified certain boring locations in its decision,
20 correct?

21 A. Yes.

22 Q. So, the placement of the borings on your
23 map is important, right?

24 A. Yes.

1 Q. Okay. Let's just turn back a couple pages
2 to 205-45. What is this document?

3 A. It's a Figure 15 soil boring locations for
4 Site 3. It is Figure 15, soil boring location map
5 site 3 from an ELM Consulting report.

6 Q. And this is a draft document, is it not?

7 A. Yes.

8 Q. And this is a document you used to locate
9 your Site 3 borings, right?

10 A. Yes.

11 Q. And this document says it's approximate
12 boring locations. Does it not say that?

13 Down there under legend, "Approximate
14 location." Do you want to blow it up?

15 "Approximate locations of surface and
16 subsurface characterization boundary lines." Do you
17 see that?

18 A. Yes.

19 Q. He was pointing out that it says -- it
20 doesn't say "Approximate locations of boring
21 locations." It says, "Approximate locations of
22 surface and subsurface characterization boundary
23 lines."

24 So, it's an approximate location of the

1 **Site 3 boundary; is that right?**

2 A. I'm not sure what it's representing.

3 **Q. But you used this document?**

4 A. Correct.

5 **Q. And it doesn't have GPS locations on it,**
6 **does it?**

7 A. No.

8 **Q. And it doesn't have grid -- any kind of**
9 **grid or state plane coordinates on it, does it?**

10 A. It doesn't have state plane coordinates.

11 **Q. How a grid, do you see a grid?**

12 **Do you see a grid on this piece of paper?**

13 A. The borings are gridded at that 50-foot
14 spacing.

15 **Q. Okay. That did not answer the question.**
16 **Do you see a grid on this piece of paper?**

17 A. Define "grid"?

18 **Q. Define a grid? A grid with lines that go**
19 **-- or the box that lines can go, you know, up and**
20 **down and across horizontal and vertical.**

21 A. I do not see horizontal and vertical
22 lines.

23 **Q. And you used this map, I understand,**
24 **because you thought this is the best map that**

1 identified site 3 borings in the record; is that
2 right?

3 A. I used this map because it gave me
4 measurable distances between the borings.

5 Q. Okay. Was this the best map that you
6 could find that has the location of the borings on
7 it?

8 A. It's the map I used.

9 Q. Okay. Let's go to page 98 of your
10 deposition, please, and go to line 24. And, again,
11 we're still on the first deposition.

12 I would like to -- I'm on page 98, down at
13 the bottom line 24, and I'm going to go up to page
14 99. It says, "Why did you use ELM15, given
15 everything we just talked about, to plot your
16 borings?

17 "Answer: It was the best map that I could
18 find that had the locations of those borings."

19 Do you see that?

20 A. Yes.

21 Q. 25-45 and ELM15, correct?

22 A. I believe so.

23 Q. Take a look back at Exhibit 202, which
24 we've talked about, which was your map presented at

1 **the first hearing.**

2 A. Yes.

3 **Q. This map has borings on it, doesn't it?**

4 A. Yes, it does.

5 **Q. Okay. But you didn't use this map to**
6 **create your base map and figures, did you?**

7 A. No, because this was just a pdf of a
8 figure that I had received from Mr. Dorgan's report
9 submitted. So, there was no geo spatial
10 representation on the figures. It was just a pdf
11 scan.

12 **Q. Okay. But this is a map that you**
13 **presented as evidence to the Board at the first**
14 **hearing, to be relied upon by the Board as evidence,**
15 **correct?**

16 A. I provided this map of a markup of
17 Mr. Dorgan's map.

18 **Q. And you testified about it at the first**
19 **hearing, correct?**

20 A. The borings and circles contain the
21 specimen-containing material.

22 **Q. And you didn't use this map to generate**
23 **your base map and figures. We've already discussed**
24 **it, and you said, "Yes." I'm just going to move on.**

1 If you can turn to 67, please. If you
2 turn to 67, you'll see the first page is the Removal
3 Action Work Plan Revision 4, and I would like you to
4 go to 57534, which is six or seven pages in. It's
5 just an excerpt of the final removal action work
6 plan.

7 A. Sorry?

8 Q. 57534?

9 A. 57534?

10 Q. Yes. This is the final report, final
11 remove action work plan, prepared by AE Con,
12 correct? Exhibit 67.

13 A. I believe so.

14 Q. It doesn't say "draft" on it, does it?

15 A. No.

16 Q. And this 67534 has boring locations -- B3
17 boring locations on it, does it not?

18 A. Yes.

19 Q. But you didn't use it, did you?

20 A. No.

21 Q. You just assumed that -- well, strike
22 that.

23 Let's go back to 205-45, this document
24 here, Figure 15, ELM15 that we've been talking a lot

1 about.

2 I want to talk about how you used this to
3 plot your Site 3 borings. What is saham scaling?

4 A. Well, given that the boring locations are
5 50 feet apart from each other, so using that grid
6 and the measurement from boundaries coming up where
7 the locations the borings are located.

8 Q. My question is: What is hand scaling?

9 A. It's scaling off of a map and finding out
10 the distance.

11 Q. So, it's actually measuring distances on a
12 map.

13 So, did you measure your distances to get
14 your Site 3 boring off of a pdf of 205-45?

15 A. Yes.

16 Q. And did you do that with an engineer
17 scale?

18 A. Most likely.

19 Q. And, so, did you use the scale here at the
20 bottom as the scale to determine how far these
21 borings were from certain points, such as the
22 northern boundary or the western boundary? I
23 believe that's what you testified about.

24 A. I believe I would have printed this map in

1 a larger print page paper-wise, and put it wouldn't
2 reduce -- it wouldn't mess the scaling as it's
3 represented on this figure so that it would be more
4 accurate in its measurements.

5 Q. Okay. But that's not really my question.
6 I'm asking what you did do, not what you might have
7 done or could have done.

8 A. I did it.

9 Q. You know for sure you did that? You
10 printed it larger?

11 A. I would have printed, you know, this pdf
12 on a larger piece of paper, not having it scaled,
13 having no scaling, so that it would be more
14 accurate, and then measuring from the location where
15 the borings are located.

16 Q. Okay. Did you talk about doing it like
17 that in your report? Is there anything in your
18 report that says that you blew this document up to
19 correct for the scale?

20 A. I didn't discuss in detail how exactly I
21 did it.

22 Q. I just want to make sure I understand.
23 So, if you took this map with these boundaries, and
24 you measured with whatever scale you used, let's say

1 -- let's just take a boring location.

2 Let's just take the third one in on the
3 top row, third one in from the right. Okay?
4 Because it's hard to read.

5 A. Okay.

6 Q. So, how did you plot that using your
7 scaling? Can you walk me through that?

8 A. Well, I would have had to not necessarily
9 rescale every single location. All I would have to
10 do is confirm that the boring location, as the scale
11 says within the document, that the location stages
12 between each boring is 50 feet.

13 So, once you confirm that that spacing in
14 that top row are 50 feet apart, and that they are in
15 a -- laterally on the same plane, then you can --
16 the only thing you need do is scale off and mark and
17 find the location of one boring, and then everything
18 else would just lay in.

19 Q. Okay. But didn't you testify, just a
20 little while ago, that you measured -- from the
21 northern boundary of Site 3, you would measure down
22 on the scale, and then you would measure from the
23 western boundary on the scale to geo -- not geo
24 locate. To locate the boring on this map; isn't

1 that what you said?

2 A. I believe so, yes.

3 Q. Okay, thank you. In your supplemental
4 report, you moved some Site 3 and 6 features, which
5 we discussed, correct?

6 A. I'm not sure what you are referring to.

7 Q. Okay. Let's turn to 208, please, in your
8 binder. And this is the expert rebuttal
9 supplemental report of Douglas G. Dorgan, Jr., on
10 damages attributable to IDOT. Okay?

11 A. Yes.

12 Q. And I would like you to turn to 208-11.
13 Okay?

14 A. Okay.

15 Q. And this exhibit purports to depict
16 certain features on sites 3 and 6, correct?

17 A. Yes.

18 Q. And you don't dispute the accuracy of this
19 figure, do you?

20 A. I didn't have any opinion regarding those
21 figures.

22 Q. Okay. Let's -- the figure compares where
23 you place features in your initial August report
24 with where you place them in your November

1 supplemental report, and where AE Com and Mr. Dorgan
2 placed them?

3 MS. O'LAUGHLIN: Objection. This goes beyond
4 direct examination of Mr. Gobelman. He didn't
5 reference this document. You can make any point you
6 want to through her witness.

7 Mr. Dorgan says he doesn't have an opinion
8 on it, and it's beyond the scope of direct?

9 MS. BRICE: I would like to respond, if you
10 don't mind this. Is actually a critical document,
11 and it has to with the boring locations on Site 6
12 and site 3, and how they've been changed, how they
13 don't align with Mr. Dorgan and AE Com's location,
14 and they talked the whole time about where he put
15 his boring locations.

16 I don't understand how I can't cross
17 examine him on that. Mr. Halloran is going to
18 speak.

19 HEARING OFFICER HALLORAN: Ms. O'Laughlin, do
20 you want to respond?

21 MS. O'LAUGHLIN: It's the cross-examination of
22 Mr. Gobelman of our direct. At any point she wants
23 to make of Mr. Dorgan and report, she can do.

24 So, Mr. Gobelman already said he hasn't

1 looked at the document. It's going beyond the
2 direct, and she can make whatever argument she
3 wants, but it's not proper.

4 HEARING OFFICER HALLORAN: Ms. Brice?

5 MS. BRICE: I will move on and make my point
6 with Mr. Dorgan. Before he said he had no opinion
7 about the document. He did not say he had never
8 seen the document.

9 HEARING OFFICER HALLORAN: We can move on,
10 Ms. Brice. Thank you.

11 MS. BRICE: Give me one second.

12 (Pause.)

13 HEARING OFFICER HALLORAN: Go ahead. I'm
14 sorry.

15 BY MS. BRICE:

16 Q. Let's go to 207-20, please. Tell me if
17 you're there.

18 A. 207-20?

19 Q. Correct. Okay. Is this generally what
20 you believe to be the IDOT area of liability?

21 A. In regards to the filling and capping
22 allocation.

23 Q. Well, the maximum amount of the IDOT
24 liability, is it depicting that; yes or no?

1 I'm not trying to trick you. That's my
2 understanding.

3 A. Yes.

4 Q. Okay. So's, on site 3, your IDOT area of
5 liability, involves the eastern portion of 0393,
6 correct?

7 A. Correct.

8 Q. And you went to B326, because it was the
9 next cleanest boring, right?

10 A. Right.

11 Q. Okay. And on Site 6, you're going from
12 just west of 1S to about 4.5S?

13 A. Correct.

14 Q. Was 5S a clean boring?

15 A. No.

16 Q. Was 6S a clean boring?

17 A. No.

18 Q. Was 7S a clean boring?

19 A. I don't believe so.

20 Q. And was 8S a clean boring?

21 A. I don't think so.

22 Q. The soil boring doesn't tell you exactly
23 how much ATM was located in the spot was taken, does
24 it? It's more representative?

1 A. It doesn't say anything about anything,
2 other than visual cues.

3 Q. But you don't know do you how much ATM was
4 associated with any given soil boring located on
5 your map, correct?

6 A. Other than what they define as analytical
7 or basically representative.

8 Q. You need to excavate it to really see what
9 was there beneath the soil boring, correct?

10 A. A soil boring is a spot location that give
11 representation of what is in the area.

12 Q. Can you turn to 207-18, please? Are you
13 there.

14 A. Sorry, yes.

15 Q. 207-18. So, B350 is located on Site 3,
16 correct? That was an area that the Board pointed
17 out that IDOT was liable for?

18 A. Yes.

19 Q. Okay. But in your opinion, in reaching
20 your attribution, you didn't consider how much
21 asbestos was below B350, did you?

22 A. No.

23 Q. Okay. And on Site 6, just take 4S, you
24 didn't take into account the amount of ATM's

1 availability core effort were connected to it, did
2 you?

3 A. I didn't take into account what they
4 discovered analytically, no.

5 Q. Mr. Dorgan stated in his report that
6 Mr. Peterson told him that upon excavation, he had a
7 continuing theme of ATM running from 1S to 8S?

8 MS. O'LAUGHLIN: Objection. It's past
9 reflection. This was the subject of the offer of
10 proof.

11 MS. BRICE: I'm getting there.

12 BY MS. BRICE:

13 Q. I'm going to ask you about the photos, but
14 I'm not waiving my objection, nor am I agreeing that
15 any of the testimony that you gave about the photos
16 should be admitted. Okay?

17 Mr. Peterson and Mr. Dorgan discussed
18 photographs they claim showed a theme of asbestos
19 from 1S to 8S, right?

20 A. They discussed there was asbestos
21 continuing along that line underneath Greenwood
22 Avenue.

23 Q. And you decided not to opine on this new
24 evidence in your supplemental report, correct?

1 A. No, my opinion is that the Board ruled
2 that the Detour Road A was not a part of the IDOT
3 allocation, which reflected in the original hearings
4 that we knew there was contamination in 5S through
5 8S, and the Board did not include those borings in
6 IDOT's liability.

7 MS. O'LAUGHLIN: Objection. This goes beyond
8 the direct examination. If evidence about Mr.
9 Peterson is going to be offered in an offer of
10 proof, it seems inappropriate and unfair.
11 to have it both ways.

12 If it's an offer of proof, the examination, the
13 cross, should be an offer of proof. The Hearing Officer
14 ruled it should not be included and, thus, it's an offer of
15 proof. Now she's cross-examining him on it.
16 You can't have it both ways. it's either part of it or it's
17 not.

18 The substance of my objection is JM objected when
19 we had questions about his reaction to Mr. Peterson, and the
20 Hearing Officer ruled against them, and they did it through
21 an offer of proof.

22 And now counsel for JM is questioning Mr. Gobelman
23 about that same exact subject that we were limited from
24 doing. They want it both ways. They want to cross-examine

1 him on an area that's been specifically excluded. So,
2 outside the direct examination

3 HEARING OFFICER HALLORAN: You can do an offer
4 of proof in the examination. That is why I said
5 originally the offer of proof is the way to cross
6 exam.

7 MS. O'LAUGHLIN: This cross-examination is done
8 solely for the offer of proof?

9 HEARING OFFICER HALLORAN: Yes.

10 MS. O'LAUGHLIN: Thank you. It was unclear to
11 me. It's solely for the offer of proof.

12 MS. BRICE: Thank you. I just have a couple of
13 questions with respect to the offer of proof, and
14 then I'm going to go outside the offer of proof to
15 something that we did not object, to which he
16 testified about. Okay?

17 All I was trying to do is clarify about
18 the photographs.

19 BY MS. BRICE:

20 **Q. You are not offer any opinions about the**
21 **photographs in this hearing?**

22 **You said in your deposition that you were**
23 **not going to offer any opinions based upon the**
24 **review of the photographs. That's all I'm trying to**

1 establish. I can go to the line and page, if you
2 want bee to.

3 A. Okay.

4 Q. Go to page 26, line 11 through 18.

5 A. 26 is the first dep?

6 Q. 26 is the first dep, line 11 through 18,
7 "Question what conclusions did you draw from looking
8 at the photographs?

9 "Answer: I don't know if I actually drew
10 a conclusion. I was mainly looking to see what
11 types of work was going on in the area in question.

12 "Question: Okay. Are you planning to
13 offer any opinions based upon review of the
14 photographs?

15 "Answer: No."

16
17 MS. O'LAUGHLIN: Objection, vague to the
18 deposition testimony and foundation, and it's not
19 clear what photos are being referenced in the
20 deposition.

21 MS. BRICE: If you want to move up, we're
22 talking about the 10,000 photos. If you look on
23 page 26, he talks about 10,000 photos, and I said,
24 "Did you look at every single photograph?"

1 And he said, "Unfortunately." And I
2 believe earlier he testified about 10,000 photos
3 with respect to Mr. Peterson.

4 HEARING OFFICER HALLORAN: I do recall that.

5 MS. BRICE: Thank you for the additional
6 foundation in reference to the photographs. Please
7 clarify.

8 HEARING OFFICER HALLORAN: Please proceed, Ms.
9 Brice.

10 BY MS. BRICE:

11 **Q. I think we discussed this earlier, and I**
12 **read it out of your deposition, but I'm going to**
13 **just confirm it again.**

14 **You don't dispute the accuracy of the**
15 **figures in Mr. Dorgan's report used -- I'm sorry.**
16 **You don't dispute the accuracy of Figures 3 and 4**
17 **from Mr. Dorgan's report, other than they didn't**
18 **identify the source material; is that correct?**

19 A. Can you point me to where his figure is,
20 so I can look at it?

21 **Q. Sure. It would be in 204-40 and 41.**

22 A. I believe those were produced in the
23 original hearing.

24 **Q. You're not disputing the accuracy of**

1 either of these documents?

2 A. I have no opinion whether it's being
3 accurate or not.

4 Q. You are not disputing it, though?

5 A. No.

6 Q. Okay. Sorry, that was outside the offer
7 of proof in that series of questions. You did
8 testify about the boring locations.

9 Okay. I just want to ask you a couple of
10 questions here -- actually, you know what I'm going
11 to do, I'm going to go to your 202, your document
12 202.

13 And you explained earlier that detour
14 road A was this gray line that went from the
15 southwest to the northeast, correct?

16 A. Yes.

17 Q. And on your figure here, Detour Road A
18 extends into Greenwood Avenue; does it not? It
19 intersects with Greenwood Avenue?

20 A. It butts up against Greenwood Avenue, yes.

21 Q. Okay. But they come together, correct,
22 greenwood Avenue and Detour Road A?

23 A. They butt up against each other, yes.

24 Q. On Figure 3 here, I think you can maybe

1 **see this, the Detour Road A goes all the way to**
2 **station 15 of Detour Road A.**

3 **Do you see that?**

4 A. As it shows in that figure, the Detour
5 Road A butts up against the pavement of Greenwood
6 Avenue.

7 **Q. Okay. But it goes to 15 -- station 1550**
8 **about on this figure, correct?**

9 A. The stationing that would be associated
10 with the farthest east portion of Detour Road A that
11 butts up against Greenwood Avenue would be
12 approximately 15 plus 50 in the stationing that they
13 assigned to the Detour Road A.

14 **Q. Correct.**

15 A. It's an offset to the right of some
16 distance.

17 **Q. Right. And boring 7S is noted right here**
18 **before you get to station 15; is that correct?**

19 A. Yes.

20 **Q. And this is Figure 4 right here, Figure 4**
21 **right here. This is down here at the bottom of the**
22 **cross-section of Greenwood; is that correct?**

23 A. It's a portion of the cross-section of
24 Greenwood.

1 Q. Right. It's the most eastern portion of
2 that, correct?

3 A. It is an inferred eastern portion of
4 Greenwood.

5 Q. Okay. What is depicted on here -- you
6 said you didn't dispute anything on this.

7 What is depicted on here is the eastern
8 portion of Greenwood Avenue, right?

9 A. It's depicting the area of Greenwood
10 Avenue that is within Site 6 shown on the figure.

11 Q. Okay. So, I just want to draw your
12 attention to -- let's take boring location 7S.
13 Okay?

14 A. Uh-huh.

15 Q. And then let's go down to 7S. If you
16 follow this down here at the bottom, what is this
17 showing?

18 Is this showing that they had to, based
19 upon the plan, excavate the peat out from under
20 here, and build back up to this elevation here about
21 587 something or other?

22 A. No, it doesn't show that.

23 Q. What are you saying it shows?

24 A. It is showing -- you're showing a portion

1 of a cross-section that's in the original plans that
2 is used by the contractor for information only of
3 what is necessary consisting of Greenwood Avenue.
4 It is not depicting what is necessary to be done in
5 the building of the Detour Road A.

6 **Q. Okay. That wasn't my question.**

7 **A. It is.**

8 **Q. No, my question is about Greenwood Avenue.**

9 **A. All right.**

10 **Q. It's all about Greenwood Avenue. I'm not**
11 **talking about detour road A. I don't care about**
12 **detour road A whatsoever.**

13 HEARING OFFICER HALLORAN: We're going to stop
14 for a 15-minute break. We'll be back no later than
15 3:20.

16 (Recess taken.)

17 HEARING OFFICER HALLORAN: We're back on the
18 record for cross-examination of Mr. Gobelman.

19 MS. BRICE: Thank you, Mr. Horan.

20 BY MS. BRICE:

21 **Q. I just have a couple questions going back**
22 **to this Exhibit 204-41A, and I'm talking about the**
23 **cross-section for Greenwood Avenue, right?**

24 **And I'm going to hand you 21A, 26A, which**

1 I believe you've seen before. Okay? Over here on
2 the right, it has with the sort of V shape, it
3 indicates unsuitable material to be removed.

4 Do you see that?

5 A. Yes.

6 Q. Okay. And on this document, it has with
7 that same thing, it has the word "piece" and it has
8 location of unsuitable materials to be removed,
9 correct?

10 A. Yes.

11 Q. Okay. This document 21A-26, without the
12 clarifications on it, is from the as-built drawings;
13 is it not?

14 A. It is a portion of the page of the
15 as-built diagram. It does not reflect the true
16 intent of how it's represented in the as-built
17 drawings.

18 Q. Let's go to the as-built drawings. That
19 drawing was actually admitted into evidence. Here
20 is the as-built drawing 21A.

21 Does it say or indicate that unsuitable
22 materials be removed?

23 A. It provides a legend what the hashed lines
24 in those areas mean. It reflects the material that

1 is to be removed with this page. It's provided to
2 the contractor for his information only, not to
3 represent what has to be.

4 **Q. Can you give that back to me or second?**
5 **This is an as-built drawing, is it not?**

6 A. It is a drawing within the plans that they
7 have firmed up and now called as built.

8 **Q. And then the first page of 21A, it says**
9 **these are the as-built drawings, does it not?**

10 A. It reflects any markups on there is
11 showing these are as-built, yes.

12 **Q. Okay. I have one question. All I want to**
13 **say is you take 7S right here on this 204-41A, and**
14 **you go down, do you see peat soft material below it?**

15 A. The figures that you show there is peat
16 soft material.

17 **Q. Thank you. EPA had requirements about**
18 **clean corridors, correct?**

19 A. Yes.

20 **Q. They wanted a clean corridor for an entire**
21 **length of the utility line, right?**

22 A. If it was going to be utilized, yes.

23 **Q. But you didn't include the work required**
24 **for creating an entire clean corridor when you did**

1 **your attributions, right?**

2 A. It reflects the locations of 039 and the
3 borings that the Board told us were to be allocated
4 to IDOT.

5 **Q. In reaching your opinion, you often relied**
6 **on linear footage and square footage, correct?**

7 A. Yes.

8 **Q. And the linear footage or square footage**
9 **was based upon your base maps, correct?**

10 A. The base maps, yes.

11 **Q. But you concede that the features and**
12 **boundaries on your base map are merely**
13 **approximations and not exact locations; isn't that**
14 **true?**

15 A. I don't have the exact locations. I don't
16 have any coordinates telling me what those boring
17 locations are, so it's based upon measurements of
18 known documents.

19 **Q. Okay. They are not exact locations, they**
20 **are approximations, correct?**

21 A. Sure.

22 **Q. If you can turn to -- I'm going to talk**
23 **about your attributions now.**

24 **If you could turn to 207-15, and this is**

1 the Waukegan waterline figure, correct?

2 A. Yes.

3 Q. Are you there?

4 A. Yes.

5 Q. You claim the Board specifically stated
6 that the liability was only associated with the
7 borings that they laid out in the ruling; is that
8 right?

9 A. Correct.

10 Q. Okay. But they never specifically say
11 those words as to 0393 in the opinion, do they?

12 A. I don't recall exactly what the wording is
13 in there.

14 Q. Okay. So, this is your interpretation of
15 the Board's ruling, correct?

16 A. It is what I believe the Board stated.

17 Q. Okay. Take a look at deposition page 113,
18 lines 2 through 16. The first deposition.

19 And we're talking about 0393 here, and it
20 says, "That's your interpretation of it, correct?"
21 And you say, "Yes."

22 Do you see that?

23 A. No, I don't know what page you are on.
24 You said page --

1 HEARING OFFICER HALLORAN: I don't want anybody
2 to rush.

3 THE WITNESS: You said page 2 and I didn't
4 know.

5 BY MS. BRICE:

6 Q. Page 113, lines 2 through 6.

7 A. Yes.

8 Q. Hold on. I'm sorry. Okay, go to line 9.

9 We're talking about the right-of-way, correct,
10 "Because Mr. Dorgan" -- your answer: "Because
11 Mr. Dorgan interpreted that the Board ruling was for
12 the entire 3939 right-of-way, where the Board
13 specifically stated that it's only associated with
14 the boring that they laid out in the ruling.

15 "Question: That's your interpretation of
16 it, correct?"

17 And you said, "yes." Do you see that.

18 A. Yes.

19 Q. And, I take it, that you didn't include
20 the Waukegan waterline because you didn't believe
21 there were any borings that fell near the Waukegan
22 waterline; is that right?

23 A. It's outside the borings that the Board
24 represented in their ruling.

1 Q. That is the way that you interpret the
2 ruling?

3 A. That's what I said.

4 Q. Turn to -- if you could turn to 205-24,
5 please? This is from your first report, correct?

6 A. 205-24, yes.

7 Q. Okay. And right here, 0393 appears to be
8 straddling -- I mean, the Waukegan waterline appears
9 to be straddling 0393 on the south side, right?

10 A. Okay.

11 Q. Is that right?

12 A. Yes, it appears to be above and below it
13 in different places.

14 Q. Okay. Now, in your supplemental report,
15 you move parcel 393 we've established, right?

16 A. Yes.

17 Q. But you didn't move the Waukegan
18 waterline, right?

19 A. Yes, it did move. It's straddling 0393.

20 Q. Okay. Well, let's take a look at your
21 deposition. This is your second deposition on G2, I
22 would say. So, I'm going to take 41 and 42, and
23 let's just go to 41, line 24, and it says, "Did the
24 utility line shift, too?"

1 "Answer: No.

2 "Question: No? The Waukegan waterline
3 didn't shift?

4 "Answer: No.

5 ""Question: And why didn't those shift?

6 "Answer: Because they were tied to something else.
7 They were just laid in as not tied to the boundary.
8 They were just laid into the site."

9 Do you see that?

10 A. I'm sorry, I'm looking at 41. I don't see
11 where you are at.

12 Q. Last line on 41 and then going down on to
13 42?

14 A. Sorry, I was looking at page 41. Yes, I
15 see where you are at, yes.

16 Q. So, here you said that the Waukegan
17 waterline did not move to the south. You said that
18 in your deposition, correct?

19 A. It appears so.

20 MS. O'LAUGHLIN: Objection. The testimony is
21 not inconsistent. He's just reading the deposition.

22 MS. BRICE: Okay. I'm sorry, he just testified
23 the Waukegan waterline moved to the south, and I'm
24 impeaching him where he's telling me where it did

1 not move to the south. I don't understand.

2 HEARING OFFICER HALLORAN: I agree. Objection
3 overruled.

4 MS. O'LAUGHLIN: I will clarify that.

5 HEARING OFFICER HALLORAN: You can do it on
6 redirect. Thank you.

7 BY MS. BRICE:

8 Q. Sorry, I got taken a little bit off
9 course. Okay. Turn to 207-15, please, and this is
10 your Waukegan waterline in your supplemental report.

11 As you noted, it's still in the same
12 place, right? It's still straddling 0393; is that
13 right?

14 A. Correct.

15 Q. You didn't do any drafts of your base map
16 and figures between your August and November report,
17 did you?

18 A. No.

19 Q. Okay. I would like to mark Exhibit 217.

20 (Said document was marked as
21 Exhibit No. 217 for
22 Identification.)

23 BY MS. BRICE:

24 Q. 217-1 is an email from Mr. Steven Gobelman

1 to Evan McGinley Ellen O'Laughlin, and Matt Doherty,
2 and the first line says, "Attached are the revised
3 figures. R1 were the first changes. It only
4 adjusted the location of parcel 0393, and R2 were
5 the pictures used in the supplemental."

6 Okay. I would like to stick with this
7 document. If you could turn to 217-5, this email is
8 written after both of your reports were submitted,
9 correct, November 13th, 2018?

10 A. It was submitted to them on November 13th.

11 Q. This is after your reports were written,
12 correct? The record will reflect what it reflects.

13 Okay. Go to 217-5, please. Do you see
14 that the Waukegan waterline is not straddling 0393.
15 It's actually above the 0393 line; is it not?

16 A. It appears to be, yes.

17 Q. Okay. Now, turn to 217-14. At 217-14,
18 low and behold, it's straddling the line again.

19 Do you see that? Do you see that?

20 A. Yes.

21 Q. It's back again straddling the line?

22 A. Yes.

23 Q. Okay. In this one it has been moved south
24 along with the northern boundary, correct?

1 A. Yes.

2 Q. Okay, thank you. Let's assume for a
3 moment that 217-05, the one where it was all within
4 0393, the Waukegan waterline, is correct.

5 If the Board finds IDOT is liable for all
6 costs associated with work done in 0392, IDOT would
7 be liable for the costs associated with Waukegan
8 waterline, would it not?

9 A. I'm sorry, can you repeat that?

10 Q. Assuming 217-51 is correct, which is the
11 document that you drafted in the Andrew document,
12 assuming that's correct, and that's consistent with
13 Mr. Dorgan's document, for the record, and the Board
14 finds IDOT is liable for all costs associated with
15 work done within parcel 0393, IDOT would be liable
16 for all costs associated with the Waukegan
17 waterline; isn't that correct?

18 MS. O'LAUGHLIN: Objection, vague. If you
19 understand the question, I'm trying to catch up with
20 the numbers.

21 MS. BRICE: Mr. Halloran, can I ask the
22 question?

23 HEARING OFFICER HALLORAN: I'm not sure what
24 kind of objection that is. I'm sorry.

1 MS. O'LAUGHLIN: The objection is vague.

2 HEARING OFFICER HALLORAN: What about you are
3 trying to catch up with the numbers?

4 MS. O'LAUGHLIN: Because I believe the numbers
5 were so rushed through and Mr. Gobelman may not
6 understand the question.

7 HEARING OFFICER HALLORAN: Okay. So,
8 Mr. Gobelman, do you need more time?

9 THE WITNESS: No, I don't believe so.

10 HEARING OFFICER HALLORAN: Okay, thank you.

11 THE WITNESS: If the Board's ruling stated that
12 IDOT was liable for all 0393, then in this figure,
13 IDOT would be liable for the cost associated with
14 the waterline as it relates to Site 3.

15 BY MS. BRICE:

16 **Q. I'm going to go to your AT&T attributions**
17 **at this point.**

18 MS. BRICE: Mr. Halloran, I might have
19 misunderstood you, as far as wrapping it up. Do I
20 have to be done within the next 45 minutes?

21 HEARING OFFICER HALLORAN: We're trying to get
22 out of here by 4:30, quarter to 5:00. Again, I
23 don't want to rush you.

24 I would like to get out of here, you know,

1 and we can continue the cross-exam tomorrow morning.
2 We have to come back anyway. Try to throttle down.
3 Let's wrap up around 4:30 or so.

4 MS. BRICE: I'm trying to get to the point.

5 HEARING OFFICER HALLORAN: I know, but don't go
6 fast.

7 MS. BRICE: Right, that's the problem I'm
8 running into. I want to make sure everyone can hear
9 everything clearly, and I want to get through the
10 points. I'm not trying to belabor it. I skipped
11 over a bunch of stuff.

12 HEARING OFFICER HALLORAN: Do you have a
13 problem starting tomorrow at 9:00-ish to continue
14 your cross?

15 MS. BRICE: No.

16 HEARING OFFICER HALLORAN: Okay. Again, don't
17 rush. Do your normal pace, and we'll finish around
18 4:30.

19 MS. BRICE: Okay, thank you.

20 HEARING OFFICER HALLORAN: Thank you.

21 BY MS. BRICE:

22 **Q. Okay. Mr. Gobelman, let's talk about the**
23 **Site 3A AT&T attribution.**

24 **You used linear feet within Site 3 to**

1 calculate your IDOT attributions for the AT&T line,
2 right?

3 A. I would like to refer to my map.

4 Q. Okay, sure. Go ahead. It's 205 or 207,
5 sorry. 207-16, 6. 217 -- sorry, I'm losing it.
6 It's 207-16, I believe. Yes, you're there. Are you
7 there?

8 A. Yes. I'm sorry.

9 Q. You use linear feet right to calculate
10 your Site 3 IDOT attributions?

11 A. Yes.

12 Q. And that's because you wanted to provide
13 the ratio between the footage of the entire site
14 versus the areas for which IDOT was liable?

15 A. Correct.

16 Q. Okay. You agree that using linear
17 measurements was not the best way to make
18 attributions in some instances; isn't that true?

19 A. Yes, in some instances.

20 Q. According to the supplemental report, you
21 say, "The AT&T lines on site 3 were a total of 1060
22 linear feet; is that right?

23 A. Yes.

24 Q. And you calculated the portions of the

1 line you believe fell within the IDOT area of
2 liability. You found it to be 199 feet, and then
3 you divided that to get your 18.8 percent; is that
4 right?

5 A. Yes.

6 Q. So, is your numerator -- hold on. Okay.
7 Same sort of questions I had a minute ago.

8 If the Board were to find that IDOT was
9 liable for all of 0393, your calculations would have
10 to include the remainder of those two lines that run
11 through 0393, right?

12 A. Yes.

13 Q. Okay. Let's go to Site 6. On Site 6, you
14 first calculated the entire length of the north and
15 the south corridors; and to do this, you said you
16 relied on JM0040329, which I believe is in 205-49.

17 If you can look at 205-49 and confirm for
18 me that that's the document you used, I would
19 appreciate it. This is attached to your report.

20 A. I was looking for 040329. I was looking
21 at that Bates number. That number was on this
22 figure.

23 Q. I don't see it on this figure. This came
24 from your report.

1 Does your report reference drawing No. 4,
2 or something like that?

3 I think you testified earlier that you
4 looked at the utilities, I'm pretty sure.

5 A. In the report, it references that I used
6 the figure that was JM0040329.

7 Q. Okay. If you go to 213E1261. Can you
8 pull that up? That's 213E1261. We pulled up on the
9 screen the same document, I believe, with the Bates
10 number JM0040329 with Exhibit No. 213-1261.

11 So, Mr. Gobelman, is this the document
12 that is here in your expert report under 205-49?

13 A. It appears so.

14 Q. What I would like for you to do is take
15 this green highlighter for me, and on your exhibit
16 that you have there, 205-49, I would like you to
17 tell me where you measured -- the area you measured
18 to reach your lineal -- northern Site 6 linear
19 footage of 2820, and where you measured on the south
20 side to reach 2650.

21 I'm trying to figure out what was included
22 in your numbers, what areas.

23 MS. O'LAUGHLIN: Objection. Counsel is asking
24 Mr. Dorgan -- Mr. Gobelman -- counsel is asking

1 Mr. Gobelman to do something he's not prepared to,
2 and this does not apply.

3 There is no foundation. It is
4 inappropriate to ask him to do that.

5 BY MS. BRICE:

6 Q. Mr. Gobelman, you say in your expert
7 report that you used this document, did you not, to
8 calculate the numbers to come up with your
9 denominator for the IDOT area liability on Site 6,
10 which is 5470 linear feet, correct?

11 A. Yes.

12 Q. Okay. So, all I'm trying to do is for you
13 to identify for me what went into that calculation
14 of 5470, as it's very important because you use it
15 as your denominator in a couple of different
16 instances, and I need to know what you were
17 including in that to see if the denominator is
18 accurate or not.

19 A. I don't remember what I marked off of this
20 figure.

21 Q. So, you can't do that for me? You can't
22 tell me how you measured that?

23 A. I can't accurately depict on this figure
24 how I measured it.

1 Q. Okay. You said, I believe, that you
2 believed it to be the entire length of the north
3 corridor and the south corridor; is that correct?

4 MS. O'LAUGHLIN: Objection.

5 BY MS. BRICE:

6 Q. You testified to it.

7 HEARING OFFICER HALLORAN: I recall that
8 testimony.

9 THE WITNESS: Yes.

10 HEARING OFFICER HALLORAN: You may proceed.

11 THE WITNESS: Yes.

12 BY MS. BRICE:

13 Q. Okay. So, if it's the entire length of
14 the north side and south side, where would it be on
15 that document? Can you just mark what would be the
16 entire length of the north side and south side on
17 that document, please?

18 MS. O'LAUGHLIN: Objection. Mr. Gobelman
19 cannot be compelled to create an exhibit.

20 MS. BRICE: I'm sorry, he testified this is
21 what he did. I'm just trying to get him to recreate
22 what is based in his report. I don't know how this
23 could possible be objectionable.

24 HEARING OFFICER HALLORAN: I sort of agree with

1 Ms. O'Laughlin, to try to do an accurate drawing --

2 MS. BRICE: It doesn't have to be accurate. I
3 just want to know where he thinks the entire line of
4 the north side of site and south side of Site 6,
5 where they go to. He said that he did this, and he
6 based his calculations on it. If he can't point it
7 out, that's a big problem, in and of itself.

8 MS. O'LAUGHLIN: Same objection.

9 HEARING OFFICER HALLORAN: See what you could
10 do, Mr. Gobelman. She can examine you on redirect.
11 Objection overruled.

12 THE WITNESS: At this point, I can't accurately
13 depict on this map to see the measurements that I
14 made.

15 BY MS. BRICE:

16 Q. Okay. You came to an attribution of
17 1.6 percent, right? Look in your report.

18 A. Yes.

19 Q. Your 1.6 percent, as I understand it, you
20 took 90 feet, which was the distance between 3.5S to
21 4.5S; is that right, and divided it by 5470?

22 A. Yes.

23 Q. Okay. So, in other words, for your
24 denominator here, 5470, to be correct, you would

1 need there to be work done on the AT&T line along
2 the entire length of the north side and south side
3 of Site 6; is that correct?

4 A. That's what I used.

5 Q. Okay. If you are going to be right, if
6 your denominator is right, those AT&T lines needed
7 to go along the entire north side and south side of
8 site 60, because you're using a denominator of 5470
9 to calculate the AT&T lines on Site 6?

10 A. 5470 is the denominator that I used, yes.

11 Q. Okay. That's not my question. My
12 question was: In order for your denominator to be
13 correct, in order to reach the calculation for the
14 site 6 AT&T line, those lines would need to traverse
15 the whole north side and south side of Site 6; is
16 that not correct?

17 A. They would have to be in the entire
18 length.

19 Q. So, yes?

20 A. Yes.

21 Q. I believe you heard Dr. Ebihara, did you
22 not, testify that that was not the case?

23 MS. O'LAUGHLIN: Objection to the same reason
24 that Ms. Brice objected to our questioning about

1 **Mr. Peterson. It's not part of his opinion.**

2 **She can't question him about it. He's not**
3 **offering opinions based on Mr. Ebihara's testimony.**

4 MS. BRICE: I'm cross-examining him on his
5 opinion.

6 HEARING OFFICER HALLORAN: I agree with
7 Ms. Brice. You can ask questions on your redirect.
8 If there is more information, Mr. Gobelman can
9 answer. It may be information important to him.
10 You can redirect him, if you need to.

11 MS. BRICE: I mean, I can take five minutes and
12 thin all of the exhibits that show that. this is a
13 faster way to get to the question.

14 MS. O'LAUGHLIN: I don't mean to mess up your
15 thoughts.

16 MS. BRICE: I disagree. It's an inconsistent
17 argument that you made with Mr. Peterson. Thank you
18 for your speaking objection.

19 BY MS. BRICE:

20 **Q. Do you recall what Dr. Ebihara and**
21 **Mr. Peterson said about the AT&T lines and whether**
22 **or not they ran the entire length of the north side**
23 **of Site 6 and the south side of Site 6?**

24 A. I don't recall exactly where they said

1 they came out of the ground.

2 Q. Okay. We've established that it's -- if
3 they do not run the entire length of the north side
4 of Site 6 and south side of Site 6, then your
5 denominator is inaccurate?

6 A. If it turned out that they were short
7 earlier, the denominator would be different and the
8 percentage wouldn't go up accordingly.

9 Q. Your percentage would go up? I think your
10 percentage would go down. The record will reflect
11 what it reflects.

12 Actually, Mr. Dorgan pointed that out in
13 his initial rebuttal report on 206-13. If you want
14 turn to that, I can make you turn to it, but I'll
15 just read it into the record, if no one objects, or
16 if they want me to have you to turn to me 2613, I
17 can.

18 But he says, "Based on the record, the
19 AT&T lines do not run the entire length of the north
20 and south corridor of site 6. As a result,
21 Mr. Gobelman's calculations are incorrect."

22 If that was his expert report in response
23 to your first response, your August report, but you
24 didn't make any changes to address that point in

1 **your supplemental report in Exhibit 207, did you?**

2 A. My only changes that I did on the base
3 map, I wasn't going to recalculate or rebut
4 Mr. Dorgan's rebuttal of my report and create a
5 whole new report based upon all the things he
6 pointed out.

7 All I was doing is making sure the
8 accuracy of my base map was correct, based upon the
9 location of 0393.

10 **Q. Let's consider your numerator here, which**
11 **is 90 feet. Just to be clear, in order for your**
12 **numerator to be correct, your Site 6 borings, and**
13 **your measurement between your Site 6 boring needs to**
14 **be correct; is that right?**

15 The numerator was 90 feet. You measured
16 from 3.5S to 4.25S is what you said in your report.
17 I'm just trying to establish that if that's your
18 numerator, your measurement would have to be
19 correct?

20 A. I measured from the point that the phone
21 line comes into Site 6 to a halfway point between 4S
22 and 5S.

23 **Q. Okay. You say that's 90 feet?**

24 A. Yes.

1 Q. And that's for your numerator to be
2 correct -- I mean, that measurement has to be
3 correct, in order for your numerator to be correct,
4 right?

5 A. Yes.

6 Q. Your math, right?

7 A. Yes.

8 Q. Okay. I'm not going to belabor this. You
9 calculated your site 3 and 6 attributions, the
10 combined ones, the same way that Mr. Dorgan did, and
11 your Site 3 and 6 numbers are premised on your Site
12 3 and 6 attribution numbers, right?

13 Do the calculations you do on the top part
14 is the attributions, and then you got -- maybe
15 that's the bottom part. Then you got the total
16 cost, and then you divided by the attribution cost,
17 to come up with your attribution for Site 3 and 6,
18 right?

19 A. Yes.

20 Q. Okay. So, all I'm trying to point out
21 here is, you know, if your numbers for Site 3 and
22 Site 6 alone are incorrect, then your combined Site
23 3 and 6 attribution is also incorrect, right?

24 A. Yes, the percentage would go up.

1 Q. Turn to 205-11, please. This is ACM's
2 soils. Tell me when you are there?

3 A. 205-11?

4 Q. Yes.

5 A. Okay.

6 Q. I think this is the one -- you don't have
7 a figure for ACM soils in Exhibit 207, do you?

8 A. No.

9 Q. So, we need to go back. That's why I'm
10 going back to 205 on this one.

11 That's where your discussion of ACM soils
12 is located, correct, in 205 instead of 207?

13 A. Yes.

14 Q. Okay. You say you did your calculations
15 similar to the AT&T calculations, right?

16 A. Yes.

17 Q. And, again, you used this 5470 linear feet
18 as your denominator, correct?

19 A. Yes.

20 Q. And that's because you believe that the
21 USEPA required a clean corridor, no matter what, for
22 the whole entire Site 6; is that right?

23 A. My understanding that the AT&T lines went
24 through the entire corridor.

1 Q. That is not my question. My question was:
2 You believe that USEPA required a clean corridor, no
3 matter what, for the entire Site 6, that is why you
4 used the 5470 number?

5 A. It required a clean corridor for the
6 utilities in the corridor.

7 Q. Okay. Turn to your deposition, page 126,
8 line 4 through 11 in the first deposition.

9 MS. O'LAUGHLIN: 126?

10 MS. BRICE: Correct.

11 BY MS. BRICE:

12 Q. Line 4, my understanding that a clean
13 corridor -- okay, sorry. Let's go back up a little
14 bit.

15 125-24, "Question: What type of
16 excavation work was involved in Site 6, do you know?

17 "Answer: hum.

18 "Question: All of Site 6?

19 "Answer: My understanding that created a
20 clean corridor, no matter what, for the entire site.

21 "Question: For the whole northern
22 boundary of Site 6 and the whole southern boundary
23 of Site 6?

24 "Answer: Yes, I believe they did

1 excavation associated with that, yes.

2 "So, clean corridors their whole way?

3 "Answer: I believe so, yes."

4 Do you see that?

5 A. Yes.

6 Q. Once again, for your denominator to be
7 correct, they would have had to do excavation work
8 along the entire north side and south side of
9 Site 6, correct?

10 A. I included the entire length of the north
11 and south side, yes.

12 Q. Okay. And your numerator -- let's talk
13 about your numerator here. Staying with 205-11, you
14 say your numerator is 197 feet, but you said from
15 the western edge of Site 6 to halfway between 4S and
16 5S; is that right?

17 A. Yes.

18 HEARING OFFICER HALLORAN: Let's call it a day.

19 MS. BRICE: I'm not too far. I mean, I'm
20 pretty close. It depends on how many times I have
21 to go back to the deposition.

22 (Discussion off the record.)

23 HEARING OFFICER HALLORAN: Pamela, we can go
24 back on the record now. I think we're going to go

1 back on the record and close it, and continue it on
2 the record for tomorrow, October 29th. We're having
3 problems with Webex. For tomorrow, October 29th,
4 9:00 a.m.

5 (Discussion off the record.)

6 HEARING OFFICER HALLORAN: We're back on the
7 record. I'm the Hearing Officer. We're going to
8 close this hearing today and continue it on record
9 until tomorrow October 29th at 9:00 a.m. Thank you.
10 You all have a good night.

11 (The following proceedings were
12 adjourned until October 29th,
13 2020, at 9:00 o'clock a.m.)
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