

ILLINOIS POLLUTION CONTROL BOARD
October 29th, 2020

JOHNS MANVILLE, a Delaware)
Corporation,)
)
 Complainant)
) PCB 14-3
 v.)
)
 ENFORCE - ILLINOIS DEPARTMENT)
 OF LAND TRANSPORTATION,)
)
 respondent.)

The report of proceedings had in the hearing of the above-entitled cause before Hearing Officer Bradley Halloran, called by the Pollution Control Board, taken by PAMELA A. MARZULLO, a Notary Public in and for the County of Pinellas and State of Florida, via Zoom, 1230 Gulf Boulevard, Clearwater Beach, Florida, on October 29th, 2020, at the hour of 9:00 o'clock a.m.

1 PRESENT:

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22 ALSO PRESENT:

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24 MS. JENNIFER VAN WIE

REPORTED BY:

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I N D E X

1 WITNESS: STEVEN GOBELMAN

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1 HEARING OFFICER HALLORAN: We're on
2 the record.

3 Good morning. My name is Bradley
4 Halloran. This is the fourth day of hearing in
5 14-3 JM versus IDOT. The date is October 29th,
6 approximately 9:05 a.m. We're in the middle of
7 cross-examination by Ms. Brice of Mr. Gobelman. I
8 would ask -- I'm sure Mr. Gobelman remembers the
9 hour when he was first sworn. I would ask Pam to
10 swear Mr. Gobelman in again.

11 (Mr. Steven Gobelman was duly
12 sworn.)

13 STEVEN GOBELMAN,
14 was adduced as the witness herein; after having
15 been first duly sworn, testified as follows:

16 HEARING OFFICER HALLORAN: Miss
17 Brice?

18 MS. BRICE: Thank you, sir.

19 CROSS-EXAMINATION (Continued)

20 BY MS. BRICE:

21 Q. I'm just going to remind everybody we
22 were discussing the Utility ACM soils excavation
23 action, and we had talked about how your
24 denominator for this attribution was 5470 linear

1 feet, to 5470 linear feet, which you had
2 calculated the north side and south side of Site
3 6.

4 We're now turning to your numerator. So,
5 if you go to 205-11, please.

6 A. Okay.

7 Q. You say you calculate by measuring --
8 I'm going back to your numerator on 205-11, and
9 you say you calculated this by measuring the
10 distance of Site 6 halfway between 4S and 5S,
11 which said was 197 feet; is that right?

12 A. Yes.

13 Q. And then you divided that get to the
14 3.6 percent?

15 A. Yes.

16 Q. And you applied these Site 6 test pit
17 borings using scaling off of a pdf, which is
18 205-46, correct?

19 Turn to 205-46 just so -- I believe we
20 established this earlier, but just to be sure.

21 A. Well, that's not what --

22 Q. Take a look at 205-7. At the very
23 bottom of that page, that might help you with your
24 recollection, and I'm talking about the Site 6

1 soil borings.

2 A. Yes.

3 Q. So, did you use this C-0022J,
4 M004753, which was hearing Exhibit 66-99, which is
5 also I think we established up on the screen
6 yesterday is the same at 205-46, to scale in your
7 Site 6 soil borings?

8 A. Correct.

9 Q. Okay. I would like you to turn to 67
10 --

11 one second. Sorry. Back up.

12 This says this was AECOM's Work Plan
13 Revision 2, March 13, 2014 on 205-7. Do you see
14 that?

15 A. Yes.

16 Q. So, if you turn 67, please, 67-1.
17 Let me know when you're there. 67-1 is the Final
18 Removal Action Work Plan, correct?

19 A. Yes.

20 Q. Okay. And if you could turn to
21 67-536. This is just an excerpt. So, 536 is
22 somewhere in the middle I apologize it's not right
23 on top.

24 HEARING OFFICER HALLORAN: What book

1 is this, Ms. Brice?

2 MS. BRICE: Gobelman testified from
3 this binder yesterday.

4 THE WITNESS: Okay, thank you.

5 BY MS. BRICE:

6 Q. The same thing from yesterday is
7 going to be the same thing I'm using today.

8 Can you tell me when you get to 67-536?

9 A. Yes, I'm there.

10 Q. Okay. So, 67-536 is -- we said is
11 the final plan, and you had access to this
12 document, have you not, since you -- since before
13 you wrote your first expert's report on damages,
14 right?

15 A. I believe so.

16 Q. And this document contains excavation
17 coordinates; in other words, latitudes and
18 longitudes for Site 6 construction work, does it
19 not?

20 A. Yes.

21 Q. And you didn't rely on this document
22 in creating your base map, did you?

23 A. No.

24 Q. So Instead of using this document for

1 latitudes and longitudes, you mainly measured in
2 distances off a paper pdf from an earlier version
3 of this report for plotting the Site 6 soil
4 borings; is that accurate?

5 A. I measured it, yes.

6 Q. So the answer is yes?

7 A. The answer is yes.

8 Q. Okay. I'm going to turn to the North
9 Shore Gas Line. With respect to the North Shore
10 Gas Line on Site 3, a clean corridor was required
11 around it, correct, Site 3?

12 A. Yes.

13 Q. Okay. If you could turn to 207-17,
14 please. This is part of your expert report,
15 correct, your supplemental expert report 207-17?

16 A. Yes.

17 Q. Okay. And on 207-17 -- Drew, could
18 you please blow that up for us?

19 I would like you to tell me which soil
20 borings fall within the green that are on your
21 document?

22 A. That fall within the green?

23 Q. Correct.

24 A. B3-15 and B3-16.

1 Q. Were those both borings for which
2 IDOT was found liable at the hearing?

3 A. Yes.

4 Q. I would just like to note on this
5 map, compared to and on 205-22, which is the base
6 map for this map, you don't have all the same
7 borings that you had on Exhibit 202, correct?

8 A. Correct. I only put in the borings
9 that were associated with the Pollution Control
10 Board's ruling and some of the borings that Mr.
11 Dorgan put in his report, and then additional
12 boring that I needed to do calculations off of.

13 Q. So, to arrive at your attribution
14 calculated as your denominator, the square footage
15 of the North Shore Gas Line work on Site 3, which
16 you said was 10,866 square feet; is that right?

17 A. Yes.

18 Q. And then you calculated your
19 numerator, the square footage of the North Shore
20 Gas Line that you believed ran through parcel
21 0393, based upon your supplemental map, which you
22 say here is 4,271 square feet; is that right?

23 A. Yes.

24 Q. Okay. You then took -- you then

1 divided those numbers and came up with 39.3
2 percent?

3 A. Yes.

4 Q. If the location of the North Shore
5 Gas Line on your map here, that you're using on
6 Site 3, is inaccurate, then your numerator and
7 your calculations would be inaccurate; is that
8 correct?

9 A. I wouldn't know.

10 Q. You wouldn't know? So, your
11 calculation is based upon the division of a
12 numerator and a denominator, correct?

13 A. Yes.

14 Q. Okay. So, if your numerator is
15 different, you're going to go come up with a
16 different percentage, correct?

17 A. If the numerator is different, yes.

18 Q. So, if the numerator is different,
19 and then you use that numerator to multiply that
20 by the overall cost for a particular area, you're
21 going to come up with a different number, correct?

22 A. If the calculations were different,
23 yes.

24 Q. Okay. Let's talk about the North

1 Shore Gas Line on Site 6.

2 Here you didn't use square footage, did
3 you?

4 A. No.

5 Q. Rather, you used linear footage,
6 right?

7 A. Correct.

8 Q. And linear footage, based upon your
9 base map in your expert's report, correct?

10 A. Correct.

11 Q. Okay. If you can go to 207-05.
12 Going to the bottom of that page, and I'm just
13 going to read for the record the sentence, "Mr.
14 Dorgan states the length along the south side of
15 Site 6 is approximately 2,005 linear feet."

16 Do you see that?

17 A. Yes.

18 Q. How did you use that 2,005 linear
19 feet in your attribution calculation?

20 A. I used that in -- that's exactly what
21 the percentage of the gas line is in this Site 6.

22 Q. Was that your denominator, the 2,005
23 linear feet?

24 A. Yes.

1 Q. Okay. If you can turn to 204-24,
2 please. 204-24, which is Mr. Dorgan's report where
3 he talks about the North Shore Gas Line. Are you
4 there?

5 A. I am now.

6 Q. Okay. The very last paragraph I'm
7 going to read into the record, the first sentence,
8 "It's my understanding that a total of 2,005
9 lineal feet of the North Shore Gas Line was
10 removed on Site 6."

11 Do you see that?

12 A. Yes.

13 Q. So, he's not talking solely about the
14 south side of Site 6 of that measurement, is he?

15 A. No.

16 Q. You defined the portion before of
17 area that is attributable to IDOT based upon your
18 base map 207-17, correct?

19 A. I'm sorry, what?

20 Q. You used the base map to come up with
21 your numerator in your attribution, right?

22 A. Yes.

23 Q. 207-17, because you did a measurement
24 off of it, correct, the 72 feet?

1 A. I have to go back.

2 Q. 207-5.

3 A. What was this again, the measurement?

4 Q. Sure. Is 72 linear feet -- I just
5 want to establish that was measured off of this
6 base map, the base map being 207-17. It's the one
7 -- specifically is the one about the North Shore
8 Gas?

9 A. Yes.

10 Q. So, the numerator here is 72 linear
11 feet, and you divided the numerator by the 2,005
12 linear feet to get to 3.6, correct, percent?

13 A. Yes.

14 Q. And, so, these distances would need
15 to be accurate in order for the 3.6 attribution to
16 be correct; isn't that true?

17 A. Yes.

18 Q. Okay. Combined Site 3 plus 6 -- all
19 I really want to establish here is that your
20 combined Site 3 plus 6 numbers depend upon the
21 attributions you made to Site 3 for North Shore
22 Gas and Site 6 for North Shore Gas.

23 A. Yes.

24 Q. Okay. Let's go to the northeast

1 excavation 207-18 is the map in play, I believe.

2 Could you please turn to that?

3 A. Okay.

4 Q. Okay. Again, you used 205-46, which
5 we were looking at a moment ago up on the screen,
6 to scale in the northeast excavation.

7 And you said the distance from 9S to the
8 eastern edge of the northeast excavation is
9 140 feet. That's on 205-8.

10 Is that accurate. Is that what you did?
11 And take your time.

12 A. Say that again, your question again.

13 Q. Sure. Let me break it down. You
14 used 205-46 to locate the northeast excavation,
15 correct, based upon what you say here on 205-8?

16 A. Yes.

17 Q. Okay. And then how you did that was
18 you hand scaled it in; isn't that true?

19 A. I measured it in, yes.

20 Q. Okay. You measured it in using an
21 engineer's scale map on a computer, correct?

22 A. I believe in this case, I would have
23 used as the -- the borings were in place. I would
24 have CAD measure from 9S to the distance of 140

1 feet, and then that would create the eastern edge.

2 Q. You don't recall, do you,
3 specifically how you did it?

4 A. It was measured in.

5 Q. Measured in but whether you did it
6 hand scaling, or whether you did it another way,
7 we can look at your deposition and figure that out
8 at some point.

9 But you don't recall right now exactly
10 how you did it; is that correct?

11 A. No, not really.

12 Q. All right. And then you say the
13 distance from the soil boring location 9S, to the
14 eastern edge of the northern location, is about
15 140 feet. Do you see that?

16 A. Where are you reading from?

17 Q. 205.

18 A. 205?

19 Q. 205-8.

20 A. Would did you read out?

21 Q. 140 feet.

22 A. Yes.

23 Q. Okay. But wouldn't it have been
24 better to use the final work plan to plot the

1 northeast excavation instead of the Revision 2?

2 A. I don't know.

3 Q. Okay. Turning to your deposition,
4 your second deposition, which is page number on
5 the deposition 53; but on the exhibit number, it's
6 going to be 229D-54.

7 A. Okay.

8 Q. Are you there?

9 A. Yes.

10 Q. Line 5. Okay, "If you were to go
11 back and do it now, what would be the right source
12 to use to locate the northeast excavation, the
13 final report?

14 "Answer: It would be. I would assume
15 that it would be the final report and the work
16 plan that depicts actually how it was laid in, how
17 it was supposed to be measured in."

18 MS. O'LAUGHLIN: Objection. The
19 deposition transcript is hearsay. This is not an
20 appropriate use of a deposition transcript. It's
21 not a prior inconsistent statement.

22 HEARING OFFICER HALLORAN: Ms. Brice?

23 MS. BRICE: I'm impeaching him with
24 the deposition testimony. He said he didn't know;

1 and in his deposition, he said, "Yes."

2 HEARING OFFICER HALLORAN: I agree.

3 Overruled.

4 BY MS. BRICE:

5 Q. Your northeast excavation
6 attributions are based upon square footage, right?
7 If you want to turn to 207-18, it might make it
8 easier.

9 A. Okay.

10 Q. Okay. I believe you said on direct
11 that the northeast excavation in total is 7500
12 square feet; is that right?

13 You added those two numbers together in
14 the boxes?

15 A. Yes.

16 Q. Okay. And at the portion of the
17 northeast excavation, that falls within 0393, is
18 1,889 square feet, correct?

19 A. I don't know if I said that but it
20 probably says that.

21 Q. I think it says 1,889 square feet.

22 A. Yes.

23 Q. Is that the portion that --

24 A. Yes.

1 Q. Okay. And you divided 1,899 by 7500
2 and came to 25.12 percent; is that right?

3 A. Yes.

4 Q. Okay. This northeast excavation is
5 comprised of three grids; isn't that correct?

6 A. Yes.

7 Q. Okay. The denominator we just talked
8 about, the 7500 square feet, is based upon
9 measurements you made off of this map 207-18,
10 right?

11 A. Yes.

12 Q. The same is true for the 1,889 square
13 feet numerator. It's also measured off of this
14 map 207-18, right?

15 A. Yes.

16 Q. Okay. You testified -- so, there's
17 three grids here. The grid on the left, you
18 testified that you included that boring B3-50 in
19 your IDOT area of liability, correct?

20 A. Yes, the Board ruled that it was in
21 our liability.

22 Q. And then you said you also included
23 B3-45 in your IDOT area of liability, right?

24 A. Yes, even though it fell in my

1 drawing outside.

2 Q. Okay. And we you talked a lot about
3 -- you've talked a lot about the next cleanest
4 boring rule.

5 Do you remember that?

6 A. A little bit, just depending on where
7 we were at.

8 Q. You said that, you know, the USEPA
9 required the contamination to be excavated to the
10 next cleanest boring; do you recall that?

11 A. Are you saying that I said that?

12 Q. Yes.

13 A. I don't recall saying that.

14 Q. Okay. I'm going to hand you -- give
15 me a second, I'm going to be back, because I think
16 we already went through this.

17 If you would give me one second, I would
18 appreciate it.

19 HEARING OFFICER HALLORAN: Yes.

20 (Pause)

21 BY MS. BRICE:

22 Q. Okay. Let's go to your first
23 deposition of page 28, line 11, please.

24 A. Yes.

1 Q. I'm going to read it into the record?
2 You were deposed. You know we went over
3 this yesterday, but these are both in your
4 depositions, correct?

5 A. Correct.

6 Q. We've been reading from -- okay.
7 "Question: If ACM is detected in a boring, how
8 much of the area around the boring did USEPA
9 assume to be contaminated?

10 "Answer: Well, typically, I think there
11 was a number of figures that represented different
12 methodology to determine the extent. But in most
13 cases, it went to the next cleanest boring."

14 Do you see that?

15 A. Yes.

16 Q. Okay. So, here we've got B3-50, and
17 can you pull up the map, please, Drew? 207-18,
18 please. Thank you.

19 Okay. And EPA also required the
20 excavation of an entire grid, if a portion of the
21 grid was contaminated; is that correct?

22 A. Yes.

23 Q. But here you did not include the
24 entire grid of B3-50 or B3-45 in your IDOT

1 attribution, did you?

2 A. No, I only included the areas that
3 the Pollution Control Board said IDOT was liable
4 for.

5 Q. But, again, the EPA required the
6 whole grid to be excavated, if there was a
7 contaminated boring in the grid, correct?

8 A. Those were areas that were outside of
9 IDOT's responsibility.

10 Q. Please answer the question that I
11 asked.

12 A. They required it to be excavated.

13 Q. Correct. Okay. And then -- so, just
14 talking about the next cleanest boring. Was B3-46
15 a clean boring?

16 A. I don't know. I don't have it
17 represented.

18 Q. Okay. I'll represent to you that
19 B3-46 was a contaminated boring.

20 And I understand that if you believe you
21 were liable for the neighboring contaminated
22 boring, you counted halfway to the next boring.

23 I believe that was your testimony, right?

24 A. Yes.

1 Q. Okay. This concept is not what is
2 stated in the enforcement action memorandum, is
3 it?

4 A. I don't know how it was stated in the
5 enforcement memorandum.

6 Q. It's not how EPA treated contaminated
7 areas, is it?

8 A. I don't know for sure.

9 Q. Okay. Let's go to -- I'm going to go
10 to Exhibit 120. I'm not sure if everybody has a
11 copy of this, but I will have Drew pull it up on
12 the board here and go to Exhibit 120, please.

13 A. It's not in here.

14 Q. I'm going to hand it to you. He's
15 going to pull it up here, 120-3.

16 This is Figure 8. Just keep going back
17 on paragraph 9. Okay. Do you see that? Did you
18 have a copy?

19 A. I have a copy of it here.

20 Q. Okay, great. I'm just going to read
21 this into the record. For purposes of
22 identification, this is a letter on 120-1 from
23 USEPA to Bill Bow at LFR and Dr. Ebihara testified
24 LFR was working on this project at the very

1 beginning.

2 And on 120-3, USEPA says, quote, "To
3 determine the extent of ACM, it appears that it
4 was assumed that ACM was present in the entire
5 grid, and the sample collected within that grid
6 contained ACM."

7 And then further down, it says, "If the
8 current sampling results are to be used to
9 determine extent of ACM that needs to be addressed
10 in this report, then it is recommended that the
11 area containing ACM should be depicted as follows:
12 For the grid that contained ACM, the boundary of
13 ACM-containing material should be extended all the
14 way to the nearest non-detect sample."

15 They did give an example that I don't
16 think I need to read into the record. Then it
17 says, "This approach should be taken for all the
18 sampled locations with ACM detected."

19 Do you see that, sir?

20 A. Yes. Yes.

21 Q. But you didn't count this report
22 B3-46 halfway or all the way, did you?

23 A. I don't have B3-46.

24 Q. B3-46 is in the third grid.

1 A. Okay.

2 Q. Of site soil excavation.

3 A. I'll take your word for it.

4 Q. Okay. Just so you don't have to take
5 my word for it. And I have to make sure I am
6 remembering correctly.

7 Let's go to 204-38 super fast. If you
8 could just pull it up on the board, I would
9 appreciate it. Yes, there it is. You see B3-46
10 up there on the board?

11 A. Yes.

12 Q. Okay, thank you. So, here is the
13 question I have: If the northeast excavation is
14 plotted too far to the east" -- go back to 207-17,
15 please.

16 If it's plotted too far to the east --
17 Sorry. 207-18, "Two parts to the east," meaning
18 two parts to the right, "if it happens to be that,
19 if that happens to be the case, then you were
20 counting less of it in your IDOT attribution; is
21 that correct, because it's not falling within" --

22 A. Say that again. I lost it.

23 Q. Sure. If it's plotted too far to the
24 east, you are basically moving everything to the

1 east, and less of it falls within what you have as
2 depicted as 0393; isn't that right?

3 A. If I have plotted it too far to the
4 east.

5 Q. Yes. Let me put it this way: The
6 further east, the northeast excavation sits, the
7 less amount that falls within 0393; is that right?

8 A. I'm sorry, you're talking about the
9 actual excavation dimensions?

10 Q. Correct.

11 A. If I had lined it up too far east?

12 Q. Yes. Then it's less of it is falling
13 within 0393; is that right?

14 A. Yes.

15 Q. I would like to turn to dewatering.
16 You said that you took an approach similar to
17 Mr. Dorgan's, right?

18 A. Yes.

19 Q. And like Mr. Dorgan, you agreed that
20 there were four task buckets that drove the need
21 to dewater on Site 3, which were the Nicor Gas
22 Line, the North Shore Gas Line, the Waukegan
23 waterline and the northeast excavation, right?

24 A. I think so.

1 Q. Okay. And then you took your
2 attributions for two of the four, correct, the
3 North Shore gas line and the northeast excavation,
4 because you did not consider the Waukegan water
5 line or the Nicor line to be part of the IDOT's
6 liability?

7 Go to 207-7, if that's helpful.

8 A. Yes, I utilized the cost of the Nicor
9 line -- the North Shore -- I utilized Nicor, North
10 Shore, Waukegan line in the northeast excavation.

11 Q. And your attributions came with the
12 North Shore gas and the northeast excavation,
13 right?

14 A. Yes.

15 Q. Okay. You added up these costs and
16 came to 143,265; is that right?

17 A. Yes.

18 Q. And you then divided this number,
19 which was your numerator, by the total cost to
20 complete those tasks on Site 3, which was 661,565,
21 which became your denominator; is that correct?

22 A. Correct.

23 Q. And then you came up with a
24 percentage of 21.7 percent?

1 A. Correct.

2 Q. Okay. On 207-6, one page back, you
3 have one, two, three, four categories of
4 dewatering costs; do you see that?

5 A. Yes.

6 Q. Okay. And you applied, as I
7 understand it, the same 21.7 percent to all four
8 categories for Site 3 dewatering, so all four of
9 these categories listed on 207-6 under
10 "dewatering."

11 I think if you look the on 207-7, it
12 explains it.

13 A. Yes, I applied 21.7 percent to those
14 four things.

15 Q. So, you didn't treat DMP dewatering
16 costs noted here as construction management for
17 dewatering differently, right, obviously?

18 A. I didn't treat any of those four
19 things any differently.

20 Q. Mr. Dorgan explained these costs were
21 100 percent related to the North Shore gas work on
22 Site 3.

23 Do you recall that?

24 A. No, I don't.

1 Q. Okay. Do you dispute that?

2 A. I can't dispute it I don't remember.

3 Q. Okay. And Mr. Dorgan discussed the
4 construction services came into utility work and
5 comprised the category in your charts.

6 Do you dispute the characterization of
7 the work done as set forth in Footnote 19 of
8 Mr. Dorgan's report?

9 A. I don't remember what his footnote
10 is.

11 Q. Actually, you said here you don't
12 dispute it.

13 A. I can't dispute something that I
14 don't know what it is.

15 Q. Okay. That's fine. Let's move to
16 Site 6, dewatering. This is again on 207-7, and
17 here you returned to linear footage calculations,
18 right?

19 A. Yes.

20 Q. Okay. And you say that the
21 dewatering was required to create a clean bore
22 corridor for 1 nor-- sorry, 1N through 9N and 1S
23 through 9S, which you measured as at 838 linear
24 feet off of your map; is that correct?

1 A. Yes.

2 Q. And this sum became your denominator;
3 isn't that right?

4 A. Yes.

5 Q. So, for your attribution to be
6 correct, your denominator needs to be correct,
7 right?

8 A. Correct.

9 Q. And your numerator here was 1S
10 through 4.5S, which you measured off of your base
11 maps to be 197 linear feet; is that right?

12 A. Yes. I lost a little of that.

13 Q. Sorry. No problem. And just if you
14 go -- to make it easy, I'm on 207-7, second
15 paragraph of Site 6. I'm going to summarize this.

16 To arrive at your attributions divided as
17 197 by 838 linear feet, to get to 23.5 percent;
18 and then you multiplied that 23.5 percent by the
19 Site 6 dewatering cost total of 160,587; is that
20 right?

21 A. Yes, divided by the total. I
22 multiplied that cost to those two items in Site 6.

23 Q. Yes, correct. Sorry, if I misspoke,
24 I apologize.

1 And the total was 37,738, right?

2 A. Correct.

3 Q. Okay. And then, again, on the Site 3
4 and 6 calculations for dewatering, those
5 calculations attributions depend upon how much you
6 attribute to Site 3 work alone for dewatering, and
7 Site 6 work alone for dewatering, right?

8 A. Yes.

9 Q. If you turn to 207-19, please.

10 A. Okay.

11 Q. Okay. So, I believe the ramp is this
12 area over here on the left that is -- it says
13 "ramp," and it has a cross hatched through it, and
14 it's contained in a box, correct?

15 A. Yes.

16 Q. And what work was done in that area,
17 that hatched area, to your knowledge?

18 A. It was capped ad then it was too wet.
19 They put gravel on top of it, the cover.

20 Q. And was there ACM found in that area,
21 to your knowledge?

22 A. I don't recall of the top of my head.

23 Q. But you mean by that an allocation of
24 zero for the ramp, because you thought it was too

1 far west on parcel 0393, right?

2 A. Correct, outside of the borings
3 allocated.

4 Q. All right. Let's turn to filling and
5 capping, and I'm going to go to 207-20, the next
6 page.

7 I believe you testified you did this, and
8 this is on 205-15, but I don't think you have to
9 look back.

10 You took 3.1-acres, right, as your total
11 square footage for the entire Site 3, right?

12 A. Yes.

13 Q. Okay. And that's your denominator
14 for your calculation, correct?

15 A. Correct.

16 Q. Okay. And then you took a
17 measurement of the area that you have with slanted
18 hashing going to the -- from the northeast to the
19 southwest as your denominator, and it came to .2
20 acres; is that right?

21 A. Correct.

22 Q. And you then got 6.5 percent; is that
23 correct?

24 You want to look back on 205-15, I

1 **believe is where this is?**

2 A. What percentage is that?

3 Q. I said 6.5 percent.

4 A. Yes.

5 Q. Okay. But just to be clear, you
6 don't include in this area where ACM was found of
7 -- you don't include within this area the ramp,
8 right?

9 A. No, I do not.

10 Q. You don't include the Waukegan water
11 line?

12 A. No, I do not.

13 Q. You don't include the entire grid for
14 B3-50 or B3-45?

15 A. No, I do not. They are outside of
16 the boring liabilities.

17 Q. And you don't include B3-46, correct?

18 A. Correct, because it's outside the
19 IDOT (inaudible).

20 (Talking over each other)

21 Q. You didn't include all of the AT&T
22 lines that ran through 0393, just a portion of
23 that; is that right?

24 A. Correct.

1 Q. Okay. Let's go to filling and
2 capping Site 6, here you say you used the same
3 method you used for ACM soils excavation.

4 So we're back again to that calculation
5 of 5,470 feet, which is the entire length of the
6 north side and south side of Site 6 as your
7 denominator; is that right?

8 A. What page are you on? I'm sorry.

9 Q. I'm thinking -- I don't have it
10 marked here, but it's got to be probably
11 205-16-ish.

12 A. Okay.

13 Q. Do you see that?

14 A. Yes.

15 Q. So, here you've got that 5470 linear
16 feet, correct?

17 A. Yes.

18 Q. Okay. And that's the measurement of
19 the entire north side and south side of Site 6?

20 A. Yes.

21 Q. And your -- that's denominator for
22 this calculation, and then your numerator on
23 207-20 -- I'm sorry. Pardon me. I'll turn back.

24 Your numerator on this was the 197 linear

1 feet, correct; is that right?

2 A. Yes.

3 Q. And that's measured off of your base
4 maps, correct?

5 A. Yes.

6 Q. Okay. And you didn't take into
7 account volume of filling in any way, shape of
8 form, in determining your Site 6 attributions for
9 filling and capping?

10 A. No.

11 Q. Now, I'm going to -- the combined
12 Site 3 and 6, again, your numbers are dependent
13 upon the allocation numbers you gave as inputs for
14 Site 3 alone and Site 6, correct?

15 A. Correct.

16 Q. Okay. So, let's go to the general
17 site/site prep map. Well, there's not a map for
18 this.

19 Let's go to 207-8. Tell me when you are
20 there.

21 A. I'm in.

22 Q. Okay. You stated that you used the
23 same general approach as Mr. Dorgan for general
24 site preparation work.

1 Do you recall that?

2 A. Yes.

3 Q. Okay. But on direct, you couldn't
4 identify which task buckets, or as you said cells,
5 you used to reach your calculations, could you?

6 A. Correct, I didn't remember what cells
7 I used in the spreadsheet. I don't know if it's
8 the same cells that Mr. Dorgan used.

9 Q. Okay. I'm going to pull up
10 demonstrative 245, and I used this with Mr.
11 Dorgan.

12 Did you remember seeing this?

13 A. Yes.

14 Q. You had it presented to you -- I
15 believe IDOT sent it to you ahead of time.

16 You agreed that it was accurate?

17 A. Yes.

18 Q. So, for general site/Site 3, both you
19 and Mr. Dorgan added up your IDOT attributions for
20 construction services on Site 3, and divided this
21 number by the total amounts of construction
22 services for Site 3, right?

23 A. Yes.

24 Q. And construction service on that, I

1 mean in the context are the task buckets noted
2 with the x's; is that right?

3 A. Correct.

4 Q. Those are the ones that you used to
5 come up with your construction services number for
6 Site 3?

7 A. Yes. The same pieces that he pulled
8 in, yes.

9 Q. Yes. So that's Nicor, Waukegan Water
10 Line, AT&T, Northshore gas, Northeast excavation,
11 dewatering, ramp and filling and capping; is that
12 right?

13 A. Yes, the same ones as Mr. Dorgan
14 used.

15 Q. And the number that you guys both
16 used as the total amount spent was 1,476,454.

17 So, that was the denominator, right?

18 A. Yes.

19 Q. Okay. The numerators were different
20 because you had different attributions, right?

21 A. Correct.

22 Q. The percentage you came up with was
23 16.8 percent; is that right?

24 A. Yes.

1 Q. Okay. And you applied 16.8 percent
2 to all of the general site/site prep categories on
3 207-8 related to Site 3; is that correct?

4 A. Yes, I applied all the ones that
5 Mr. Dorgan applied his percentages to.

6 Q. Okay. But you didn't treat the O&M
7 cost bucket differently, did you?

8 This professional O&M bucket, which is
9 noted on 207-8 in the chart, you treated that the
10 same and applied the 60.8 percent, right?

11 A. I applied that percentage in the same
12 manner that Mr. Dorgan applied. So, if he applied
13 his percentage to those pieces, I applied to those
14 pieces as well.

15 Q. Okay. Do you know if Mr. Dorgan
16 applied that attribution to -- let's just do this,
17 let's go to 204-32. I'm almost done.

18 HEARING OFFICER HALLORAN: Do you
19 have a page number?

20 MS. BRICE: Thirty-two, 204-32.

21 BY MS. BRICE:

22 Q. I'm going to the second paragraph of
23 204-32, and here Mr. Dorgan -- Mr. Dorgan had been
24 applying, if you look at the paragraph above,

1 74.2 percent for these task buckets, correct?

2 A. Yes.

3 Q. Okay. But on the O&M, he applied the
4 factor of 80 percent, does he not?

5 A. Correct.

6 Q. Okay. Let's go back to 207-8. We're
7 going to talk about Site 6, general site, site
8 prep work.

9 So, once again, same methodology, right,
10 for your numerator and denominator, you used these
11 different construction work categories of task
12 buckets, which are listed on Exhibit 2 under the
13 column "Site 6 prep," which are AT&T, North Shore
14 gas, northeast excavation and ACM, utility and
15 filling and capping, right?

16 A. Yes, I used that that same cells that
17 Mr. Dorgan did that I had attributed cost to.

18 Q. Okay. And this gave you 5.5 percent?

19 A. For Site 6.

20 Q. For Site 6, correct, on the bottom of
21 207-8?

22 A. Yes.

23 Q. Okay. But the attribution that you
24 made for these tasks in 204 -- on 245, excuse me.

1 Take just, for example, if the Waukegan water line
2 is wrong, then that's going to impact your overall
3 Site 6 prep calculation; is that right?

4 A. If there were adjustments in the
5 measurements, yes, there would be a marginal
6 increase or decrease in the different numbers.

7 Q. The point I'm just trying to get
8 across is that all of these Tasks in Site 3 Prep,
9 Site 6 Prep, Site 3 and 6 Prep, Health & Safety,
10 Site 3 oversight and Site 6 oversight and legal,
11 all depend upon the allocations, let me say it
12 this way, the attributions that you made to
13 various task buckets that we just went through?

14 A. Yes, I did that.

15 Q. And if I want to find out which task
16 buckets that you used for Site 3 and 6 prep,
17 health and safety, Site 3 oversight, Site 6
18 oversight and legal, I just take a look at Exhibit
19 245, and it's the ones that have the X on it; is
20 that correct, underneath -- underneath --

21 A. Health and safety, is that your
22 question?

23 Q. Overall, with respect to Exhibit 245.
24 So, I'm trying to look at health and safety. I'm

1 trying to figure out how you did your calculation.

2 Your calculation was based upon your
3 attribution numbers and the overall numbers for
4 AT&T, North Shore Gas, ACM utility and filling and
5 capping, correct?

6 A. Yes, I used the same methodology that
7 Mr. Dorgan used.

8 Q. I'm just trying to cut through the
9 chase here. So this Exhibit 245 has listed for
10 each one of those columns, right, underneath each
11 column, there are Xes; and those Xes denote which
12 construction task buckets were used to form your
13 calculations, with respect to these oversights for
14 services task buckets; is that right?

15 A. Yes. That's how Mr. Dorgan did it,
16 and that's exactly how I did it.

17 Q. One last question for you. Did the
18 Board find anyone, other than IDOT, liable in the
19 earlier hearing in this matter?

20 A. I don't understand your question on
21 this.

22 Q. Did the Board find anyone else, other
23 than IDOT, liable in the -- in the hearing order?

24 A. I don't know.

1 Q. Okay. Turn to your first deposition
2 and page 140, lines 12 through 16. Ellen, did you
3 get that?

4 MS. O'LAUGHLIN: No. I did not.
5 Sorry.

6 MS. BRICE: Page 140.

7 MS. O'LAUGHLIN: Of the deposition?

8 MS. BRICE: Yes.

9 HEARING OFFICER HALLARON: 229-B 140.

10 MS. O'LAUGHLIN: Thank you.

11 BY MS. BRICE:

12 Q. Page 140, lines 12 through 16, and
13 the question is: "Did the Board make any finding
14 that anyone other than IDOT was liable from ACM at
15 Site 3?

16 "Answer: I don't believe that was a
17 subject to the ruling."

18 Do you see that?

19 A. Yes.

20 Q. Did you dispute saying that?

21 A. No.

22 MS. BRICE: Okay. No further
23 questions.

24 HEARING OFFICER HALLORAN: Ms.

1 O'Laughlin, do you need a few minutes?

2 MS. O'LAUGHLIN: Yes.

3 HEARING OFFICER HALLORAN: Pam, we're
4 taking a ten-minute break.

5 (A Recess was taken.)

6 HEARING OFFICER HALLORAN: We're back
7 on the record. Ms. O'Laughlin is doing her
8 redirect of Mr. Gobelman. You made proceed, Ms.
9 O'Laughlin.

10 MS. O'LAUGHLIN: Thank you, Mr.
11 Halloran.

12 REDIRECT EXAMINATION

13 BY MS. O'LAUGHLIN:

14 Q. So, Mr. Gobelman, you testified that
15 you used a map from the ELM report to show the
16 soil borings on your created base map; am I
17 correct on that?

18 A. Yes.

19 Q. Okay. Can you turn to Exhibit 57?
20 Do you have it there?

21 A. In what book?

22 Q. It's Exhibit 57. It would begin in
23 the binder that begins with 06. It's not listed.
24 It should be. I direct you to 57.

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And what is this document?

A. It's the surface and subsurface characterization of Site 2 and Site 3 from the Johns Manville Manufacturing facility, Volume One, Exhibits A through K.

Q. What did this -- what did this report seek to accomplish or convey?

A. It provided the final surface and subsurface characterizations of Site 3, showing the sample locations and boring logs and analytical of what they found.

Q. Okay. And I note that on the cover page it's marked as a draft?

A. Correct.

Q. If you could turn to page Exhibit 57-19.

A. Okay.

Q. If you could look to paragraph 5.3 in the second paragraph that begins at 50 by 50 grid?

A. Yes.

Q. If you could read that, please?

A. "The 50 by 50 grid was established on Site 3, so that random sampling points could be created at the intersection of the grid lines.

1 "Once the grid was established, each
2 sampling point was surveyed as to elevation and
3 location, with respect to site boundaries."

4 **Q. Thank you. Then if you could turn to**
5 **57-536.**

6 A. Yes.

7 **Q. 536.**

8 A. I'm there.

9 **Q. And if you could read the top of this**
10 **map or document?**

11 A. It's Figure 15 soil boring location
12 map for Site 3.

13 **Q. And did you use this map in**
14 **preparation of your report for the second round of**
15 **hearings?**

16 A. Yes.

17 **Q. And that's the report that Ms. Brice**
18 **asked you about yesterday; is that true?**

19 A. Correct.

20 **Q. Okay. Just turning randomly to a**
21 **page -- let's go to 57-287.**

22 A. I did.

23 **Q. And what is this? Describe this --**
24 **what that page depicts on this report?**

1 A. It depicts a boring log for location
2 B3-15 that was conducted by ELM Consultants.

3 Q. Okay. So, is this the company that
4 actually did all the soil borings or reported on
5 all the soil borings?

6 A. Yes, I believe so.

7 Q. So, this is basically a boring --
8 soil boring report; is that a fair description and
9 of not please describe it fairly?

10 A. It's a report that discusses all the
11 sample locations and provides all the backup
12 documents that they used to -- you know, where
13 they took the samples, the boring logs for the
14 description of the geology and the analytical
15 results that they found.

16 Q. Okay. And was this report submitted
17 to USEPA, if you know?

18 A. I don't know off the top of my head.
19 I would assume it was utilized in some way.

20 Q. Okay. Do you know whether the Board
21 relied upon this report in coming to its interim
22 opinion and order?

23 A. I don't recall off the top of my
24 head.

1 **Q. Okay. If you could turn to Exhibit**
2 **203.**

3 A. Okay. What page?

4 **Q. The third page in. The area below**
5 **soil sample line at Site 3 and Site 6.**

6 **If you could begin to read the second**
7 **paragraph that begins, "In 1998, ELM**
8 **investigated"?**

9 A. "In 1998, ELM investigated Site 3,
10 Exhibit 57 ELM report. ELM visually inspected the
11 site surface and found 74 suspicious ACM
12 fragments."

13 **Q. This was all suspected?**

14 A. All suspected, right. "At ID at 23,
15 ELM removed this official ACM from the site ID.
16 ELM described 65 of the suspected ACM fragments as
17 transite pipe and the remaining as concrete felt
18 paper, tar paper, roofing material for
19 installation ID at 177 through 179."

20 **Q. Okay. That's good. If you could**
21 **turn to page two, it would be 203-4. If you could**
22 **just read the first sentence of the first full**
23 **paragraph on that page.**

24 A. "At Site 3, ELM also collected 48

1 soil core samples drilled at a depth of four
2 feet."

3 Q. Okay. So, the Board Order did site
4 ELM, and apparently the Board relied on this
5 report, in drafting and arriving at its interim
6 opinion and order; is that accurate?

7 A. I would assume so.

8 Q. If you could turn to Exhibit 20 --
9 excuse me, 06, which is Mr. Dorgan's initial
10 report, and this is the first hearing map.

11 It's Mr. Dorgan's initial expert report.
12 If you could turn to 06-25.

13 A. Yes.

14 Q. Do you recall this document?

15 A. Vaguely, yes.

16 Q. Can you go to the bottom of this
17 document where it says "Legend"?

18 A. Yes.

19 Q. And what is the first line?

20 A. "ELM boring location 1999."

21 Q. Okay. And this is a figure from
22 Mr. Dorgan's initial expert report of March 16,
23 2015?

24 A. Yes. Yes.

1 Q. So, apparently Mr. Dorgan used the
2 ELM report in his figure from the first hearing?

3 A. Yes.

4 MS. BRICE: Objection.

5 HEARING OFFICER HALLORAN: Could you
6 please restate the question, please?

7 BY MS. O'LAUGHLIN:

8 Q. Exhibit 06-25 -- excuse me, Exhibit
9 06, what is this document? What is this?

10 A. Dorgan's expert report from March 16
11 of 2015.

12 Q. And this would have been part of the
13 first round of hearings, the first stage of this
14 matter?

15 A. Correct.

16 Q. His Figure 2, which is 06-25, the
17 same document 25.

18 A. Yes.

19 Q. The first line of the legend states
20 what?

21 A. "ELM boring location 1999."

22 Q. And what does having ELM boring
23 location 1999 indicate to you?

24 MS. BRICE: Objection, lack of

1 foundation. He didn't draft this document, and
2 the document appears to be saying how it's
3 denoting B3-XX is an ELM boring.

4 HEARING OFFICER HALLORAN: No, I'll
5 allow it. He can say, you know, what he thinks
6 this means. You can take it up on recross.

7 MS. BRICE: No problem.

8 HEARING OFFICER HALLORAN: Okay,
9 thank you. Overruled.

10 THE WITNESS: I would assume that the
11 boring locations depicted on this map came from
12 the ELM boring location -- from the ELM report
13 from 1999.

14 BY MS. O'LAUGHLIN:

15 Q. Thank you. And that's the same
16 report that you used in creating your base map for
17 the second round?

18 A. Yes.

19 Q. Thank you. I wanted to use --
20 yesterday Ms. Brice asked you some questions about
21 a demonstrative exhibit they had regarding the
22 construction of Detour Road A.

23 Do you recall that?

24 A. I'm not sure which demonstrative.

1 **Q. I'm not sure which demonstrative**
2 **either.**
3 **Off the record.**

4 **MS. O'LAUGHLIN: Off the record real**
5 **quickly.**

6 **HEARING OFFICER HALLORAN: Sure, off**
7 **the record.**

8 (Discussion off the record.)

9 **HEARING OFFICER HALLORAN: Back on**
10 **the record.**

11 **You may proceed, Ms. O'Laughlin.**

12 **BY MS. O'LAUGHLIN:**

13 **Q. Mr. Gobelman, yesterday Ms. Brice**
14 **asked you some questions about Exhibit 204-41A; do**
15 **you recall?**

16 **A. Yes.**

17 **Q. And what is this figure for 204-41A?**

18 **A. It's setting out the Site 6**
19 **stationing for Greenwood Avenue and a**
20 **cross-section of the -- in essence, the geology**
21 **that was expanding the IDOT plans associated with**
22 **the embankment work to be done on Greenwood**
23 **Avenue.**

24 **Q. Okay. And you talked about black**

1 cinder fill. What does this marking -- you know,
2 the orange marking of block cinder fill. What
3 does that mean to you?

4 A. That was what was the black cinder
5 fill and the peat beneath it was loaded in the
6 information provided to the contractor in a
7 cross-section in the as-built bulletin -- well,
8 still in the active plans. It was in the original
9 plans.

10 It provided them with the information on
11 the -- what was going to be beneath the grade of
12 -- well, some of these grades on Greenwood Avenue,
13 so that they would know what needed -- what types
14 of material they would be encountering.

15 Q. Okay. And this area 7.0 matches up
16 with the station at Greenwood Avenue up at the
17 top, correct?

18 A. Yes.

19 Q. In the direct testimony, as you did
20 in your first round of hearing, you stated that
21 the as-built plans indicated the road would begin
22 at approximately 7 plus 60?

23 A. Construction on the Greenwood Avenue
24 embankment begins at 7 plus 60.

1 **Q. Okay.**

2 A. No construction on Greenwood Avenue
3 occurs to the east of the station, other than at
4 the end of the project, it was -- the pavement was
5 resurfaced back to 7 plus 00 for a smooth
6 (inaudible) for new construction.

7 **Q. Okay. So, there was no embankment**
8 **east of 7?**

9 A. No subsurface excavation in the
10 Greenwood Avenue.

11 **Q. Okay. If you could turn to 21A-72.**

12 A. Twenty-one? Okay.

13 **Q. What is shown on this page?**

14 A. The pictures in the binders are
15 upside down.

16 **Q. 21A-72.**

17 A. Seventy-two?

18 **Q. Yes, 72.**

19 MS. BRICE: We don't have that.

20 BY MS. O'LAUGHLIN:

21 **Q. As you said, it's upside down?**

22 A. Yes.

23 **Q. In looking at this document, the**
24 **exhibit number should be on the top left.**

1 A. Yes.

2 **Q. So, what does this page show?**

3 A. It is the cross-section for the
4 Greenwood Avenue, as in the figure that was being
5 used showing the existing grade and future grade
6 of Greenwood Avenue that provides information
7 regarding the geology, and what potential
8 unsuitable material may be lying beneath Greenwood
9 Avenue. That figure was just for the contractors
10 information.

11 The cross-sections --

12 **Q. I'm sorry, what document is just for**
13 **the contractor's information? Is that 21A-24 that**
14 **says, "For information only"; is that what you're**
15 **referring to?**

16 A. 21A-26.

17 **Q. Twenty-six. Where it says, "For**
18 **information only"?**

19 A. For information only. It gives the
20 existing grade, future grade of both Greenwood
21 Avenue and Sands Street.

22 **Q. Okay. So, you are back to page 72,**
23 **right?**

24 A. Seventy-two. This provides the

1 contractor exactly what he needs to remove. As I
2 stated earlier, construction for the embankment
3 does not start until 7 plus 60, and you can see at
4 the bottom cross section, there's a circle on the
5 right that says "7 plus 60." That is the
6 beginning of excavation.

7 If excavation started at 7 plus 00, or 6
8 plus 00, there would be cross-sections showing
9 those locations because those cross-sections go in
10 every hundred-foot intervals, unless there's
11 something in between that 100 foot that the
12 contractor needs to be aware of.

13 **Q. Such as this at 7.60, not 7.0?**

14 A. Right, because there was nothing to
15 occur at 7.0. It's the beginning of the
16 excavation. And in here, it says that there was
17 190 square yards of unsuitable material that needs
18 to be the removed in this area.

19 **Q. Okay. And these are the construction**
20 **plans for the embankment?**

21 A. Yes.

22 **Q. And there are no construction plans**
23 **for an embankment east of 7 plus 60?**

24 A. There is no subsurface excavation

1 requirement to the east of 7 plus 60.

2 Q. And this is for the Greenwood Avenue
3 construction?

4 A. Correct.

5 Q. Okay. Again, just to make the record
6 clear, 7.60 is approximately a little bit more
7 than halfway between 7 and 8, which is
8 approximately west of station -- of 4S that we
9 referred to in this hearing; is that right?

10 A. I believe so, but I would have to
11 look. Yes, I would say that's -- on this figure
12 that's been shown here it's -- 7 plus 60 would be
13 slightly west of 4S.

14 Q. Correct. Mr. Gobelman, in your
15 experience in your work, and your work experience,
16 have you ever been involved with submitting plans
17 to the USEPA?

18 A. I submitted work plans and final
19 reports to USEPA regarding PCB cleanups.

20 Q. Okay. In your experience, does USEPA
21 independently verify the accuracy of any maps
22 provided in such reports?

23 A. I have not found that they did.

24 Q. They approve the report, or don't

1 approve the report with comments, et cetera, but
2 they don't specifically verify the accuracy of a
3 map, in your experience?

4 A. I haven't found them to do that.

5 Q. Do they typically, in responding to a
6 report, specifically approve every map and verify
7 every map within a report?

8 A. They approve the reports, and what's
9 in it.

10 Q. Okay. But they don't specifically
11 verify of the accuracy of every map that's
12 contained within the report?

13 A. They don't spell it out.

14 Q. Okay. Mr. Gobelman, for this second
15 hearing round, you created a base map?

16 A. Yes.

17 Q. And you did not use the map that you
18 used in the first hearing round, Exhibit 202,
19 which we've looked at a couple of times?

20 A. Correct.

21 Q. Okay. So, what was your goal in
22 creating a base map for this second hearing round?
23 Was it to show the utility distribution?

24 A. It was to come up with a map that I

1 could, as accurately as possible, assess IDOT's
2 allocation, in regards to how the Board rules, and
3 I needed something that was as accurate as
4 possible.

5 That wasn't just a pdf that was just
6 scanned into an attachment file.

7 Q. If you could turn to Exhibit 204,
8 and, Mr. Dorgan's Figure 1, 204-38, the utility
9 information's not -- there is a lot of information
10 on this right here, and it's not -- am I correct
11 in assuming it's stating that you wanted to create
12 a number of figures to show each utility, rather
13 than doubling it altogether in one figure?

14 MS. BRICE: Ellen, just for
15 clarification where are you?

16 MS. O'LAUGHLIN: I'm sorry. Yes,
17 please stop me. 204-38.

18 MS. BRICE: Okay. Thank you.

19 THE WITNESS:

20 A. Early in the process my thought was
21 to simplify the viewing of figures and try to, in
22 essence, create a map for each utility that is
23 being discussed, so it doesn't get lost in the
24 number of other utilities that are marked on the

1 map.

2 BY MS. O'LAUGHLIN:

3 Q. Okay. During Johns Manville's
4 cross-examination, I just want to clarify a point
5 regarding the Waukegan water line.

6 A. Okay.

7 Q. Did the location of the Waukegan
8 water line change in your figures from your report
9 for the second round of hearings to your
10 supplemental report? Did the Waukegan line water
11 change?

12 A. The first hearing --

13 Q. I'm sorry, yes. Let me ask it again.
14 So, for this second hearing round, you
15 have a report and a supplemental reporter?

16 A. Correct.

17 Q. Okay. Does the location of the
18 Waukegan water line change from your report to
19 your supplemental report? Just the second
20 hearing.

21 A. Its location moves. Its location
22 moves in the same layout of this location within
23 0393.

24 Q. What pages are you looking at?

1 A. I'm looking at 205-24 and 207-15.

2 **Q. Now, in your report, in your**
3 **supplemental report?**

4 A. Correct.

5 HEARING OFFICER HALLORAN: 205 what,
6 Mr. Gobelman?

7 THE WITNESS: 205-24.

8 HEARING OFFICER HALLORAN: All right.
9 Thank you.

10 BY MS. O'LAUGHLIN:

11 **Q. Okay. So does the actual location of**
12 **the Waukegan water line change, or is it just in**
13 **relation to all the other things you depict?**

14 A. How it plays into 0393 doesn't
15 change. It's just that when the north edge where
16 things were tied into the northern edge, when they
17 dropped ten feet back down to be where the
18 right-of-way actually is, the entire water line
19 drops that ten feet as well, but it's still within
20 the same -- it still lays in 0393 the same.

21 **Q. Right, and then from the first**
22 **hearing round, the Waukegan water line -- we**
23 **talked about this on direct.**

24 **The Waukegan water line was bound to be**

1 further north than the record reflected in the
2 first hearing round; is that accurate?

3 I just want to clarify that the Waukegan line
4 didn't change in the second hearing round, it
5 changed from the first to the second?

6 MS. BRICE: Objection to the form of
7 the question, vague.

8 THE WITNESS: Yes, could you rephrase
9 that, Ms. O'Laughlin?

10 MS. O'LAUGHLIN: Yes. I agree.

11 BY MS. O'LAUGHLIN:

12 Q. So, you corrected the location of the
13 Waukegan water line from the first hearing -- from
14 where it was depicted in the first round of
15 hearings, to this round of hearing, the second
16 one, if you recall?

17 A. During the remediation, it was found
18 that the water line was not located where they
19 originally thought it was located. The water line
20 had to be adjusted. The location, in essence, is
21 adjusted 50 feet to the north.

22 Q. Okay. Thank you. I just wanted the
23 record to be clear regarding that location. Thank
24 you for that clarification.

1 **Your bibliography -- your bibliography cites**
2 **a work plan; is that correct? In your**
3 **bibliography can be found in Exhibit 205-36?**

4 A. Okay.

5 **Q. If you could go to seven.**

6 A. Yes.

7 **Q. Of the document cited in your**
8 **bibliography, what is your -- what is it that you**
9 **sited in number 7?**

10 A. AECOM. Removal Action Work Plan,
11 Revision Two, Southwestern Site Area, Site 3, 4-5
12 and 6, Johns Mansville Site Waukegan, Illinois,
13 March 31, 2014.

14 HEARING OFFICER HALLORAN: Ms.
15 O'Laughlin, is that 205-36.

16 MS. O'LAUGHLIN: Yes.

17 HEARING OFFICER HALLORAN: I don't
18 see that happen. I'm looking at the book she gave
19 me. It jumps from 32 to 42. No, 33 to 43.

20 (Discussion off the record.)

21 BY MS. O'LAUGHLIN:

22 **Q. And what was this plan? What was the**
23 **removal action of the plan?**

24 A. It was the work plan that was going

1 to be used for remediation at those various sites.

2 Q. Is it a reliable plan?

3 A. I would take it as a reliable plan.

4 Q. As far as you know, did AECOM that
5 did the remediation, rely on the work plan?

6 A. They relied on the work plan, they
7 took the work plan.

8 Q. And you used this work plan as
9 support for your expert report?

10 A. Yes.

11 Q. Mr. Gobelman, I want to ask you about
12 this concept of the next clean boring -- going all
13 the way to halfway to the next clean boring.
14 Okay?

15 Johns Manville asked you questions about
16 that. And I think that this is a figure which
17 will explain what you did.

18 Just tell me first if before -- it's
19 Figure 8. I'm just asking if you if this is the
20 right figure.

21 Does the figure -- would this be able to
22 explain what you did, in terms of boring halfway
23 to the next big boring?

24 A. Again, we'll figure it out.

1 Q. Well, you know what, I'll show that.

2 You testified earlier that in some of
3 your calculations, you did halfway to the next
4 clean boring within site -- the next clean boring
5 within site 0393, and the boring locations
6 referenced by the Board; is that correct?

7 A. Yes.

8 Q. Okay. And why did you go halfway to
9 the next clean boring, in that context?

10 A. In that context, it was -- the
11 Board's ruling only gave the boring locations, and
12 then I applied what this sort of standard
13 acceptable practice, and in this process of going
14 halfway between boring as the extent of
15 contamination associated with that boring, as it
16 relates to another boring that's been
17 contaminated.

18 Q. Okay. Johns Manville asked you about
19 the concept for a remediation plan, for a
20 remediation project, that you have to remediate to
21 the next clean boring. Do you recall that?

22 MS. BRICE: Objection,
23 mischaracterizes his testimony.

24 HEARING OFFICER HALLORAN: Can you

1 rephrase that, please?

2 BY MS. O'LAUGHLIN:

3 Q. Sure. Let's go to Exhibit 120-3. If
4 you could turn to 120-3?

5 A. Okay.

6 Q. And what is the document in 120?

7 A. It's a letter from USEPA to LRF,
8 stating that they reviewed the engineering
9 evaluation and cost analysis report that was dated
10 -- Revision 1 dated February 6, 2009.

11 Q. Okay. And turning to paragraph 8 on
12 120-3, if you can go to that same sentence that
13 begins "The current sampling results that are to
14 be used".

15 A. "The current sampling results are to
16 be used to determine the status of ACM that needs
17 to be addressed in this report, that it is
18 recommended that the area containing ACM should be
19 depicted as following."

20 HEARING OFFICER HALLORAN: Ms.
21 O'Laughlin, I'm not sure I have your exhibit book
22 here, Exhibit 120.

23 I don't see -- I got 120-3 you said 1, 2, 3?

24 MS. O'LAUGHLIN: 120-3, yes.

1 HEARING OFFICER HALLORAN: And what
2 date letter we're looking at from USEPA?

3 MS. O'LAUGHLIN: The beginning of the
4 document is dated February 3rd, 2010.

5 HEARING OFFICER HALLORAN: Okay.

6 MS. O'LAUGHLIN: This is a document
7 that Ms. Brice asked Mr. Gobelman about.

8 HEARING OFFICER HALLORAN: Okay. I
9 just wasn't finding it. Now Mr. Gobelman is
10 reading paragraph 8 on Exhibit 120-3.

11 MS. O'LAUGHLIN: Paragraph 9
12 regarding Figure 8.

13 HEARING OFFICER HALLORAN: Thank you.
14 You may proceed.

15 BY MS. O'LAUGHLIN:

16 Q. So, Mr. Gobelman, these are USEPA
17 comments to the remediation necessary at Johns
18 Manville's facility in Waukegan; is that right?

19 A. Yes.

20 Q. Explain the concept of you have to
21 remediate until you find a clean boring?

22 A. In this case, USEPA wanted all of the
23 asbestos removed within -- you know, in those set
24 corridors in those cases in this area to be

1 removed.

2 To do so, you've to go to the next
3 cleanest boring to let you know that you got all
4 what's in between the two borings.

5 Q. Right. And in your process to
6 determine IDOT liability, that's a whole different
7 consideration?

8 It's like comparing apples to oranges,
9 because you just extracted the certain area, not
10 remediation to the next boring? I just want to
11 make it clear.

12 A. I don't believe the Board's ruling
13 specified. They only specified borings that were
14 liable, not how that's to be interpreted.

15 Q. Irrespective of whether it was clean
16 or not for remediation, it's the location of the
17 borings, not the concept of the remediation to the
18 next clean boring?

19 A. The Board didn't make any
20 determination in regards to that.

21 Q. So much has been made you spent a lot
22 of time in this hearing discussing your math, a
23 lot of witnesses, a lot of effort regarding your
24 base map.

1 And if you could turn to page -- the
2 figure in your report that shows the different
3 boundary lines of Site 3. I believe that's
4 205-43.

5 A. Okay.

6 Q. And what is this figure, Exhibit 2,
7 205-43. I'm sorry, I take that back -- strike
8 that. Strike that I was in the wrong place.

9 In Exhibit 207 -- I apologize, 207-29.
10 What is this Exhibit 207-29 from your supplemental
11 report?

12 A. It shows the layout of the various
13 Site 3 locations, one of them being how the final
14 report from AECQM for Site 3 laid out, lays in,
15 and the Atwell survey that was provided in Mr.
16 Dorgan's report, and then the layout of what Mr.
17 Dorgan used in his expert witness report Figure 1;
18 and then lays in what, in essence, is the new site
19 base map that I used in the supplemental.

20 Q. Okay. And those are all shown by
21 these all different colored lines surrounding Site
22 3?

23 A. Correct.

24 Q. Okay. And yours is the dotted line?

1 A. The black dotted line, yes.

2 **Q. Okay. So, what is the economic**
3 **impact of these different site boundaries for**
4 **purposes of this?**

5 MS. BRICE: Objection. They have no
6 economic impact.

7 HEARING OFFICER HALLORAN: Can you
8 rephrase that Ms. O'Laughlin?

9 MS. O'LAUGHLIN: Sure.

10 HEARING OFFICER HALLORAN: Thank you.

11 BY MS. O'LAUGHLIN:

12 **Q. The parties here have been discussing**
13 **how much, per the Board's order, state**
14 **responsibility you believe IDOT should -- what**
15 **damages IDOT should be allocated.**

16 **Is that a fair summary?**

17 A. I believe that is what this is all
18 about.

19 **Q. And in terms of figuring out the**
20 **dollars that IDOT should be allocated, following**
21 **the Board's interim order, what difference does**
22 **the different site 3 boundaries, that are depicted**
23 **in this 207-29 map?**

24 MS. BRICE: Objection, this is would

1 be a new opinion?

2 HEARING OFFICER HALLORAN: What kind
3 of opinion?

4 MS. BRICE: This would be a new
5 opinion. There has been nothing discussed in his
6 reporter about comparing economic impacts of the
7 boundaries.

8 HEARING OFFICER HALLORAN: I think he
9 can answer. Thank you.

10 THE WITNESS:

11 A. In the approach that I took, I
12 believe it would change the percentages
13 marginally. You know, obviously those changes in
14 those buckets would affect the other big items
15 later on how they are adjusted.

16 Depending on which one you use, the
17 percentages could go off or could go down. I
18 don't know.

19 BY MS. O'LAUGHLIN:

20 Q. Okay. So, you were asked about
21 whether the Board found any other party liable,
22 other than IDOT?

23 A. Correct.

24 Q. Did the Board consider culpability of

1 **any other party or entity in this action?**

2 A. No, if I don't believe so. It just
3 an action against IDOT.

4 Q. **And the Administrative Order on**
5 **Consent is with Johns Manville and Commonwealth**
6 **Edison; is that correct?**

7 A. I believe so.

8 Q. **Did this Board consider the source of**
9 **this asbestos-containing materials?**

10 MS. BRICE: Objection, your Honor.
11 This is outside of the scope of this witness.

12 HEARING OFFICER HALLORAN: You kind
13 of opened the door, Ms. Brice. So, I can allow a
14 little latitude about third-party I can read the
15 deposition, I think.

16 You may proceed, but very limited.

17 THE WITNESS:

18 Q. **Can you repeat the question, please?**

19 **BY MS. O'LAUGHLIN:**

20 Q. **Did the Board consider the source of**
21 **this asbestos-containing material?**

22 A. I don't believe they did.

23 MS. O'LAUGHLIN: Can I take just a
24 minute?

1 HEARING OFFICER HALLORAN: One
2 minute. We're off the record.

3 (Recess taken.)

4 HEARING OFFICER HALLORAN: We're back
5 on the record, Pam. Thank you.

6 MS. O'LAUGHLIN: We have nothing
7 further at this time.

8 HEARING OFFICER HALLORAN: Okay.
9 Thank you. Ms. Brice, are you going to need a
10 minute before your recross, or are you ready to
11 go?

12 MS. BRICE: I can go.

13 HEARING OFFICER HALLORAN: We're
14 taking a minute Pam off the record, please.

15 (Recess taken.)

16 HEARING OFFICER HALLORAN: Pam, we're
17 back on the record. Ms. Brice, you may proceed.

18 MS. BRICE: Yes, thank you. Is the
19 court reporter ready?

20 RE CROSS EXAMINATION

21 BY MS. BRICE:

22 Q. Mr. Gobelman, you testified on
23 redirect about Exhibit 203, which is the Board's
24 order. I believe do you recall that?

1 A. Yes.

2 Q. **There were some questions about**
3 **whether Exhibit 57 was mentioned in that order?**

4 A. Yes.

5 Q. **Okay. But the order did not mention**
6 **57-565, which is also 205-45, which is the map you**
7 **used to locate your Site 3 borings, does it?**

8 A. I would have to go back and look.

9 Q. **Okay. The record will reflect what**
10 **the Board Order says?**

11 A. Yes.

12 Q. **You don't know; is that a fair**
13 **characterization?**

14 A. I don't remember right now what the
15 entire language said.

16 Q. **You were asked some questions about**
17 **this figure over here, Exhibit 204-41A.**

18 **Do you recall that?**

19 A. Yes.

20 Q. **And we talked yesterday a bit about**
21 **how there's two and then there's this figure here,**
22 **204-40.**

23 **Do you remember this?**

24 A. Yes.

1 Q. Okay. This one, 204-40 -- so, there
2 were at least two sort of construction projects
3 happening right around the same time, right?

4 You had Detour Road A happening before
5 you could do the embankments, right? So you had
6 two construction projects going on; is that right?

7 A. Yes, that was discussed in the first
8 hearing there was a sequence of events that had
9 occurred before the embankment could be built.

10 Q. Okay. But they both were happening
11 right around the same time, correct?

12 They were both discussed in the same
13 as-built plans, correct?

14 A. They were both in the plans that the
15 contractor bid on, yes.

16 Q. Right. Which is 21A, correct?

17 A. Correct.

18 Q. Okay. And as we discussed yesterday,
19 the Detour Road A comes into -- and I believe you
20 said abuts Greenwood Avenue here at Station 14 and
21 Station 15 of Detour Road A, correct, which is in
22 Station 15 plus 50?

23 If you go down below it you, have 7S,
24 which is the 7S location for the soil boring on

1 Greenwood, correct?

2 A. I believe that's how you have it
3 depicted.

4 Q. Okay. That's what's on here,
5 correct?

6 A. Yes.

7 Q. Okay. I would like to go back to
8 204-41A, and you had some testimony about how the
9 Greenwood Avenue embankment construction only went
10 to 7-60, correct?

11 A. It starts at 7 plus 60.

12 Q. Yes. And it goes west?

13 A. Correct.

14 Q. Yes. Okay. But, again, the Detour
15 Road A comes in here east of 7.60, does it not,
16 and abuts Greenwood Avenue east of 7.60 around --
17 it looks like Station 7, 6 and 5.50 on this
18 figure.

19 Do you see that? Those are Greenwood
20 Avenue stations?

21 A. Correct.

22 Q. Now, you said that these were
23 as-built plans, correct? These figures are based
24 off of, correct, 26 -- 21A-26, correct?

1 A. Plans that were built were converted
2 to what was considered the as-built's. Yes.

3 Q. Okay. And if there was something
4 that changed in what happened from the proposal of
5 the project to the end of the project, that should
6 be denoted on the as-built plans?

7 MS. O'LAUGHLIN: Objection,
8 relevance. This goes beyond the parameters of
9 this second round of hearing.

10 We have rehashed this argument throughout
11 the first round of hearing, and this is a very
12 specific area, so I object on the basis that it's
13 irrelevant to this second round of hearing.

14 HEARING OFFICER HALLORAN: Overruled.
15 You may answer, if you are able.

16 THE WITNESS: Can you repeat that
17 one, please?

18 BY MS. BRICE:

19 Q. Yes. You are dealing with as-built
20 plans. Once the as-built plans are provided --
21 are done, if there has been a change in the
22 construction from the original proposed plans,
23 those as-built plans should have that marked on
24 them, if there was a change; isn't that correct?

1 A. Yes, there were changes, yes, they
2 would have been so marked.

3 Q. Okay. And take a look here at 21A,
4 26A-1, and does this document -- which is also
5 21A-26 was just to clarify -- denote any changes
6 with respect to that profile on Greenwood Avenue?

7 A. In regards for a document that is
8 only going to be utilized for information, that
9 only reflects the work proposed for Greenwood
10 Avenue, there appears to be no changes to the
11 Board-information-only document.

12 Q. It's a permission-only document that
13 is an as-built plan.

14 This is what happened -- this is
15 depicting what was done; is that not the case?

16 A. In this, it does not depict what was
17 done.

18 Q. It was not depicted what was done?

19 A. No.

20 Q. But it is an as-built plan?

21 A. Yes.

22 Q. So you are saying as-built plans do
23 not depict what is done?

24 MS. O'LAUGHLIN: Objection, it

1 **mischaracterizes his testimony.**

2 **He answered her question.**

3 HEARING OFFICER HALLORAN: Do you
4 want to rephrase that? I think he has answered to
5 the best of his ability.

6 MS. BRICE: I'm just saying is he
7 saying --

8 HEARING OFFICER HALLORAN: I heard
9 you. You can ask him one more time but that's it.
10 Thank you.

11 BY MS. BRICE:

12 **Q. Are you saying as-built plans should**
13 **depict the work that was actually done?**

14 A. The as-built plans depict the work
15 that is done. This figure has nothing to do with
16 what is being proposed to be done.

17 **Q. Okay. This figure is in the as-built**
18 **plans, correct?**

19 A. Correct. As for information, and the
20 contractor received that information; and it would
21 stay in the as-built plans, because it's part of
22 the record that he received the information to be
23 utilized.

24 **Q. Okay. Were you involved in Greenwood**

1 **Avenue project in 1970?**

2 **MS. O'LAUGHLIN: Objection,**
3 **relevance. Goes beyond the --**

4 **MS. BRICE: I'm interpreting the**
5 **document to mean something and I want to know if**
6 **he was involved.**

7 **HEARING OFFICER HALLORAN: You may**
8 **answer, if you're able.**

9 **THE WITNESS: I wasn't there in 1971,**
10 **but if it involved with my years -- 22 years with**
11 **IDOT dealing with construction plans and know how**
12 **they're put together.**

13 **BY MS. BRICE:**

14 **Q. Okay. You weren't working for IDOT**
15 **in 1971, were you?**

16 **A. No.**

17 **Q. So, you didn't know exactly what was**
18 **intended, exactly by this document in the as-built**
19 **plans, do you?**

20 **A. Exactly how it's supposed to be**
21 **interpreted --**

22 **Q. No, I'm talking about you do not know**
23 **about this document, because you were not involved**
24 **in this project; isn't that correct?**

1 A. In 1970, no, I was not.

2 MS. O'LAUGHLIN: Objection, badgering
3 the witnesses.

4 HEARING OFFICER HALLORAN: I agree.
5 He's answered to the best of his ability and you
6 keep going on Ms. Brice. Sustained.
7 Thanks for standing up for him.

8 BY MS. BRICE:

9 **Q. Okay. We can back to 204-41A, and I just want**
10 **to go to 7S, and you were asked some questions**
11 **about black cinder fill and peat; right? Correct?**

12 A. In regards that it was in the cross
13 section, yes.

14 **Q. Right. And these cross sections are**
15 **based upon boring logs; isn't that right?**

16 A. They were -- yes, they were based
17 upon technical borings in relationship with what
18 they needed for building the embankment.

19 **Q. Right. And when they do the**
20 **geotechnical boring logs they show what you're**
21 **expected to see when you drill down, right?**

22 A. Yes, they give you an idea of what to
23 -- what you expect to encounter, yes.

24 **Q. Okay. These boring logs were done in**

1 **1969, 1970, somewhere around then, correct?**

2 A. It could vary, because a lot of times
3 they'll pull -- if other work was done in that
4 area previously they'll take both geotechnical
5 borings and utilize them and may only spot check,
6 to make sure that the conditions haven't changed.

7 Q. **It's generally around the same time**
8 **as the as-built drawings are put together, or as**
9 **the proposed drawings are put together?**

10 A. No.

11 Q. **It's not? So, it could be from 50**
12 **years before there going to use the geotechnical**
13 **borings?**

14 A. If they had one. But, I mean, it's
15 put together years prior to as part of the
16 development of the plans.

17 There is information that is provided as
18 to how long it took IDOT to put the set plans
19 together.

20 Q. **Okay. But you don't know when these**
21 **geotechnical borings were taken; is that accurate?**

22 A. I believe that there was some
23 information in the construction plans that give
24 some borings locations of where some of the

1 geotechincal information was provided, just
2 technical stuff.

3 **Q. Did they say when they were taken,**
4 **generally?**

5 A. In those, it would have probably had
6 a date of when they were done.

7 **Q. Do you recall when they were?**

8 A. No, I don't, off the top of my head.

9 **Q. Where would those be found in 21A-26?**

10 A. I believe they should be in the
11 as-built plans which they were part of it.

12 **Q. I just want to note, for the record,**
13 **here under 7S, 6S, 5S and 4S, nowhere below here**
14 **do you see anything that denotes asbestos being**
15 **located there, do you?**

16 **MS. O'LAUGHLIN: Objection, lack of**
17 **foundation. It was never established that**
18 **asbestos was being tested for.**

19 MS. BRICE: There's nothing that
20 shows that there's anything there.

21 HEARING OFFICER HALLORAN: You can
22 bring that up on your re-redirect. He can answer,
23 if he's able. Thank you.

24 BY MS. BRICE:

1 **Q. Or break shoes or other miscellaneous**
2 **debris?**

3 A. The purpose of the geotechnical
4 boring is to come up with what the geology is and
5 the strength of the different soils that show
6 whether or not an embankment can be placed on it
7 or not.

8 **Q. Okay. But how do you see**
9 **geotechnical soil borings that talk about debris**
10 **or other things being found within the soil boring**
11 **that is being detected, that's being analyzed?**

12 A. It would only be noted if it would
13 cause a problem in the engineering utilization of
14 that material, whether it had voids in it that
15 would have to be removed because of the technical
16 borings are always put for bridge abutments and
17 embankments.

18 Whether or not debris or material that
19 is found in the borings is going to cause a
20 problem with settlement, in regards to the road,
21 if it's just a scattered material of things that
22 they would not note it.

23 **Q. Okay. I move to strike as**
24 **non-responsive.**

1 I'll move along.

2 Just a question: Is there anything noted
3 that says there's debris or asbestos-containing
4 material, or anything other than black cinder fill
5 and peat?

6 A. There's nothing depicted that says
7 anything about that.

8 Q. There was a recent question about
9 accuracy of maps with the EPA, looking at map
10 accuracy.

11 I just -- you know, or looks at the maps
12 in general, with respect to reviewing documents
13 submitted to them. Do you remember that?

14 A. There were questions regarding the
15 review of maps.

16 Q. Okay. I would just like to pull up
17 on the Board Exhibit 120. If you could just turn
18 to 120-3. This is the document that is from USEPA
19 to Bill Bow providing comments on the EECA.

20 Okay. I just want to point out they are making
21 comments on Figure 8. Keep going down. On 10.
22 They are making comments on Figure 8. Going down,
23 on 11. They are making comments on Figure 9A. 12
24 they are making comments on Exhibit 13. 13 they

1 are making comment on Figure 14. 14 they are
2 making comments on Figure 15.

3 Do you see that?

4 A. Yes.

5 Q. Thank you.

6 MS. O'LAUGHLIN: Objection. Is there
7 a question with regard to this?

8 MS. BRICE: I asked him if he saw it.

9 BY MS. BRICE:

10 Q. I would like to ask you also about
11 Exhibit 207-29 that you were asked questions
12 about.

13 A. Okay.

14 Q. This is a map from your second expert
15 report, correct?

16 A. Yes.

17 Q. Okay. And this map is only comparing
18 Site 3 boundaries between different maps, correct?

19 A. Correct.

20 Q. It's not comparing Site 3 boring
21 locations, or the location of the northeast
22 excavation, or the location of the North Shore gas
23 lines, as depicted in the various maps; is that
24 right?

1 A. Correct.

2 MS. BRICE: No further questions.

3 HEARING OFFICER HALLORAN: Thank you.

4 Ms. O'Laughlin?

5 FURTHER REDIRECT EXAMINATION

6 BY MS. O'LAUGHLIN:

7 Q. **Mr. Gobelman, just a quick question.**
8 **Did the Board find any liability to IDOT in**
9 **connection with Detour Road A?**

10 A. No.

11 Q. **And that was looking at 24-40. That**
12 **was part of JM's theory -- that was included in**
13 **JM's theory in the first round of hearings; is**
14 **that right?**

15 A. That's correct.

16 Q. **And they argued that IDOT should be**
17 **responsible for ACM contamination throughout site**
18 **3 because of the building of Detour Road A?**

19 A. Correct.

20 Q. **And the Board did not find any**
21 **liability for IDOT, in connection with the**
22 **building of Detour Road A on Site 3?**

23 A. In my opinion, they did not.

24 Q. **And in Site 6, is that also the case,**

1 **no liability to IDOT for Detour Road A that falls**
2 **within Site 6?**

3 A. They did not include those borings.

4 MS. O'LAUGHLIN: That's all that I
5 have.

6 FURTHER RECROSS EXAMINATION

7 BY MS. BRICE:

8 Q. One question. And the Board's ruling
9 on the discussion of Detour Road A, did they look
10 at Exhibit 21A-26 at all?

11 A. I would have to refresh my memory on
12 that. I don't remember.

13 Q. Okay. In 21A-26 is the foundation
14 for what is going on along Detour -- along
15 Greenwood Avenue; is that not the case?

16 A. Say that again?

17 Q. 21A-26 is the document that was used
18 to generate this figure to show the cross-section
19 of Greenwood Avenue, correct?

20 A. As far as Greenwood Avenue, in
21 relation to the building of the embankment, yes.

22 Q. Well also in relation to anything
23 that needed to be done along Greenwood Avenue?

24 A. No, you are incorrect.

1 Q. Okay. Well, that's as your
2 interpretation. The record will reflect --

3 MS. O'LAUGHLIN: Objection
4 argumentative?

5 HEARING OFFICER HALLORAN: Sustained,
6 Mr. Brice.

7 MS. BRICE: That's it.

8 HEARING OFFICER HALLORAN: All right.
9 You may step down, Mr. Gobelman. Thank you.

10 Ms. O'Laughlin, does IDOT rest their case
11 in chief?

12 MS. O'LAUGHLIN: Yes.

13 HEARING OFFICER HALLORAN: Then we'll
14 have rebuttal. I think we'll take a lunch, a
15 60-minute lunch. We'll be back at what,
16 12:40-ish. Pam, we are off the record. See you
17 in about an hour.

18 (Recess taken.)

19 HEARING OFFICER HALLORAN: We are going back on
20 the record. We're in the rebuttal phase of the
21 hearing.

22 Ms. Brice, for Johns Manville, will be
23 directing Mr. Dorgan, the expert. You may
24 proceed.

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DIRECT REBUTTAL EXAMINATION

BY MS. BRICE:

Q. Mr. Dorgan, could you please state your name for the record again?

HEARING OFFICER HALLORAN: You know what, let's just have Pam swear him in.

MS. BRICE: I'm sorry.

DOUGLAS DORGAN, JR.

was adduced as the witness herein; after having been first duly sworn, testified as follows:

- - - -

DIRECT REBUTTAL EXAMINATION

- - - -

BY MS. BRICE:

Q. Mr. Dorgan, good afternoon. Could you please turn to -- we're going to need the Gobelman binder for this, Exhibit 206, please.

Do you have the Gobelman binder in front of you?

A. I do.

Q. Thank you. Are you there?

A. Yes, I am.

Q. Could you identify this document for me?

1 A. This is the my expert rebuttal report
2 of Douglas G. Dorgan, Jr., on damages attribute to
3 IDOT, dated October 25th, 2018.

4 **Q. And you wrote this report in response**
5 **to what?**

6 A. Mr. Gobelman's rebuttal report.

7 **Q. His initial rebuttal report?**

8 A. That's correct.

9 **Q. Okay. If you could then also turn to**
10 **208, which I also belief is in the Gobelman**
11 **binder, and if you could identify this document**
12 **for me?**

13 A. This is the expert rebuttal
14 supplemental report for Douglas G. Dorgan, Jr., on
15 damages attributable to IDOT, dated April 30th,
16 2019.

17 **Q. And what did you draft this document**
18 **in response to?**

19 A. This was in response to the
20 supplemental report that Mr. Gobelman prepared.

21 **Q. Okay. Did you reach your opinions in**
22 **this case to a reasonable degree of scientific**
23 **certainty?**

24 A. Yes, I did.

1 Q. Is that true with respect to both
2 these reports and your testimony?

3 A. That's correct.

4 Q. If you'll go back to 206, please, to
5 your first rebuttal report. I would like to go to
6 page 206-4, please. Let me know when you are
7 there.

8 A. I'm there.

9 Q. You stated here on the 3rd -- under
10 2.1, if you go down under three paragraphs, you
11 say, "Mr. Gobelman does not have a consistent
12 methodology for attributing costs."

13 Is that true with respect to both of his
14 reports?

15 A. Yes it is.

16 Q. Okay. Can you explain to me what you
17 mean by this?

18 A. He just used different forms of
19 measurement for the different task buckets as he
20 was doing his attributions.

21 Q. Can you give us examples?

22 A. Well the two I provided in the
23 report. In one instance, he used linear feet for
24 certain of utility costs and the ACM soil removal

1 cost. And then as an alternative used square
2 footage when he was doing his attributions for the
3 northeast excavation.

4 Q. Have you seen a similar methodology
5 in a cost allocation context?

6 A. Not necessarily.

7 Q. You say on the bottom of 206-4 that
8 his report fails to consider why certain cleanup
9 activities were required, and how the scope of the
10 cleanup was driven by site conditions, and were
11 visible where ACM was observed.

12 Do you see that?

13 A. I do.

14 Q. Can you explain to me what you mean
15 by this?

16 A. Here, again, it was the attribution
17 was primarily focused on a limited geography. It
18 just didn't consider fact that certain cleanup
19 that was occurring on the site was being driven by
20 the conditions that were encountered at certain
21 locations.

22 Q. And were they just being driven by
23 boring locations where IDOT was found liable in
24 some instances?

1 A. Yes, they were.

2 Q. Can you given me some examples?

3 A. Yes, the borings, for instance, that
4 were identified on the eastern side of parcel
5 0393.

6 Q. Okay. And how was that driving?

7 A. An example would be the North Shore
8 Gas Line and the clean corridor that had to be
9 created.

10 Q. Can you elaborate?

11 A. Yes. So, the presence of the
12 asbestos that was in the borings in the North
13 Shore Gas Line on parcel 0393 drove the need for
14 the creation of a clean corridor across all of
15 Site 3.

16 HEARING OFFICER HALLORAN: Can you
17 speak up a little louder?

18 MS. BRICE: Did you hear that?

19 HEARING OFFICER HALLORAN: Yes, I
20 heard that.

21 Thank you.

22 BY MS. BRICE:

23 Q. If you could please to turn to 206-5.

24 And here in the second paragraph, you say that

1 "Mr. Gobelman report" -- Excuse me, "The Gobelman
2 report also too narrowly limits IDOT's area of
3 liability to the area immediately around soil
4 borings specifically identified by the Board in
5 the order."

6 What to you mean by this?

7 A. Well, as we heard testimony earlier,
8 Mr. Gobelman's approach was to look at the
9 specific borings that IDOT was found to be
10 responsible for, and he defined his geography
11 based upon those specific locations, rather than
12 considering all of the work that occurred because
13 of the conditions of those specific locations.

14 Q. And did he consider what was
15 underneath those borings, in coming up with his
16 calculations?

17 How much of an area of contamination was
18 underneath the boring?

19 A. Not necessarily.

20 Q. Did you hear him testify that he did
21 not do that?

22 A. Yes, I did.

23 Q. If you could turn it 206-9. You say
24 down here under here under 2.3, "Mr. Gobelman

1 fails to consider that a soil boring, typically
2 not more than two inches in diameter, is intended
3 to be representative of a larger area."

4 Can you explain what you mean by this,
5 and how that impacted Mr. Gobelman's report?

6 A. So, the way in which USEPA required
7 the work we performed, there were individual
8 sample locations, and a sample is this just that.
9 It is a representative sample of a geographic
10 area.

11 And then based upon that condition in
12 that sample, they would apply that to their entire
13 grid, in this particular case, in many instances.

14 Whereas, Mr. Gobelman marked out the area
15 represented by the sample, only to align with
16 those very specific boring locations on parcel
17 0393.

18 Q. Okay. And here on 206-9, you talk
19 about Mr. Gobelman using inconsistent sources to
20 create his base map and his figures, and then that
21 is inappropriate.

22 Can you explain his opinion?

23 A. I think that Mr. Gobelman's base maps
24 changed several times, and I don't think at any

1 one point were they accurate. So that as he was
2 making his changes, he was making changes to his
3 attributions; however, I don't think those were
4 accurate, because the base maps that he was using
5 were never accurate.

6 Q. How does the use of inconsistent
7 sources, to come with a base map, render a base
8 map improper or inaccurate, in your mind?

9 A. It can just lead to the
10 inconsistencies of the lack of a good base that's
11 representative of the actual site conditions.

12 Q. And I'm just going to reference them
13 too, we talked about them a lot. 207 is Mr.
14 Gobelman's supplemental report, correct?

15 A. I believe that's right.

16 Q. Okay, and on 207-13, I'll represent
17 to you is his base map, and then he has a number
18 of figures that follow that.

19 If you would like to take a look at 207,
20 this should be in your book, 207-13 and the
21 figures that follow, I just want to ask you if you
22 think these are accurate?

23 A. No, I don't.

24 Q. Okay. You have the same opinion,

1 with respect to the figures that were contained in
2 205, that started with Base Map 205-22 and the
3 figures that followed?

4 A. Yes, that's correct.

5 Q. And are Mr. Gobelman's figures and
6 maps different from the USEPA approved AECOM maps?

7 A. Yes.

8 Q. Are they different from the maps
9 submitted and relied upon by the Board in the
10 first hearing?

11 A. Yes.

12 Q. I would like you to turn to 208,
13 please, and I'm looking at 208-9 and 208-11, and I
14 have boards here of 208-9 and 208-11.

15 Do you know what these are?

16 A. 208-9 is a property boundary layout
17 where I took the original mapping that we had
18 performed, compared that with the mapping that Mr.
19 Gobelman presented in his two rebuttal reports.

20 Q. Okay. And what color -- and 208-11,
21 Mr. Dorgan, is that a blowup of the northeast
22 section of 208-9?

23 A. That's correct.

24 Q. Okay. And what is denoted in yellow?

1 A. The lines in yellow are basically the
2 locations that AECOM Consultant Group agreed on.

3 **Q. And those were based upon what**
4 **information?**

5 A. They were based upon the information
6 AECOM had been submitting for their figures for
7 their documents, including their final report.

8 **Q. The AutoCAD materials?**

9 A. That's correct.

10 **Q. And when you first began working on**
11 **this matter, was Ms. Dutton your CAD person?**

12 A. No, she was not.

13 **Q. She took over for someone else?**

14 A. That's correct.

15 **Q. And started working on the figures**
16 **from the materials?**

17 A. That's correct.

18 **Q. AECOM? Sorry, I just talked over**
19 **you. From AECOM?**

20 A. That's correct.

21 **Q. Okay. So, you said yellow is your**
22 **drawings and AECOM's drawings. What is red?**

23 A. Red would be the boundary that
24 Mr. Gobelman represented on his first report.

1 Q. And what is blue?

2 A. The boundary that was used in his
3 second report.

4 Q. Okay. You have state plane
5 coordinates on these maps. Why are these
6 important?

7 A. They provide the geo location of the
8 various features on the site to a known point.

9 Q. You have a couple of -- you have a
10 couple of -- you have a notation up here in the
11 left, the excavation test samples, 1S to 8S, per
12 AECOM document 57-536.

13 I believe Ms. Dutton testified about
14 this; is that correct?

15 A. Correct.

16 Q. Did you agree with Ms. Dutton's
17 testimony about that?

18 A. Yes, I do.

19 Q. For one second, I would like to turn
20 to a document Ms. O'Laughlin referred to earlier,
21 which is a report from your first -- from one of
22 your expert reports from the first hearing.

23 It's exhibit 06, I would like you to go
24 to Figure -- it's 06-25.

1 A. Which binder would that be in?

2 Q. I'm not sure, but I can hand it to
3 you.

4 I'm not sure it's in a binder, because
5 it was just brought up last month.

6 MS. BRICE: May I approach?

7 HEARING OFFICER HALLORAN: Yes, you
8 may.

9 BY MS. BRICE:

10 Q. MR. Dorgan, I'm handing you what is
11 Exhibit 06-25. What is that document?

12 A. It's a site plan that shows various
13 locations of the test kits and borings at the
14 site.

15 Q. Okay. And there's a -- here is
16 something of a legend, B3-XX, and there's a sign.
17 It says, "ELM boring location (1999)."

18 What were you intending to say to that,
19 with respect to this map?

20 A. Differentiating which borings were
21 performed by ELM.

22 Q. Did you use ELM Figure 15, or
23 anything in the ELM report, to locate those
24 borings?

1 A. No, I did not.

2 **Q. And how did you locate those borings?**

3 A. I used those based upon the AECOM
4 drawing that was provided.

5 **Q. Thank you. If you turn back to**
6 **208-11, please, and it's comparisons between**
7 **Northern AECOM's locations in yellow, and Mr.**
8 **Gobelman's -- two locations in red and blue.**

9 What does this document tell you about
10 **the location of Mr. Gobelman's Site 6 borings in**
11 **his reports, as compared to yours?**

12 A. Well, what appears -- I think appears
13 happened, in my belief, and Mr. Gobelman's
14 testified to, when he corrected the location of
15 the northern boundary of Site 6, he fixed all the
16 other locations to it.

17 So, I ended up moving these boring logs
18 and also moved the features, including the
19 northeast excavation, which is specifically
20 identified in this 208-11.

21 **Q. With respect to the Site 6 boring**
22 **locations, are the blue and red dots in the same**
23 **place as your yellow dots, in all instances?**

24 A. No, they are not.

1 **Q. How do they diverge, as you moved**
2 **toward the east?**

3 A. His increasingly are placed further
4 west than the locations that were plotted on our
5 drawing.

6 **Q. And what do these documents tell you**
7 **about the location of Mr. Gobelman's Site 3**
8 **borings in his report as compared to yours and**
9 **AECOM's?**

10 A. They are also not in the same
11 locations.

12 **Q. Can you please describe that for me?**

13 A. So, when he changed his Site 3
14 boundary for the northern boundary, and shifted
15 everything south, that shifted his borings from
16 his original location approximately 10 feet south
17 and also a little bit east.

18 **Q. Okay. So, his Site 3 borings in blue**
19 **are further east than your Site 3 borings in**
20 **yellow, correct?**

21 A. That's correct. Yes.

22 **Q. If you could go to 204-45, please?**

23 A. 204-45 is not in bider.

24 MS. BRICE: Drew, could you pull up

1 204-45 up on the screen, please?

2 BY MS. BRICE:

3 Q. 205-45. I'm sorry, I misspoke. I
4 apologize.

5 Mr. Dorgan, do you recognize this
6 document?

7 A. Yes, I do.

8 Q. And is this the document Mr. Gobelman
9 used to locate the Site 3 borings?

10 A. I believe it is, yes.

11 Q. Would you use this document as a
12 source for a base map?

13 A. No, I would not.

14 Q. Why not?

15 A. It's referenced in this document as
16 draft.

17 Q. Okay. Anything else?

18 A. It's not the final figure that was
19 developed. There are later versions of this that
20 further clarify the precise locations with various
21 site features.

22 Q. Okay. Can you explain to me what you
23 mean? What do you think is wrong with this map?

24 A. In my opinion, what we're seeing here

1 is the northern boundary of Site 3.

2 It's basically lining up with Greenwood
3 Avenue, the actual pavement, edge of pavement.

4 And as we've seen in the later documents,
5 that actual boundary has been shifted south,
6 there's a reference on this -- it's very difficult
7 to see.

8 **Q. Can you pull that up, up to the top?**
9 **There you go.**

10 A. So, there's a reference for an FIP,
11 which would stand for a found iron pipe. The new
12 Site 3 boundary, after the corrections appear to
13 line up very closely with that particular linear
14 feature.

15 **Q. And what does found iron pipe signify**
16 **to you?**

17 A. Usually that's a survey marker that's
18 been put in ground to designate some sort of a
19 boundary.

20 **Q. Mr. Gobelman's claimed he did hand**
21 **scaling of this map to determine the location of**
22 **Site 3 borings. What is your reaction to that?**

23 **MS. O'LAUGHLIN: Objection,**
24 **mischaracterizes Mr. Gobelman's testimony.**

1 HEARING OFFER HALLORAN: Sustained.

2 It's not what I remember. You want to rephrase
3 it?

4 BY MS. BRICE:

5 Q. Mr. Gobelman claimed he did scaling
6 off of this map to determine the location of the
7 Site 3 borings.

8 What is your reaction to that?

9 A. It's a method that can be used, but I
10 would prefer to use something that would provide
11 more accurate measurements which would be the CAD
12 drawings.

13 Q. From your opinion, 205-45 accurately
14 represent the locations of the Site 3 borings?

15 A. I don't believe so.

16 Q. Okay. Let's turn to 208-4, please.

17 A. I'm there.

18 Q. Here you say, "In addition to
19 incorrectly representing the locations of the
20 boring on test pits, the supplemental report
21 changes the location dimensions in the northeast
22 excavation, as well the North Shore gas line in
23 the City of Waukegan water line?"

24 I can take you back here to 208-9, if you

1 would. What does this map tell you about the
2 location -- where Mr. Gobelman placed the location
3 of the Waukegan water line?

4 A. He shifted it from the first one, the
5 red line, has it further north and then he shifts
6 it to the south, so that it's running roughly with
7 the parcel 0393 boundary.

8 Q. And what -- is that a correct
9 methodology with respect to a utility to move it
10 on a map?

11 A. Again, I think what happened here was
12 this he moved it is a boundary for Site 3, a
13 northern boundary. He just shifted everything
14 with it, so it dropped that location of the
15 Waukegan Water line.

16 Q. Right, but was this supposed to drop
17 that location or was that fixed in space?

18 A. No, that would be -- the location
19 shown in yellow is where it was actually located.

20 Q. And what about the northeast
21 excavation, what is your opinion about where Mr.
22 Gobelman placed the northeast excavation on his
23 maps, compared to your AECOM's map?

24 A. Similar to the Waukegan Water line,

1 it shifted, as it went from the first report to
2 the second report. It also moved a little bit to
3 the east.

4 HEARING OFFICER HALLORAN: You are
5 fading off again, Mr. Gobelman.

6 THE WITNESS: I'm sorry, it shifted
7 again to the south and to the east, as a result of
8 the change.

9 BY MS. BRICE:

10 Q. Well, isn't it larger than it was in
11 the first report? When you look at the red versus
12 the blue?

13 A. I don't think it's larger in total
14 area, but the area that is currently -- that's on
15 Site 3 is larger.

16 Q. If you could go back to 206. And I
17 would like to go to page 10.

18 You say that you're talking about here
19 parcel 0393, correct?

20 A. That's right.

21 Q. You say, "Mr. Gobelman focuses on --
22 broadly focuses on soil sample locations within
23 parcel 0393 versus the entire parcel."

24 Why do you say that?

1 A. Again, because as I mentioned
2 earlier, sample locations are representative of a
3 grid area. And my opinion is that the grid area,
4 that work had to be done, because of the results
5 of the boring from that sample.

6 And, by contrast, Mr. Gobelman just
7 looked very narrowly at 0393 and did not consider
8 the entire 55, 50 by 50 foot-grid area.

9 **Q. With respect to 0393, do you believe**
10 **the Board, based upon your interpretation, found**
11 **that all of 0393 was within IDOT's area of**
12 **liability?**

13 A. That was my interpretation.

14 **Q. Okay. And what led you to come to**
15 **this conclusion.**

16 A. I believe the order recognized that
17 IDOT was in control of all of parcel 0393.

18 **Q. And how did that impact their**
19 **decision?**

20 A. I'm sorry, I'm not sure I understand.

21 **Q. Sure. So, by controlling it -- I**
22 **think the order says that, and I could go back to**
23 **it, but "Continuing to control the portion of**
24 **parcel 0393 following within Site 3, continues to**

1 **allow ACM placed in that soil."**

2 **What does that mean to you?**

3 A. That means that they remain
4 responsible for it.

5 **Q. Okay. How did Mr. Gobelman's failure**
6 **to include 0393 as part of IDOT's Site 3 area of**
7 **liability impact his attributions?**

8 A. It limited it for certain task
9 buckets.

10 **Q. On 206-12, you discussed Mr. Gobelman**
11 **failed to rebut your points concerning IDOT area**
12 **of liability for Site 6. Do you see that?**

13 A. That's under 2.5?

14 **Q. It's 206-12. Yeah under 2.5..**

15 A. Okay.

16 **Q. Can you elaborate on your view as to**
17 **his failings as to the Greenwood Avenue**
18 **construction considerations?**

19 A. Yes. So, in the way that I looked at
20 it, I considered the conditions that were
21 specifically identified in the IDOT borings; and
22 then what that role is, in terms of the rest of
23 the work on Site 6, and also considered the plans
24 that we've looked previously, regarding the

1 Greenwood Avenue construction project.

2 Q. Can you briefly describe what was
3 going on at the intersection of Detour Road A and
4 Greenwood Avenue, with respect to the IDOT work in
5 and around that 1970?

6 MS. O'LAUGHLIN: Ms. Brice, what
7 figure are you looking at?

8 MS. BRICE: 204-40.

9 THE WITNESS: So, the Greenwood
10 Avenue was being reconstructed and an embankment
11 was being built.

12 Detour Road A was coming into Greenwood
13 Avenue. It provides bypass for traffic during
14 construction.

15 BY MS. BRICE:

16 Q. And is that area that you're pointing
17 to here?

18 A. That's correct.

19 Q. This is Greenwood Avenue here
20 labeled, and then the Detour is gray, coming in
21 and around 5S, 6S, 7S; is that right?

22 A. That's right.

23 Q. Okay. Keep going.

24 A. And there's an area where Detour Road

1 A crosses into the Greenwood Avenue right-of-way.
2 So that they can have a tie-in between Greenwood
3 Avenue and the Detour Road A.

4 Q. Okay. So, what plans do you need to
5 look at, in order to understand what's going on at
6 this interaction between Detour Road A and
7 Greenwood Avenue?

8 A. It's the Greenwood Avenue
9 cross-sections.

10 Q. And did the Board, in your opinion,
11 or from your recollection, look at 21A-26, when it
12 made its decision, with respect to Detour Road A
13 in the opinion?

14 A. I believe that's the correct
15 reference, and it's the Greenwood Avenue is what
16 was considered by the Board.

17 Q. Right. But did the Board look at
18 21A-26, when it was rendering its decision on the
19 Detour Road A, or did it look at 21A-23, which is
20 the Detour Road A cross-section?

21 If you don't know, that's fine.

22 A. I don't believe they ended up
23 considering the Detour Road A cross-section.

24 MS. O'LAUGHLIN: Objection, it's

1 speculative.

2 HEARING OFFICER HALLORAN: I'll allow
3 it.

4 MS. O'LAUGHLIN: Okay. The record
5 will reflect what the Board Order says.

6 BY MS. BRICE:

7 Q. Why is it important to consider, with
8 respect to this area wherein Detour Road A and
9 Greenwood Avenue intersect, why is it important to
10 look at 21A and 26, which is the cross-section for
11 that area?

12 A. Because it shows the work that was to
13 be completed by IDOT, as far as that construction
14 effort.

15 Q. Okay. We've looked quite a bit at
16 21A-26 and 21A-26A, and this figure of yours,
17 which you drew on, which is 204-41A, correct?

18 A. That's correct.

19 Q. Okay. And down here what we have on
20 the bottom is what is shown, including 21A-26, as
21 to what is occurring on the Greenwood Avenue
22 cross-section; is that correct?

23 A. That's correct.

24 Q. Okay. Mr. Gobelman said something

1 about this being inferred.

2 What is your reaction to that?

3 MS. O'LAUGHLIN: Objection, vague.

4 HEARING OFFER HALLORAN: Rephrase,
5 please.

6 BY MS. BRICE:

7 Q. Mr. Gobelman talked about the portion
8 of this document 21A, 26B inferred.

9 Do you know what he means by that?

10 MS. O'LAUGHLIN: Objection.

11 HEARING OFFICER HALLORAN: I'll allow
12 it.

13 THE WITNESS: I believe I do not. I
14 assumed that he's speaking to the cross-section
15 conditions that are reflected past 7S where
16 there's no 8S as a boring location.

17 So, once it passes 7S, it becomes
18 inferred, unless you could have the additional
19 boring log.

20 BY MS. BRICE:

21 Q. Okay. Is it inferred at 7S?

22 A. No.

23 Q. And in order to create your figure
24 here, 204-41A, you used 21A and 26B that we talked

1 **about, which are as-built plans; is that right?**

2 A. That's correct.

3 Q. **Can you explain to us the difference**
4 **between as-built plans and proposed plans?**

5 A. The proposed show what's intended, as
6 far as the construction project and what the
7 initial design is intended to be. The as-built
8 plans reflect what's actually built in the field
9 and finished.

10 Q. **Okay. So, if you have as-built**
11 **plans, and something has changed, what is shown on**
12 **those as-built plans?**

13 A. Typically, it would be the difference
14 from the original design plans.

15 Q. **Okay. So, it would be marked on**
16 **there?**

17 A. In this particular case, yes.

18 Q. **Okay. I'm going to hand you a**
19 **document from the first hearing that was admitted.**
20 **This is 21-B, and it's one and then it's also got**
21 **a 21B-30.**

22 MS. O'LAUGHLIN: **Objection, to the**
23 **extent this goes beyond Mr. Dorgan's rebuttal**
24 **report and supplemental rebuttal report.**

1 MS. BRICE: I believe Mrs. O'Laughlin
2 opened the door on this, asking about proposed
3 plans, and talking about proposed plans and for
4 information only, and again the final plan, the
5 as-built plans.

6 So, we're just using this to try and show
7 that there was no change between the proposed plan
8 and as-built plans.

9 HEARING OFFICER HALLORAN: I vaguely
10 remember Ms. Brice's position on this.
11 Regardless, I'll allow latitude, but overruled.
12 You may proceed.

13 BY MS. BRICE:

14 Q. Mr. Dorgan, what is this document?

15 A. 21B-1 appears to be the final sheet
16 on the plan set.

17 Q. And what does it say up at the top
18 document?

19 A. It says, "State of Illinois
20 Department of Public Works and Buildings, Division
21 of Highways, Plans for Proposed Federal Aid
22 Highway.

23 Q. Okay. If you could turn to page
24 21B-30. And at the same time, do you happen to

1 have a document 21A and 26 in front of you?

2 MS. BRICE: Or, Drew, can you pull it
3 up on the screen, just the regular 21A-26, please,
4 and blow it up, please.

5 BY MS. BRICE:

6 Q. Okay. Mr. Dorgan, in your opinion,
7 how does 21B-30 relate to 21A-26, from the
8 as-built plans?

9 A. They appear to be the same.

10 Q. Okay. Are they depicting the same
11 area?

12 A. Yes.

13 Q. Okay. And has this area to the far
14 left, on the top figure that has the peat marked
15 as unsuitable material, is that different at all
16 on the proposed plans and the as-built plans?

17 A. No, it's not.

18 Q. So, what does that mean had to happen
19 at that location, which I think is depicted over
20 here on 204-41A, correct?

21 A. That's correct.

22 Q. What had to happen there?

23 A. In my opinion, that reflects that
24 those materials had to be removed.

1 **Q. Why did it have to be remove?**

2 A. It says it's unsuitable material to
3 be removed.

4 **Q. Okay. What did they have to do here**
5 **in sample 7S? What did they have to do at this 7S**
6 **location, based on that document?**

7 A. They would have had to excavate down
8 to the bottom of the black peat and replace it
9 with suitable build material.

10 **Q. So, excavate down to**
11 **582-and-a-halfish?**

12 A. Ms. Brice, if I may?

13 **Q. Yes.**

14 A. Your looking at Station 7 not the
15 Sample 7.

16 **Q. Oh, I'm sorry. Now I'm looking at**
17 **Sample 7. Right there.**

18 A. Yes, but the cross-section is
19 referring to Station 7.

20 **Q. I'm sorry, I'm confused. Can you**
21 **explain?**

22 A. Yes, the stationing is referenced
23 across the bottom.

24 **Q. I want you to talk about what's going**

1 **on at Sample 7.**

2 A. At sample 7?

3 **Q. Yes.**

4 A. It would be the depth down to the
5 bottom of -- the bottom of the unsuitable fill.

6 **Q. And what level was that?**

7 A. Roughly 583 and three-quarters.

8 **Q. Okay. And then what would have to**
9 **have happened?**

10 A. It would have to have been back
11 filled up to the proposed grade.

12 **Q. And what is the proposed grade?**

13 A. 589 roughly, 588 and three-quarters.

14 **Q. Okay. And in the boring logs that**
15 **you looked at -- you've looked at boring logs for**
16 **7S have you not?**

17 A. Yes, I have.

18 **Q. Okay. Is there any mention of black**
19 **cindery fill or peat in those boring logs?**

20 A. No there's not.

21 **Q. And those 7S boring logs were taken**
22 **in the -- after 1999, correct?**

23 A. That's right.

24 **Q. So many years after this work was**

1 done?

2 A. That's correct.

3 Q. What this is showing here is around
4 1970; is that correct? What was happening here?

5 A. That's my understanding.

6 Q. By here, I mean here sort of what's
7 being shown in 21A-26.

8 And in your experience, are geotechnical
9 boring logs usually taken in close time in
10 proximity to the project?

11 A. Generally, they are shortly before
12 the project design is done.

13 Q. And in your opinion, do geotechnical
14 boring logs typically denote debris, if there is
15 debris found in them?

16 A. They oftentimes do.

17 Q. Okay. How often?

18 A. Often and I wouldn't say 100 percent
19 of the time, but most of the time they do.

20 Q. To you, what, if anything, was the
21 most important aspect of Mr. Peterson's
22 observations from the photographs?

23 A. Just the consistency of the layer
24 that was observed with the asbestos in it across

1 from 1S to 9S.

2 Q. Can you elaborate on that? Is that
3 something you would expect to find?

4 A. The appearance from the photographs,
5 and as it was described by Mr. Peterson, is you
6 see a consistency, without any break point. So,
7 what appeared to be a material that was that all
8 placed at the same time.

9 Q. If the base map Mr. Gobelman is using
10 is inaccurate, what does that mean for the work
11 required by USEPA?

12 A. It would have been done in the wrong
13 location.

14 Q. Okay. I'm going to turn now to some
15 of the attribution issues. I would like to talk
16 about the northeast excavation on Site 3.

17 And we've gone through a lot of
18 these calculations, so I'm not to go through
19 everything again.

20 If you could turn to 207-18, please.
21 Tell me when you are there?

22 A. I'm there.

23 Q. Mr. Gobelman used this map to reach
24 his attributions.

1 **You heard him testify about that,**
2 **correct?**

3 A. That's right.

4 **Q. And what is it that you disagree with**
5 **Mr. Gobelman about with respect to his**
6 **attributions on the northeast excavation?**

7 A. That he is confining the attribution
8 that he's come to to only the location, only the
9 part of the northeast excavation that's in parcel
10 0393.

11 **Q. I would like to turn to Exhibit 64-3.**
12 **Take a couple pages back, and tell me what this**
13 **document is?**

14 A. These are USEPA -- this is the USEPA
15 response to the engineering evaluation cost
16 analysis that had been submitted by Johns
17 Manville.

18 **Q. Okay. Turn to page 64-4, please.**
19 **And what is it saying about the ComEd**
20 **underground electric line? At the top, the very**
21 **top.**

22 A. Yes, it references ComEd underground
23 electric lines that runs along 1S, 2S, 3S and 4S.

24 **Q. And what about the ComEd Fiber Optic**

1 **line?**

2 A. Where it runs from 1S, 2S, 3S and 4S
3 as well.

4 Q. Okay. And on your Dorgan Figure 1,
5 204-38, does a ComEd fiber optic line run through
6 the third grid, the furthest to the east grid,
7 that has B3-46 in it as well?

8 A. I guess it does.

9 Q. Mr. Gobelman's northeast excavation
10 attributions are based upon square footage, right?

11 A. That's correct.

12 Q. Okay. You heard me talk with him
13 about his calculation of his numerator, which is
14 1,889 square feet.

15 Do you recall that?

16 A. I recall discussing it, the specific
17 number, perhaps not.

18 Q. Okay. Let's turn back to 207-18.

19 A. I'm there.

20 Q. Okay. Do you see that number on this
21 page?

22 A. Can you repeat the number, please?

23 Q. 1889.

24 A. Yes.

1 **Q. Okay. Do you believe Mr. Gobelman**
2 **has placed the northeast excavation in the correct**
3 **place?**

4 A. No.

5 **Q. Okay. Again, if it's been placed**
6 **further to the east, how does that impact his**
7 **allocation?**

8 A. Under his allocation method, it would
9 limit it, lower it.

10 **Q. And what is your overall opinion**
11 **about his attribution?**

12 A. Again, that he misconstrues the
13 requirements relative to the borings that drove
14 the cleanup of the various grids for the northeast
15 excavation.

16 **Q. Let's look at the Waukegan water line**
17 **and we looked at this on 208-9, and I believe you**
18 **testified you believe the Waukegan water line is**
19 **in the wrong location; is that correct?**

20 A. On Mr. Gobelman's figures, yes.

21 **Q. If it were in the right location, and**
22 **I think this is consistent with your opinion, a**
23 **100 percent of it would be given to IDOT, correct?**

24 A. Yes.

1 Q. At the time of the first hearing,
2 were there any borings contaminated along the
3 Waukegan waterline within 0393?

4 A. No.

5 Q. After the exact location of the
6 Waukegan water line was collected, so after the
7 first hearing, are there any borings contaminated
8 along long the Waukegan water lines in 0393?

9 A. I recall that's there, I believe,
10 one.

11 Q. If you could turn to 206-12, please,
12 and I would like to talk a bit about AT&T.

13 You take issue with Mr. Gobelman's
14 approach to the AT&T lines. And as we discussed,
15 and he discussed, he divided 199 by 1060, to get
16 to 18.8 percent.

17 So if we stick with his method alone,
18 what is your opinion on his numerator, 199 feet,
19 that he believe fell within 0393? I believe that
20 is going to be on his figure 207-18. Give me one
21 second, I'll get there.

22 A. 207-16?

23 Q. Yes, 207-16. Thank you very much.

24 A. Sorry, repeat your question.

1 Q. So, Mr. Gobelman basically calculated
2 the linear feet of what he felt fell within 0393,
3 or what he felt fell next to the boring
4 locations on Site 3, correct, for his AT&T Site 3
5 attribution?

6 A. That's correct.

7 Q. Okay. And he went to B3-26 because
8 that was the next cleanest boring, I believe he
9 testified to?

10 A. I believe that's correct.

11 Q. Is his B3-26 in the same location as
12 your B3-26?

13 A. No, it's not.

14 Q. I would like to turn to the AT&T
15 lines Site 6.

16 Mr. Gobelman's attributions is based on
17 his belief that the AT&T lines ran the entire
18 length of the north side and south side of Site 6.

19 Do you recall that?

20 A. Yes, I do.

21 Q. And did Dr. Ebihara and Mr. Peterson
22 testify about that?

23 A. Yes, they did.

24 Q. And what did they say?

1 A. They said that the lines ran for a
2 segment of Site 6 and then came out ground and
3 went on poles for the rest of the lines for Site
4 6.

5 Q. Was any work done with respect to the
6 poles?

7 A. No.

8 Q. So was Mr. Gobelman -- what's your
9 impression of Mr. Gobelman using that his
10 denominator for, I believe, three of his cost
11 categories?

12 A. It's over estimating.

13 Q. How would that impact his
14 attributions?

15 A. They would lower them.

16 Q. What would lower them?

17 A. The denominator being larger and
18 would lower the attribution.

19 Q. Okay. So, if he had gotten it right,
20 the attribution would be more?

21 A. It would be larger, yes.

22 Q. And did you make any assumption about
23 the length of the lines reaching your AT&T Site 6
24 attribution?

1 A. No.

2 Q. Do you have any opinion about his
3 numerator here on Site 6, which I believe, if we
4 go to 205 or 206 -- let's look at 207, 207 of 4,
5 and he's talking about his -- it's 90 feet. He
6 comes up with 90 feet which he says is what area?

7 If you turn the page, I think he
8 describes it.

9 A. I'm sorry, I am looking a look for
10 the 90 feet. Here it is. On Site 6?

11 Q. Uh-huh.

12 A. Yes. So, he defined that as the
13 location where the line came out of Site 3 and
14 traversed from roughly 4S -- between 4S and 5S of
15 his area of liability.

16 Q. Okay. Are his 4S and 5S in the same
17 place as your 4S and 5S?

18 A. No, they are not.

19 Q. You say on 206-13 -- let's go there.
20 We're talking about ACM soil sample.

21 You say that -- turn to 206-14 on the
22 next page. You say that he made an incorrect
23 assumption. What assumption was this?

24 A. That clean corridors were created

1 along the entire length of Site 6 on both the
2 north and south sides of Greenwood.

3 Q. How do you know that's not true?

4 A. That is not what the record reflects.

5 Q. Did you make the same assumption when
6 doing your calculations for the north side and
7 south side of Site 6?

8 A. I did not.

9 Q. He says on 205 -- and he talks about
10 this more on 205 than he does in his other report.

11 If could to go to 205-11, he says here
12 that the numerator he used to calculate the
13 percentage is 197 linear feet, which is the
14 distance from the western edge of Site 6 to the
15 4.5S.

16 Do you see that?

17 A. Yes, I do.

18 Q. If you go back to 208-11, if you were
19 measuring using your borings in yellow, from the
20 western edge of Site 6 to 4.5S, would you come up
21 with the same calculation?

22 A. No.

23 Q. And why is that?

24 A. My length would be slightly longer

1 based upon on the location -- the actual location
2 of 4S.

3 **Q. Let's talk a little bit about the**
4 **North Shore gas line.**

5 **On 206-11, you don't need to turn to it.**
6 **You disagree with his opinion regarding the cost**
7 **for the North Shore gas line on Site 3.**

8 **Can you just explain the nature of your**
9 **disagreement?**

10 **A. I'm considering all of the North**
11 **Shore gas line work to be attributable for the**
12 **IDOT main corridor was needed because of the**
13 **borings that are specially referenced on parcel**
14 **0393 in the Board Order.**

15 **By contrast, Mr. Gobelman calculated an**
16 **area of the corridor that falls within parcel**
17 **0393.**

18 **Q. As to the North Shore gas line on**
19 **Site 6 attribution, you make the point that at the**
20 **time of the EAM, there was no ACM east of 8S.**

21 **Why is that relevant?**

22 **A. Because the EPA was making the**
23 **determination of what they were requiring based**
24 **upon the sample results from 1S to 8S and**

1 extending it to the whole length of the border.

2 So, at the time that the enforcement
3 memorandum was written, they knew that there was
4 asbestos present from 1S to 8S, but they still
5 required a clean corridor to extend past 8S for
6 the utility lines.

7 So, it was the presence of ACM from 1S to
8 8S that required the entire clean corridor.

9 Q. I believe you testified earlier your
10 opinion on that wouldn't change, it was from 1S to
11 4S, correct?

12 A. That's is correct.

13 Q. On 205-12, Mr. Gobelman says, "It was
14 the length of the North Shore gas line along line
15 the south side of Site 6 is 2,005 linear feet,"
16 and he attributes that to you.

17 Is that what you said?

18 A. I don't believe so.

19 Q. What did you say? I think it's
20 204-24.

21 A. My calculation was predicated on the
22 entire length of the North Shore Gas Line, which
23 ran both on the south and the north side of Site 6
24 at different locations.

1 Q. And, so, he used this 2,005 linear
2 feet as his denominator, correct?

3 A. That's correct.

4 Q. Okay. How did that impact his
5 attribution?

6 A. Increasing the larger denominator
7 with the smaller numerator led to a smaller
8 attribution.

9 Q. In his supplemental report, Mr.
10 Gobelman says the North Shore Gas lines runs
11 through 72 feet of the IDOT area liability on Site
12 6.

13 Can you take a look at 207-17. Okay?

14 A. Yes.

15 Q. Can you describe for me where that
16 9 -- 72 feet was located?

17 A. I believe that is the calculation
18 that he did to measure from where the North Shore
19 gas line entered Site 6 to sample location on 6S.

20 Q. 6S?

21 A. Yes.

22 Q. Let's go back and look at that. I am
23 not sure if that's right. Let's go to 207 --

24 A. Excuse me, I see what he did. Would

1 you like me to clarify that?

2 **Q. Please.**

3 A. So, on Exhibit 17, he has two
4 measurements, which I believe he then adds.

5 And the first measurement is as it enter
6 Site 6 running to roughly just west of 4S. Then a
7 second measurement that measures from that
8 location to halfway between 4S and 5S.

9 **Q. Okay. And is that the 72 feet?**

10 A. That looks like it would add up to
11 72 feet.

12 **Q. And his measurement here -- didn't go
13 to the next cleanest boring did it?**

14 A. Know it did not.

15 **Q. Let's talk about dewatering for a
16 moment. On 206-14 you said that his dewatering
17 attributions were incorrect, because they
18 predicated upon other incorrect attributions in a
19 plot map.**

20 **Can you explain that, please?**

21 A. 206-14 regarding dewatering?

22 **Q. Yes, dewatering Site 3.**

23 A. I believe he used the same
24 understanding of the entire length of both the

1 north and south sides of Site 6 to calculate his
2 total area of work.

3 Q. Let's look at this again. I'm
4 talking about Site 3 not Site 6.

5 206-14, Site 3 dewatering, he said he
6 used Nicor, North Shore Gas, the northeast
7 excavation, the Waukegan water line, and he used a
8 method similar to you.

9 A. I'm sorry, Ms. Brice, I don't know
10 that I'm in the right location. 206-14?

11 Q. Yes. Maybe I'm in the wrong
12 location, then, because I just had you talking
13 about -- you know what, it must be back in the
14 205. Hold on, give me a second.

15 Let's go back to 205. I apologize. I
16 was not as organized as I was earlier. It's been
17 a long day.

18 Let's go to 205, 205-14, not 206-14. My
19 bad. I was off by a number. 205-14. He used
20 these dewatering calculations involving Nicor and
21 North Shore Gas, City of Waukegan line in the
22 northeast excavation, correct?

23 A. That's correct.

24 Q. And he attributed nothing to the

1 **Nicor Gas line and City of Waukegan line; is that**
2 **correct?**

3 A. That's correct.

4 Q. But you would have attributed
5 something to the City of Waukegan water line,
6 right?

7 A. That is correct.

8 Q. And in your report -- go to 205-15.
9 How did Mr. Gobelman arrive at his attribution for
10 dewatering on Site 6?

11 A. He would have the final work plan at
12 the length of the work on the south side of Site 6
13 would be 419 linear feet.

14 Q. And then what did he do?

15 A. He then considered how much of the
16 length was in what he considered to be IDOT's area
17 of liability, which I believe was 197 linear feet.

18 Q. Okay. And we talked about that same
19 measurement a few minutes ago of 197 linear feet,
20 which is from the western edge of Site 6 to 4.5s.

21 Would your opinion be the same with
22 respect to Site 6 dewatering as it was with
23 respect to that measurement we discussed earlier?

24 A. Yes.

1 **Q. What is your opinion about this 419**
2 **feet? Did you believe it to be accurate? He's**
3 **measuring from 1S to 9S.**

4 **A. It's the difference in the approach**
5 **where he's trying to take a measurement for**
6 **something that was done collectively between the**
7 **north and south side of Site 6. So, I just don't**
8 **think it's an appropriate way to try to attribute**
9 **the dewatering process.**

10 **Q. Okay. And his 1S to 9S would be**
11 **different from your 1S to 9S, because the Site 6**
12 **borings are in different locations?**

13 **A. That is correct.**

14 **Q. Okay. Mr. Dorgan, can you turn to**
15 **205-28, please? Let me know when you are there.**

16 **A. I'm there.**

17 **Q. Okay. Did you hear Mr. Gobelman**
18 **testify that he believed the ramp to be that area**
19 **that is denoted as a ramp in a cross-hatched area**
20 **with a box around it?**

21 **A. Yes.**

22 **Q. Is that the ramp?**

23 **A. No, that's not the context of how it**
24 **was being used in my report.**

1 Q. Okay. Where is the ramp?

2 A. The ramp is the embankment that runs
3 along the south side of Greenwood Avenue.

4 Q. How far east does it go?

5 A. I believe nearly the entire length of
6 0393.

7 Q. What work was done in the embankment?
8 In the ramp. I'm sorry, pardon me.

9 A. As I testified earlier, it was the
10 work AECOM undertook to sample the ramp area, in
11 order to avoid having to put a cap on the slope of
12 the embankment.

13 Q. Okay. And did they take soil
14 borings?

15 A. Yes, they did.

16 Q. Did they find asbestos-containing
17 material to within 0393?

18 A. Yes, they did.

19 Q. On 205-29, Mr. Gobelman has been
20 using an area approach for Site 3 filling and
21 capping.

22 Your method looked at the task buckets
23 driving the remedy; is that right?

24 A. Okay. Could you just restate that,

1 please?

2 Q. Sure. He uses an approach for Site 3
3 filling and capping that looked in an area, and
4 your approach looked at what task buckets were
5 driving the remedy for cap in Site 3; is that
6 right?

7 A. Generally, yes.

8 Q. Okay. What do you believe is wrong
9 with his method?

10 A. Similar to the other instances where
11 he is narrowing and defining IDOT's responsibility
12 as being only the work for filling the capping
13 that was done within Site 3. -- or, excuse me,
14 parcel 0393. I'm sorry.

15 Q. Right. And what did you do?

16 A. I attributed it based upon what the
17 driver was out of the Enforcement Action Memo.

18 Q. Okay. And he measured this .208
19 acres based upon where he places soil borings on
20 Site 3, correct?

21 A. Yes, that's correct.

22 Q. And do you believe his placement of
23 the soil borings on Site 3 are accurate?

24 A. No.

1 Q. So would this affect his attribution?

2 A. Yes.

3 Q. Okay. 2015-16, please, filling and
4 capping for Site 6. Again, we have this 5,470
5 linear foot number that he uses as a denominator.

6 Again, what is your opinion on that?

7 A. That's overstated.

8 Q. And why is that?

9 A. Because filling the capping wasn't
10 done on the entire length of the north and south
11 side of Site 6.

12 Q. Again, we're seeing this 197 linear
13 feet that you've testified about.

14 Would your opinion be the same here, with
15 respect to that measurement?

16 A. Yes.

17 Q. Did your attribution for filling on
18 Site 3 rely on measuring distances?

19 A. No.

20 Q. I didn't go through the Site 3 and 6
21 task buckets for all of these; but just for
22 clarity, to the extent that there is something
23 wrong with the attribution in either the Site 3
24 task bucket or the Site 6 task bucket, when you

1 **come together and create the combined Site 3 task**
2 **bucket, how would that affect the attributions?**

3 A. They would trickle down to the rest
4 of them.

5 Q. **Similar question: Turning here to**
6 **demonstrative Exhibit 245, "Task buckets used as**
7 **inputs by both experts to determine oversight in**
8 **support services task bucket attributions."**

9 Do you see that?

10 A. Yes, I do.

11 Q. Okay. You know, Mr. Gobelman, you
12 used the same methodology we've established.

13 You say that Mr. Gobelman has calculated
14 IDOT's share of the construction-related costs.
15 Because he miscalculated IDOT's share of
16 construction-related costs, all of his
17 calculations for the site-wide cost categories are
18 incorrect, unreasonable and unreliable. That's
19 from your report of the 206-15.

20 Can you explain that opinion with
21 reference to this demonstrative?

22 A. I saw the top of the demonstrative
23 shows which elements of the work were performed
24 and factored into each of the individual

1 categories.

2 And then the table below it provides the
3 comparison between the attribution calculations
4 that Mr. Gobelman made and the calculations that I
5 had made.

6 It simply demonstrates how if there's a
7 difference in any one of the individual
8 construction element attributions, it will end up
9 being reflected as a change in all of the general
10 site attributions that were made.

11 Q. Okay. So, it's all connected?

12 A. Yes.

13 Q. Is that a good way to put it? Okay.

14 And that's true, with respect to all of these
15 oversight support services task buckets, type 3
16 prep, Site 6 prep, site 3-6 prep, health and
17 safety, Site 3 oversight, Site 6, oversight and
18 legal; is that correct?

19 A. That's correct.

20 Q. Okay. A couple of last questions.

21 In your attributions, if your numerator is
22 smaller, how does that affect your attribution,
23 with respect to calculations that you and Mr.
24 Gobelman did?

1 A. It would make them smaller.

2 **Q. Okay. And if your denominator is**
3 **larger, how does it impact them?**

4 A. It would also make them smaller.

5 MS. BRICE: I have no further
6 questions.

7 HEARING OFFICER HALLORAN: Ms.
8 O'Laughlin, do you need a few moments?

9 MS. O'LAUGHLIN: We can take a break.

10 HEARING OFFICER HALLORAN: What are
11 you thinking, 15 minutes, no longer. Thank you.

12 Pam, we're leaving for 15. Off the
13 record. Thank you.

14 (Recess taken.)

15 HEARING OFFICER HALLORAN: We're
16 going back on the record. We have Ms. O'Laughlin
17 crossing JM's rebuttal expert, Mr. Dorgan. You
18 may proceed. Thank you.

19 CROSS REBUTTAL EXAMINATION

20 BY MS. O'LAUGHLIN:

21 **Q. Good afternoon, Mr. Dorgan.**

22 A. Good afternoon.

23 **Q. You testified that you had relied on**
24 **AECOM to provide you a CAD file in the production**

1 of your map?

2 A. That's correct.

3 Q. Okay. And did you produce that CAD
4 file to IDOT?

5 A. I believe we produced the CAD file to
6 you in my depositions.

7 Q. And would that deposition have
8 occurred on June 12th, 2019?

9 A. Sounds about right.

10 Q. It's your second deposition, at least
11 that's what my notes reflect. During that
12 deposition, it came out that a CAD file was never
13 produced to IDOT?

14 MS. BRICE: Objection. That
15 misrepresents the record.

16 HEARING OFFICER HALLORAN: Ms.
17 O'Laughlin?

18 MS. O'LAUGHLIN: That's
19 correspondence between the parties.

20 HEARING OFFICER HALLORAN: I didn't
21 hear what Ms. Brice was saying. It misrepresents
22 evidence?

23 MS. BRICE: It misrepresents
24 correspondence between the parties. I have an

1 e-mail where we discussed it.

2 We had produced it printed format, and
3 we showed we produced some of those earlier, 67
4 documents and showed them to some of the
5 witnesses. They had the CAD drawings on them.

6 MS. O'LAUGHLIN: Okay, it's a
7 speaking objection where she's putting in her
8 argument.

9 HEARING OFFICER HALLORAN: I'm trying
10 to figure out what you're trying to get at, what
11 question, because --

12 MS. O'LAUGHLIN: Can I ask the
13 question?

14 HEARING OFFICER HALLORAN: Go ahead,
15 and then Ms. Brice can made an objection. I'm not
16 sure what you were asking.

17 BY MS. O'LAUGHLIN:

18 **Q. What is a is CAD file?**

19 A. A CAD file is a digital format of a
20 document that's created inside the AutoCAD
21 software.

22 **Q. And you relied on that CAD file in**
23 **the production of your map that you produced in**
24 **your expert report in this second round of**

1 **hearings?**

2 A. That's correct.

3 Q. As we were discussing -- before the
4 objection. It was discovered during your June
5 2019 deposition that Johns Manville had not
6 produced this CAD electronic file to IDOT; is that
7 true?

8 HEARING OFFER HALLORAN: Ms. Brice?

9 MS. BRICE: That's okay. As long as
10 she is having it identified by the electronic
11 aspect of the file, I'm okay with the question.

12 HEARING OFFICER HALLORAN: Thank you.

13 BY MS. O'LAUGHLIN:

14 Q. So, the electronic file, we
15 discovered during you June 2019 deposition, had
16 not been produced to IDOT; is that your
17 recollection?

18 A. I believe at the deposition we had
19 discussion as to whether it had; and if it had
20 not, that we would. I believe we subsequently
21 did.

22 Q. You subsequently produced that
23 electronic file to IDOT after your June 2019
24 deposition?

1 A. That's correct.

2 Q. Okay. And your expert report, in the
3 second round, is dated June 13, 2018; is that
4 correct?

5 A. That's correct.

6 Q. And your expert rebuttal report is
7 October 25th, 2018, and your expert rebuttal
8 supplemental is dated April 30th, 2019; is that
9 correct?

10 A. Those sound like the correct dates.

11 Q. And all those dates occur before June
12 of 2019?

13 A. That's that correct.

14 Q. You spent some time going over --
15 turning to Exhibit 208-11 and 208-9 --

16 A. Yes.

17 Q. You identified those?

18 A. Yes, I believe we discussed those
19 previously.

20 Q. And you spent some time going over
21 the differences of both of these between the AECOM
22 property line and features, the Gobelman property
23 line features, the first report and the property
24 line -- Gobelman's property line features from the

1 supplemental report.

2 And they are demonstrated with different
3 colors. You talked about this on your direct
4 testimony.

5 A. Yes, I did.

6 Q. Okay. Have you ever -- so, looking
7 at this 208-11, so Mr. Gobelman's supplemental
8 report is in blue, and AECOM's property line is in
9 yellow.

10 HEARING OFFICER HALLORAN: Ms.
11 O'Laughlin, you might want to point your head
12 towards the direction of the speaker.

13 MS. O'LAUGHLIN: Thank you.

14 BY MS. O'LAUGHLIN:

15 Q. Now, this exhibit -- so, the blue is
16 Gobelman's supplemental, which is the one he's
17 adopting; and the yellow is AECOM. And in blue,
18 are lines east of the yellow borings, like for
19 instance B3-50 yellow is west of B3-50 blue.

20 Is that an accurate description of this
21 figure?

22 A. Yes.

23 Q. Okay. And when some of these match
24 up -- excuse me, strike that.

1 On this Figure B3-45 called just
2 "Gobelman Supplemental Report" falls just outside
3 0393; is that correct, based on this figure?

4 A. Yes, it is.

5 Q. You heard Mr. Gobelman testified that
6 he included B3-45 in IDOT'S in the allocation?

7 A. Yes, I did.

8 Q. Have you ever gone through the
9 exercise of calculating the difference in
10 Gobelman's damages if he had used AECOM's map as
11 opposed to his supplement base map?

12 A. No.

13 Q. Now in all of your three reports --
14 maybe I'm wrong about this, you do not have a
15 bibliography. I'm pretty sure it's not in your
16 rebuttal report or rebuttal supplement report.

17 If you have those before you, you can
18 look at them be, Exhibit 204, Exhibit 206 and 208.

19 A. Is this out on the table?

20 Q. Did you include a bibliography in any
21 of your reports?

22 A. I did not.

23 Q. Turning to page 206-13, which would
24 be your rebuttal report?

1 A. Yes.

2 Q. Starting in the middle of the page of
3 Section 2.5.21 AT&T, the last sentence of the
4 first paragraph, can you read that?

5 A. "As a result, Mr. Gobelman" --

6 Q. Nope. I must have misdirected you.
7 The last sentence of the first paragraph of -- it
8 begins with "Based on the record." 2.5.21
9 first paragraph, last sentence.

10 A. The second to last sentences, just to
11 clarify, but I can read it, if you like.

12 Q. You are right. Yes, the last two
13 sentences?

14 A. "Based on the record, AT&T lines do
15 not run entire length of north and south corridor
16 in Site 6. As a result, Mr. Gobelman's
17 calculations is incorrect."

18 Q. Where in the record is that
19 information?

20 A. I believe it's in the final report
21 that was prepared by AECOM.

22 Q. But you do not have a citation here,
23 do you?

24 A. No, I do not.

1 **Q. If you can go to 206-14, and if you**
2 **could read the first full sentence on this page?**

3 A. These assumptions are inaccurate,
4 based upon the record.

5 **Q. And in this section, you're**
6 **discussing utility ACM's soil excavation; is that**
7 **correct?**

8 A. That's correct.

9 **Q. Where in the record -- where in the**
10 **record are you referring to?**

11 A. I do have a citation to Mr.
12 Gobelman's deposition as a footnote at the bottom
13 of the page is how I did my citations and
14 references for this report; and then, of course,
15 the final report that would have been prepared by
16 AECOM.

17 **Q. Okay. So, the final report is**
18 **approximately how large of a document?**

19 A. Very large.

20 **Q. Several binders large?**

21 A. Several binders large.

22 **Q. But yet you can't cite where in the**
23 **record of this entire case. You did not cite --**
24 **for the record, for this entire case, the**

1 **citation; isn't that true?**

2 A. That's true.

3 Q. **Also turning to Figure 1 of your 204,**
4 **your first report, in this second round. 204-38.**

5 A. Yes, I'm there.

6 Q. **Where is the ramp work? Where is the**
7 **ramp work displayed in this in Figure 1?**

8 A. The ramp is not specifically to be
9 labeled, but it's represented by the green
10 embankment that is present on Site 3.

11 Q. **And how about 240 -- did I say 38 or**
12 **39?**

13 A. The one I just looked at was 38.

14 Q. **Okay. Similarly, how about on**
15 **204-39?**

16 A. Same answer.

17 Q. **Where in the record is the ramp work**
18 **discussed?**

19 A. The ramp work is discussed in the
20 AECOM final report, and it was discussed in the
21 documentation that Dr. Ebihara provided regarding
22 the cost tabulations for the site.

23 Q. **Okay. So, you relied upon Ebihara's**
24 **calculations.**

1 **Did you review the 10,000 photographs**
2 **that Johns Manville produced to IDOT in this**
3 **matter?**

4 A. No.

5 **Q. You relied on Mr. Peterson's**
6 **separation of the photographs for id'ing, flagging**
7 **of the photographs; isn't that true? You didn't**
8 **-- you didn't through the exercise of looking at**
9 **all the photos too -- to come up with the photos**
10 **that Johns Manville used during this hearing;**
11 **isn't that true?**

12 A. I did not look at every photo but I
13 did ask for those that related to the specific
14 questions that I had of Mr. Peterson regarding the
15 work that was done and for the Site 6
16 right-of-way.

17 **Q. Because that's a (inaudible) area,**
18 **isn't that true? So you just selected the items**
19 **that supported your theory Mr. Dorgan, correct?**

20 A. I was looking at the photographs of
21 the work that was completed was relevant to my
22 review.

23 **Q. The work required by USEPA, the ones**
24 **that are pertinent to this action are Sites 3 and**

1 Site 6, there are other sites involved but those
2 are not at play in this, in this proceeding.

3 USEPA required a clean corridors that
4 fall in Sites 3 and Site 6; isn't that true?

5 A. Yes, that's true.

6 Q. USEPA required clean corridors
7 throughout Sites 3 and Sites 6; isn't that
8 correct?

9 A. Yes, certain features on Site 3 and
10 Site 6.

11 Q. They did not require clean corridors,
12 only in those areas where the borings -- even
13 under your expanded area, where IDOT is liable.

14 They did not require clean corridors,
15 only in claimed IDOT areas of liability; isn't
16 that true?

17 MS. BRICE: Objection, vague.
18 Confusing. Compound.

19 HEARING OFFER HALLORAN: I kind of
20 lost it, too, Ms. O'Laughlin. Can you rephrase
21 that, please?

22 MS. O'LAUGHLIN: Yes. Yes. Thank
23 you.

24 BY MS. O'LAUGHLIN:

1 Q. So your theory -- you have your IDOT
2 area of liability, which includes 1S through 8S
3 and all of 0393; is that accurate?

4 A. For certain elements of the work.

5 Q. Okay. And USEPA required a clean
6 corridors for utilities that go beyond those areas
7 I just mentioned; isn't that true?

8 A. In some instances, yes.

9 Q. And the site is defined by the Site 3
10 boundaries, not by figuring that, quote-unquote,
11 IDOT area of liability?

12 A. I'm sorry, I'm not sure I understand.

13 Q. I apologize. USEPA -- how was Site 3
14 defined? Who defines Site 3?

15 A. I'm not exactly sure when Site 3 got
16 defined, but it was many years ago during earlier
17 phases of the work.

18 Q. Okay. But the clean corridor
19 requirement is driven by all of Site 3; isn't that
20 true, Mr. Dorgan?

21 MS. BRICE: Objection,
22 mischaracterizes his testimony.

23 HEARING OFFICER HALLORAN: He can
24 answer, if he's able. Mr. Dorgan?

1 THE WITNESS: I believe I testified
2 previously that clean corridors were required for
3 certain utilities that are present on Site 3 --

4 BY MS. O'LAUGHLIN:

5 Q. And, similarly, that USEPA remedy for
6 Site 6 is for a larger area of Site 6 than 1S to
7 8S?

8 A. That's correct.

9 Q. Okay. And the clean corridors are
10 required because USEPA wanted to minimize the
11 potential for exposure to ACM material to workers
12 that may be working at a particular utility; is
13 that correct?

14 A. That was one of the criteria, yes.

15 Q. Okay. I'd like to hand you what was
16 introduced in your direct examination. Exhibit
17 21B- -- okay, so it's a cover page 21B-1, cover
18 page and then 21B-30 which would have been within
19 the document.

20 Do you remember testifying about these,
21 Mr. Dorgan?

22 A. Yes, I do.

23 Q. If you can turn to 21B-30, and go to
24 the bottom right of the page. You see there's a

1 **box, and in that box it beings "for"; do you see**
2 **that?**

3 A. I do.

4 Q. **What is in the box?**

5 A. It says, "For information only."

6 Q. **Thank you. Exhibit 204-40. What is**
7 **this again, for the record?**

8 A. This is a plan and profile for Detour
9 Road A.

10 Q. **Okay. And you see at the bottom part**
11 **of this figure. What does the bottom part of this**
12 **figure -- what does this depict?**

13 A. It's a profile for the length of the
14 Detour road.

15 Q. **And this information also shows how**
16 **much fill is needed; isn't that true?**

17 A. That's correct.

18 Q. **Okay. So this is the amount of fill**
19 **needed for Detour Road A?**

20 A. That's correct.

21 Q. **And you can see the amount of fill**
22 **needed for Detour Road A is the amount reflected**
23 **in this document; is that true?**

24 A. To be accurate, what that figure is

1 showing is the existing ground surface, relative
2 to the proposed grade of the road.

3 So, the difference between the two would
4 be worth building.

5 Q. Okay. And at 7 plus 0, and that
6 reflects 7 plus 0 staging up on Greenwood Avenue;
7 is that correct? Where is 7.0?

8 A. 7.0 would at the very western end of
9 Detour Road A.

10 Q. Okay. And how much fill would be
11 required there? It looks to me -- may I approach.
12 How much fill is needed at Station 7 for Detour
13 Road A?

14 MS. BRICE: I would like to just
15 object. She's asking for quantified fill amounts,
16 based upon the figure.

17 HEARING OFFICER HALLORAN: I couldn't
18 hear you at all, Ms. Brice. I had a train and
19 your voice was lowered.

20 MS. BRICE: I'm sorry. I was just
21 objecting to the extent this goes beyond the
22 testimony, to the extent she's asking him to
23 quantify fill amounts on this figure.

24 HEARING OFFICER HALLORAN: Ms.

1 O'Laughlin?

2 MS. O'LAUGHLIN: This goes directly
3 to their argument about fill. It's a document
4 that they -- that he testified about on his direct
5 examination.

6 HEARING OFFICER HALLORAN: Overruled.
7 You may comment. Mr. Dorgan, answer the question,
8 please.

9 THE WITNESS: I can't quantify fill
10 volumes because that's not what this document
11 does. All I can say is that this shows that
12 approximate three-and-a-half feet of fill would
13 have been needed at this location.

14 BY MS. O'LAUGHLIN:

15 Q. And how about at 8, approximately?

16 A. About roughly five feet.

17 Q. And how about 6 plus 50, how much
18 fill would be needed? Not volume, depth?

19 A. I don't know.

20 Q. Does this figure show that any
21 cross-section that any key reference that figure
22 use (inaudible), 204-40, that he just testified
23 about.

24 Does this figure show that a cut was

1 **needed?**

2 A. No.

3 (Off the record)

4 HEARING OFFICER HALLORAN: We are
5 back on the record now. Ms. O'Laughlin is
6 continuing her cross.

7 BY: MS. O'LAUGHLIN:

8 Q. I just have on more question and it's
9 back to Exhibit 204-40.

10 No does this figure show -- does this
11 figure show that any -- that there's any
12 unsuitable material that needs to be removed?

13 A. No.

14 MS. O'LAUGHLIN: I have no further
15 questions.
16 Thank you, Mr. Dorgan.

17 HEARING OFFICER HALLORAN: Thank you.
18 Ms. Brice?

19 MS. BRICE: Okay. I am ready.

20 HEARING OFFICER HALLORAN: Okay.
21 We're back on Pam.

22 REDIRECT REBUTTAL EXAMINATION.

23 BY MS. BRICE:

24 Q. Okay. Mr. Dorgan if you put Exhibit

1 204-40 together with 204-41A and you look over
2 here and the semi (inaudible) area, does there
3 need to be a cut of unsuitable material done?

4 A. Yes.

5 Q. Same for 6X?

6 A. Yes.

7 Q. So you kind of have to look at these
8 two things together; isn't that true?

9 A. They're really depicting two elements
10 of that construction effort and focusing on
11 Greenwood Avenue and the other Detour Road A.

12 Q. Okay. But they around -- they are
13 close to each other. They are right -- this is
14 all happening right at the same --

15 A. There is intersectionality where the
16 roads intersect.

17 Q. Okay. Thank you.

18 MS. O'LAUGHLIN: Objection. I believe
19 the question was vague. I would like to have my
20 objection noted for the record.

21 HEARING OFFICER HALLORAN: Okay.
22 Overruled.

23 MS. BRICE: I am sorry I didn't
24 understand the objection.

1 HEARING OFFICER HALLORAN: Overruled.

2 Vague. Overruled.

3 BY MS. BRICE:

4 Q. Mr. Dorgan -- --

5 (Technical problem with connection)

6 HEARING OFFER HALLORAN: We're going
7 to mute you Pam.

8 (The record was re-created)

9 BY MS. O'LAUGHLIN:

10 Q. Mr. Dorgan, Exhibit 204-40, does this
11 document -- does this Exhibit -- does this show
12 that unsuitable material needs to be removed?

13 A. No.

14 MS. O'LAUGHLIN: Pam No further
15 questions.

16 MS. BRICE: Susan coming back for
17 redirect.

18 Okay?

19 REDIRECT REBUTTAL EXAMINATION

20 BY MS. BRICE:

21 Q. I'm going to ask Mr. Dorgan a couple
22 of questions about this Exhibit 204-40 and
23 204-41A, and my questions were: Mr. Dorgan, on
24 these two figures up at top where we have Site 6,

1 are we generally depicting the same area around
2 4S, 5S and 6S?

3 A. Yes.

4 Q. Okay. On 204-41A under 7S, did you
5 have to remove unsuitable material in order to
6 build up that area?

7 A. Yes.

8 Q. How about under 6S, did you have to
9 remove unsuitable material in order to build back
10 up that area?

11 A. Yes.

12 Q. And I believe you said about somebody
13 about intersectionality.

14 Can you please elaborate what you're
15 talking about, because there's been a lot of
16 confusion about how these two figures relate to
17 each other.

18 If you could please explain that, I think
19 it would be helpful for everyone?

20 A. Figure 204-40 is a plan of profile
21 for Detour Road A. 204-41A is the plan profile
22 for Greenwood Avenue, and the two of them
23 intersect at the boundary of Site 3 and Site 6,
24 where Detour Road A transitions into Greenwood

1 Avenue's right-of-way to match up with Greenwood
2 Avenue.

3 Q. Okay. And, so, how do they relate to
4 each other, the two exhibits?

5 Are they both showing that intersection,
6 but one is the looking at the cross-section of
7 Detour Road A, and that is 204-40, and the other
8 is looking at the cross-section the same way as
9 204-41A at the intersectionality at Site 6
10 Greenwood Avenue?

11 A. That's correct.

12 Q. Thank you. Ms. O'Laughlin asked you
13 about some -- whether or not you had a
14 bibliography.

15 I believe in each of your reports, you
16 have a whole section and discussion about
17 information you considered; isn't that correct?

18 A. That's correct.

19 Q. And you also have footnotes that
20 refer to specific documents that you reviewed that
21 supported various statements you were making and
22 opinions you were drawing?

23 A. That's correct.

24 Q. And Dr. Ebihara and Mr. Peterson

1 testified about the lack of work relating to soil
2 removal and soil filling on the north and south
3 side of Site 6, that that was not done for the
4 entire stretch of the north side and south side of
5 Site 6?

6 A. Yes, they did.

7 Q. And with respect to clean corridors,
8 I believe we talked about this in your initial
9 testimony.

10 Were clean corridors required when there
11 was ACM found somewhere along the line?

12 A. Yes.

13 MS. BRICE: No further questions.

14 HEARING OFFICER HALLORAN: Thank you,
15 Ms. Brice. Ms. O'Laughlin?

16 RECROSS REBUTTAL EXAMINATION

17 BY MS. O'LAUGHLIN:

18 Q. So, Mr. Dorgan, you testified about
19 204-41A and the need for removal of unsuitable
20 material.

21 This document is now called the as-built
22 plan; is that correct?

23 A. That is a representation of the
24 as-built plans in order to blow it up and make it

1 more easily visible.

2 Q. This is a document that Weaver
3 Consultants created; is that correct?

4 A. That's correct.

5 Q. The note said it was adopted from
6 IDOT plans; is that correct, on the top left?

7 A. That's correct.

8 Q. And it was drawn by RND/JDT?

9 A. That's correct.

10 Q. And who would that be?

11 A. I'm assuming RD -- or RHD is Ryan
12 Dutton. JT would be James Trease.

13 Q. Okay. All employees are with Weaver
14 Consultants; is that true?

15 A. That's correct?

16 Q. And approved by DDG, which would be
17 yourself?

18 A. That's correct.

19 Q. Okay.

20 MS. O'LAUGHLIN: I have no further
21 questions.

22 HEARING OFFER HALLORAN: Thank you,
23 Ms. O'Laughlin.

24 Ms. Brice?

1 FURTHER REDIRECT REBUTTAL EXAMINATION

2 BY MS. BRICE:

3 Q. One question. We're going to the
4 same figure Mr. Dorgan.

5 Understandably, this Figure 4 is
6 something you created, but at the bottom part of
7 Figure 4 is a -- what? What is it based on?

8 A. It's a representation of the as-built
9 drawing.

10 Q. And is that 21A-26?

11 A. I believe that's correct.

12 Q. And did you make any modifications to
13 21A-26, as I believe Ms. Ryan testified she worked
14 on this?

15 There were a lot of things done, with
16 respect to how they were represented here on your
17 figure?

18 A. I believe so.

19 Q. And 21A-26 was from the as-built
20 drawings; is that correct?

21 A. That's correct.

22 MS. BRICE: That's all I have.

23 FURTHER RECROSS REBUTTAL

24 BY MS. O'LAUGHLIN:

1 Q. This portion is for 21A-26; am I
2 understanding that correctly?

3 A. That's correct.

4 Q. But what is missing is the
5 for-information-only box; is that true?

6 A. There is no for-information-only box
7 on that figure.

8 Q. And the full document 21A-26 has
9 for-information-only; is that correct?

10 A. That's correct.

11 Q. In your opinion, is somebody that
12 didn't work on the project in 1970, can they know
13 what "for information only" means on the document?

14 MS. GALE: Objection, speculative.

15 HEARING OFFICER HALLORAN: I'll allow
16 him to answer, if he's able.

17 THE WITNESS: I'm not entirely sure
18 what the relevancy is.

19 MS. O'LAUGHLIN: I'm done.

20 HEARING OFFICER HALLORAN: JM, have
21 you finished your case? We still have to talk
22 about the exhibits.

23 MS. BRICE: Other than the exhibits,
24 yes.

1 HEARING OFFICER HALLORAN: I think
2 there was a couple more proffers. I think Ms.
3 Gale can address that.

4 Also, like yesterday, she's going to read
5 them into the record. Thank you Ms. Gale you have
6 the floor.

7 MS. GALE: We move to admit -- what
8 I'm am going to say is I'm going to say the new
9 exhibits we talked about I'll move to admit, and
10 then I will list all of the exhibits collectively,
11 so that way it's a full package.

12 The new exhibits I move to admit, we will
13 proffer, just to make sure: 64, USEPA
14 correspondence dated February 1st, 2012;
15 Exhibit 217, Gobelman figures; Exhibit 229E-335
16 through 339, and that's it.

17 So, now, my understanding we're just
18 taking a minute to check.

19 MS. BRICE: Those are the exhibits
20 subject to the objections, our standing
21 objections. So, I am now going to read them
22 collectively. I'm just going to read the numbers
23 that were on the joint exhibit list filed with the
24 Board on September 1st, 2020; and the new ones

1 that are not on the list, I'll read the
2 description as well. Okay?

3 Exhibit 21A, 21B, 64, 65, 67, 79, 84,
4 120, 202, 203, 204, 206, 208, 209, 213, 214, 217,
5 221, 225, 227, 229E-335 through 339, and 229E-374
6 and 375, 229F-377 and 365. And then we have
7 Exhibit 21A-26A, which is a blow-up and an agreed
8 modification of 21A-26.

9 We then have Exhibit 204-41A, which is a
10 demonstrative blowup of 204-41, which is
11 Mr. Dorgan's hand drawing, which he testified to
12 during his direct testimony.

13 Then we have Exhibit 245, which is
14 another demonstrative drawing. Exhibit 245, which
15 is entitled "Task Buckets used as inputs by both
16 experts to be used to determine oversights and
17 support services task bucket attributions."
18 That's it.

19 HEARING OFFICER HALLORAN: Thank you.
20 I think they are agreed to by IDOT. Thank you.

21 (Break was taken.)

22 HEARING OFFICER HALLORAN: We're going
23 back on the record very briefly. Ms. O'Laughlin is
24 going to read her exhibit list.

1 You may proceed.

2 MS. O'LAUGHLIN: This is Ellen
3 O'Laughlin on behalf of IDOT and moving exhibits
4 into evidence from the joint exhibit list. All the
5 exhibits that are referenced on the first page
6 that have already been admitted into the first
7 part of the hearing we are moving those in. In
8 addition to those are Exhibit 202, Exhibit 205,
9 Exhibit 207, Exhibit 216.

10 HEARING OFFICER HALLORAN: Okay. I
11 would ask both parties -- I am sorry go ahead.

12 MS. O'LAUGHLIN: And I did not mention
13 exhibits that are already being moved into
14 evidence by witnesses. (Inaudible)

15 MS. BRICE: Obviously subject to our
16 continuing objections with respect to some of
17 those exhibits.

18 MS. O'LAUGHLIN: And likewise IDOT
19 will be maintaining our objections.

20 HEARING OFFICER HALLORAN: As everyone
21 knows there has been standing objections based on
22 certain things that are located throughout the
23 transcript. I will ask the parties to email me or
24 scan me their exhibit list that they just read in

1 and hopefully within the next, lets say eight or
2 nine days to try to get the briefing schedule to
3 me.

4 I do want to thank everybody for
5 their professionalism, civility, it is a very
6 complicated case. A shout out to Drew for
7 yesterdays help and thank you so much. Bye bye.

8

9 (Which were all the proceedings
10 had.)

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1 STATE OF ILLINOIS)

2 COUNTY OF C O O K)

3 I, Pamela A. Marzullo, Court Reporter,
4 certify that I was authorized to and did
5 stenographically report the foregoing proceedings;
6 and that the transcript is a true and complete
7 record of my stenographic notes.

8

9 I further certify that I am not a
10 relative, employee, attorney or counsel of any of
11 the parties, nor am I relative or employee of any
12 of the parties' attorney or counsel connected with
13 the action, nor am I financially interested in the
14 actions.

15

16 Dated this 4th day of November 2020.

17

18

PAMELA A. MARZULLO

19

Notary Public

20

GG 156897

21

My Commission expires 10/31/2022

22

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