

1 A P P E A R A N C E S:

2 ILLINOIS POLLUTION CONTROL BOARD,
3 100 West Randolph Street
4 Suite 11-500
5 Chicago, Illinois 60601
6 (312) 814-8917
7 BY: MR. BRADLEY HALLORAN,

8
9 ILLINOIS POLLUTION CONTROL BOARD MEMBERS PRESENT:
10 Ms. Jennifer A. Burke, Board Member
11 Ms. Carrie Zalewski, Board Member

12
13 BRYAN CAVE, LLP,
14 161 North Clark Street
15 Suite 4300
16 Chicago, Illinois 60601-3315
17 (312) 602-5079
18 susan.brice@bryancave.com
19 lauren.caisman@bryancave.com
20 BY: MS. SUSAN BRICE and
21 MS. LAUREN J. CAISMAN,

22
23 Appeared on behalf of the Complainant;

24
25 OFFICE OF THE ATTORNEY GENERAL,
26 STATE OF ILLINOIS
27 69 West Washington Street
28 Suite 1800
29 Chicago, Illinois 60602
30 (312) 814-3153
31 emcginley@atg.state.il.us
32 eolaughlin@atg.state.il.us
33 BY: MR. EVAN J. MCGINLEY and
34 MS. ELLEN F. O'LAUGHLIN,

35
36 Appeared on behalf of the Respondent.

1 A P P E A R A N C E S: (Continued)

2

ALSO PRESENT:

3

Mr. Douglas G. Dorgan, Jr., Weaver Consultants Group

4

Mr. Mark Dougherty, IDOT

Mr. Tatsuji Ebihara, AECOM

5

Mr. Steven Gobelman, P.E., Andrews Engineering, Inc.

Mr. Jonathan Huff, Extern

6

Mr. Brent A. Tracy, Johns Manville

Ms. Amy Zayez, Extern

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

PAGES

Introduction by Hearing Officer Halloran... 5 - 5

Redirect Examination of Mr. Gobelman..... 6 - 15

Recross-Examination of Mr. Gobelman..... 16 - 33

Cross-Examination of Mr. Ebihara..... 39 - 49

Redirect Examination of Mr. Ebihara..... 50 - 53

Cross-Examination of Mr. Dorgan..... 54 - 60

Redirect Examination of Mr. Dorgan..... 61 - 64

Recross-Examination of Mr. Dorgan..... 65 - 69

Re-redirect Examination of Mr. Dorgan..... 70 - 71

Direct Examination of Mr. Stoddard..... 72 - 81

Cross-Examination of Mr. Stoddard..... 82 - 101

Direct Examination of Mr. Tracy.....102 - 107

Cross-Examination of Mr. Tracy.....108 - 112

Redirect Examination of Mr. Tracy.....113 - 114

Cross-Examination of Mr. Stoddard.....115 - 180

Direct Examination of Mr. Dorgan.....184 - 239

Admission of Exhibits.....241 - 264

Hearing Officer Concluding Remarks.....264 - 269

Court Reporter's Certificate.....270 - 270

1 HEARING OFFICER HALLORAN: Hi.
2 Good morning, everybody. Today is June 24,
3 2016. We are here on the matter of Johns Manville,
4 Petitioner, versus Illinois Department of
5 Transportation, Respondent, PCB 14-3. It's a
6 citizen's enforcement.

7 This hearing is continued on
8 record from yesterday, June 23, 2016. Yesterday,
9 it was in Room 9-31. We continued on record to
10 this room, 2-25. For those of you who don't know,
11 this is the state's vaccination room. So I'm sure
12 everything is sterile by now.

13 But in any event, I think
14 Mr. Gobelman is on the stand and he is under
15 redirect by Ms. O'Laughlin, IDOT's attorney.
16 If you just raise your hand and Lori will swear
17 you in again. Thank you.

18 THE COURT REPORTER: Do you swear
19 the testimony you're about to give will be the
20 truth, the whole truth and nothing but the truth,
21 so help you God?

22 MR. GOBELMAN: Yes.
23 (Witness sworn.)

24

1 WHEREUPON:

2 S T E V E N G O B E L M A N

3 called as a witness herein, having been first duly
4 sworn, deposeth and saith as follows:

5 R E D I R E C T E X A M I N A T I O N

6 by Ms. O'Laughlin

7 Q. Good morning.

8 A. Good morning.

9 Q. Yesterday, Johns Manville asked
10 you some questions about the parking lot and
11 your opinion that fill was needed to create the
12 parking lot.

13 Do you recall that?

14 A. Yes.

15 Q. Okay. And what is your opinion
16 regarding fill and the fill needed to -- to
17 raise the level for the parking lot?

18 A. Well, based upon the topographic
19 maps and the aerial -- historical aerial
20 photographs, you know that area was all low line
21 area and at some point in time, fill material had
22 to be brought in or utilized from somewhere
23 to raise that area up to be utilized as a parking
24 surface eventually for Johns Manville.

1 Q. Can you turn to Exhibit 53N?

2 HEARING OFFICER HALLORAN: N as
3 in Nancy?

4 MS. O'LAUGHLIN: N as in Nancy.

5 HEARING OFFICER HALLORAN: Thank
6 you.

7 MS. BRICE: Is this on your
8 exhibit list?

9 MS. O'LAUGHLIN: I don't know.

10 MS. CAISMAN: It's not.

11 MS. BRICE: It's not. Just for
12 the record, it's not on her exhibit list.

13 HEARING OFFICER HALLORAN: It's
14 so noted, Ms. Brice.

15 BY MS. O'LAUGHLIN:

16 Q. And what is the date of this
17 photograph?

18 A. It -- it says that it's the year
19 1954.

20 Q. Okay. And does the parking lot --
21 can you look at this photograph and tell us
22 whether the parking lot existed in 1954?

23 A. Based on looking at this photograph,
24 it does not appear that the parking lot existed

1 in 1954.

2 Q. Okay. And do you refer to a 1954
3 photograph in your report regarding your opinion
4 and the need for fill to raise the level?

5 A. I believe so.

6 Q. Can you turn to Pages 7 to 8 of your
7 report, Exhibit 8?

8 A. Okay. What page?

9 Q. The bottom of Page 7 to Page 8,
10 specifically the first full sentence on Page 8.

11 A. Page 8 of the report or Page 8
12 of the exhibit?

13 Q. Oh, I'm sorry. Page 8 of the report.

14 A. Which is Page 10 of the exhibit.

15 Q. Okay. Thank you.

16 A. Okay.

17 Q. And so what is your opinion regarding
18 this area of the end fill?

19 A. I stated in my report that based on
20 the '54 aerial photo, the parking lot does not
21 exist.

22 Q. Okay. And yesterday in the
23 cross-examination, Johns Manville showed you a
24 picture of the parking lot that was a photograph

1 from their Johns Manville office.

2 Do you recall that?

3 A. Yes.

4 Q. And does that photo -- how does
5 that photo affect your opinion?

6 A. It doesn't affect my opinion. I
7 mean, at some point in time that area had to be
8 raised for a parking lot. The only -- the next
9 photo -- aerial photograph that I had, I think,
10 was '61 that showed it existing and being used.
11 So sometime between '54 and '61, a parking lot
12 had to be created.

13 Q. And so does it confirm your previous
14 opinion?

15 A. It -- it doesn't change it. It
16 still states that material had to be added to
17 that area to raise that area up to create a parking
18 lot.

19 Q. Thank you. In your opinion, in
20 your report when you refer to an embankment,
21 are you referring -- how do you use the term
22 embankment? Is it in reference to Sites 3 and
23 6 or in general to the project?

24 A. Well, the whole gist of the

1 rebuttal report was to rebut the original report
2 by Mr. Dorgan and the whole focus has always
3 been on Sites 3 and 6.

4 So not being a professional
5 expert witness, I just sort of referred it as
6 being the embankments referring to Sites 3 and --
7 the areas of Sites 3 and 4 embankments.

8 Q. Sites 3 and 4?

9 A. Sorry. Three and 6.

10 Q. And does your report address what
11 the contractor obviously -- ultimately did with
12 any pipes he might have encountered during the
13 project?

14 A. No. It only stated that it went
15 into the embankments, which was associated with
16 3 and 6.

17 Q. Okay. Turning to Exhibit 19, which
18 is the -- it's been called the spec book.

19 A. Okay.

20 Q. Turning to 19-12.

21 A. Okay.

22 Q. Yesterday, you were asked about
23 the term "engineer" and, you know, in the interest
24 of economy, we won't read these again, but do you

1 say the term "engineer" used in these -- in this
2 spec book?

3 A. Yes.

4 Q. What is meant by engineer?

5 A. The engineer is and throughout the
6 entire document is the department's chief engineer.
7 So it would be the Chief of Highways would be the --
8 it's considered the engineer and as such, he then
9 can delegate any of these responsibilities to any
10 other engineer that he -- they see fit.

11 Q. Okay.

12 A. But the spec book doesn't have
13 the definition -- this is not a complete '71
14 spec book, but, you know, just like in the
15 current spec book, it has definitions who the
16 engineer is and it's always the chief engineer
17 of the department.

18 Q. And is that different than the
19 resident engineer, which would have been Mapes
20 in this project?

21 A. Yes.

22 Q. So it's not the resident engineer
23 that's being referred to in this spec book; is
24 that right?

1 A. It's being -- it's referring to the
2 chief engineer of highways and then in construction,
3 he delegates -- in essence, delegates authorities
4 to the district construction engineer who then sort
5 of trickles down.

6 So there are a lot of different
7 pieces in the spec book who are called the engineer
8 who have the responsibilities of different pieces
9 regarding -- you know the resident engineer is
10 the engineer associated with construction work.
11 The materials engineer is the engineer that's
12 referred to here as the engineer dealing with
13 certifying materials to be used on road
14 construction.

15 So they are all a lot of
16 different people that are then certified in
17 delegating that responsibility down that meet
18 the engineering requirement.

19 Q. Okay. Thank you. If you could,
20 turn to Exhibit 74.

21 A. Okay.

22 Q. What is this document?

23 A. It's a report by LFR, results from
24 a power line excavation along Greenwood Avenue

1 ramp adjacent to the southwest site areas.

2 Q. If you could, turn to exhibit --
3 Page 74-4.

4 A. Okay.

5 Q. What is contained on 74-4?

6 A. It's showing the location of
7 the excavation providing the elevation of the
8 shoulder -- the surface elevation of where the
9 sample test pit was going to be done and then
10 the sort of the proximate surface elevation
11 of Site 3 in that area.

12 Q. Okay. And then turning to Page
13 74-8, please.

14 A. Yes.

15 Q. Do you see photograph five?

16 A. Yes.

17 Q. Can you describe that picture and
18 interpret it for us?

19 A. It's an excavation that the
20 description talks about viewing a piece of
21 Transite pipe protruding from the silting clay
22 soil.

23 Q. Is there a piece of pipe there or
24 piece of concrete or a chunk there?

1 A. There's a piece of concrete sticking
2 out of the wall of the excavation. Then there
3 is a crushed soda bottle on the surface by luck
4 or put there by choice to sort of give a scale
5 of the material.

6 Q. And now I'd like to pull out your
7 demonstrative exhibit, Exhibit 202.

8 A. 164?

9 Q. 202. I don't know if I kept a
10 copy here or not. No? Yes. Let's give you
11 both, Exhibit 202 and 164.

12 A. Okay.

13 Q. Okay. And so you prepared these
14 demonstratives; is that right?

15 A. Yeah.

16 Q. Okay. We've gone over that. So can
17 you go to where on the top left quadrant of this
18 document where it says LFR excavation?

19 A. Yes.

20 Q. To your understanding is that -- what
21 does that LFR excavation depict?

22 A. It's the boring location of where this
23 excavation occurred.

24 Q. This excavation, could you be more

1 explicit?

2 A. Well, in essence, it's showing
3 that the excavation is to the west of -- outside
4 of Site 6 to --

5 Q. I'm sorry. And is that the
6 photograph -- to your understanding, is that
7 the photograph that you just talked about?

8 A. Yes. It's the location from the
9 LFR excavation photograph that we were just
10 previously talking about, the location of that.

11 Q. And is that excavation on Site 6?

12 A. No.

13 Q. And is that excavation on Site 3?

14 A. No.

15 MS. O'LAUGHLIN: That's all we
16 have.

17 HEARING OFFICER HALLORAN: Thank
18 you. Very good.

19 MS. O'LAUGHLIN: Thank you.

20 HEARING OFFICER HALLORAN: Thank
21 you.

22 MS. O'LAUGHLIN: I get a gold star.

23 HEARING OFFICER HALLORAN: You do.

24 Ms. Brice?

1 MS. BRICE: Yes.

2 R E C R O S S - E X A M I N A T I O N

3 by Ms. Brice

4 Q. Let's just stick with what you were
5 looking at for a second, Mr. Gobelman.

6 A. Okay.

7 Q. You testified yesterday that you
8 did not authenticate the boring locations on
9 this Exhibit 202 or 164; isn't that correct?

10 A. I depicted some of the borings.
11 I didn't depict -- I didn't -- I didn't mark
12 all of the borings.

13 Q. Right. But you -- you -- I think
14 my question is slightly different. You said
15 you didn't authenticate where the borings were
16 located. That's what your testimony was yesterday.
17 Do you recall that?

18 A. I didn't authenticate the ones that
19 were marked by Mr. Dorgan's figure that I used.

20 Q. Okay. And his figure included the
21 LFR excavation; did it not?

22 A. Yes.

23 Q. Okay. So you didn't authenticate
24 the exact location of that boring when you placed

1 it here on your map?

2 A. No, I didn't.

3 Q. Okay. And I believe you testified
4 previously twice that you had no opinions about
5 this LFR Exhibit No. 74.

6 Do you recall that?

7 A. No.

8 Q. Okay. Let's look at your deposition
9 on Page 234.

10 A. Is that up here?

11 Q. It's Exhibit 4C.

12 A. 234?

13 Q. Yes. Exhibit 4C, Line 17.

14 A. Yes.

15 Q. Okay. And we were talking about
16 the July 8, 2008, LFR document, correct? It's
17 right there.

18 A. Not on Line 17, but okay.

19 Q. All right. It's Line 18.

20 A. Okay.

21 Q. On Line 18. Thank you. We're
22 talking about this document, right?

23 A. Yes. You asked a question or made
24 a statement.

1 Q. And I asked you if you had
2 reviewed this document before and you said,
3 "Yes, I believe I have seen this."

4 "Question: Okay. I have a
5 very simple question. Are you offering
6 any opinion in this case with respect
7 to this document?"

8 "Answer: I don't believe
9 it's offering anything in regards to
10 contradicting anything that's written
11 in here."

12 "Question: I'm sorry. I
13 didn't understand what you said."

14 "Answer: Well, it's referring
15 to utility lines. It does somewhat deal
16 with, you know, the utility lines were
17 being maintained and excavated."

18 "Question: Okay. But are you --
19 other than that, are you offering any
20 opinions or rebutting this in any way?"

21 "Answer: I do not believe I'm
22 specifically rebutting anything in here."

23 Do you see that?

24 A. Yes.

1 MS. O'LAUGHLIN: Objection.

2 That's not impeaching. We're using
3 the LFR document -- he's observing
4 and this is not impeaching his testimony.

5 MS. BRICE: He's using the
6 document -- he's discussing the document
7 and he's using the document to talk
8 about the location and to offer an
9 opinion about whether or not it's
10 on Site 3 or Site 6.

11 MS. O'LAUGHLIN: He's not
12 rebutting the LFR report.

13 HEARING OFFICER HALLORAN: Yes.
14 You know, I don't think he is rebutting
15 it and any kind of --

16 MS. BRICE: Well, he has said
17 offering any --

18 THE COURT REPORTER: One at a
19 time.

20 HEARING OFFICER HALLORAN: Excuse
21 me. I'm talking, Ms. Brice.

22 MS. BRICE: I apologize.

23 HEARING OFFICER HALLORAN: I
24 think if anything, it could be an alleged

1 inconsistency, but I don't think it's total
2 impeachment. You can bring it up in
3 your post-hearing brief, as I stated
4 yesterday. Okay. Sustained.

5 BY MS. BRICE:

6 Q. Okay. I'd like to talk a little
7 bit about some of the documents you went through
8 yesterday.

9 Could you please turn to Document
10 32?

11 HEARING OFFICER HALLORAN: Is
12 that Exhibit 32?

13 MS. BRICE: Yes.

14 BY THE WITNESS:

15 A. Okay.

16 BY MS. BRICE:

17 Q. Do you recall discussing this document
18 yesterday?

19 A. Vaguely, yes.

20 Q. All right. And this is the document
21 that you originally maintained contained a typo;
22 isn't that correct?

23 A. Yes.

24 Q. Okay. So what I'm just trying to

1 understand -- and this document has two sides, 31-1
2 and 31-2.

3 Since you have now said that
4 this document does not contain a typo, that you
5 were mistaken about that, are you relying on
6 this document in any way, shape or form in
7 offering your opinions?

8 A. I think I addressed that yesterday.

9 Q. I'm sorry. I -- yes or no, please.

10 A. Well, I would have to see what I
11 said yesterday.

12 Q. I think you just read portions of
13 the document.

14 A. Okay.

15 Q. I'm sorry. But you're sitting
16 here now and do you have an opinion? I would
17 hope that you would be able to tell me whether
18 or not you have an opinion on a document or
19 if you are relying on it or not?

20 A. I have no opinion regarding this
21 document.

22 Q. Okay. Are you relying on it in
23 any way, shape or form?

24 A. I don't see that I would be --

1 Q. Okay.

2 A. -- as I stated yesterday.

3 Q. Okay. And that's both Page 32-1
4 and 32-2?

5 A. Well, they are two separate change
6 orders. I'm not sure why they are put together
7 as one.

8 Q. Right. That's why I'm pointing you
9 to the second page.

10 A. I don't believe that was utilized in
11 any of my stuff in authorization 15.

12 Q. Okay. So you're not relying on 32-2
13 in any way, shape or form in this to organize your
14 opinion?

15 A. As part of my report, I don't believe
16 I utilized it.

17 Q. Okay. But as you sit here today,
18 you're not relying on it?

19 A. I don't think I said anything about
20 this.

21 Q. You did talk about it yesterday. You
22 read portions of it so I'm trying to understand --

23 HEARING OFFICER HALLORAN: Could
24 you keep your voice up, please, Ms. Brice.

1 MS. BRICE: Sure.

2 HEARING OFFICER HALLORAN: Thank
3 you.

4 MS. BRICE: Sure.

5 BY MS. BRICE:

6 Q. You read portions of it yesterday
7 so I'm trying to understand if you're relying on
8 it or not.

9 A. Well, I don't think I rendered any
10 opinion regarding it. I think I was just reading
11 what I was asked about.

12 Q. Understood. But I need to know if
13 you're relying on it because the document can be
14 used in post-hearing briefs so I'm trying to
15 understand if you're relying on it.

16 MS. O'LAUGHLIN: Objection. This
17 has been asked and answered several times
18 now.

19 HEARING OFFICER HALLORAN: Is
20 this outside of the scope of redirect?

21 MS. O'LAUGHLIN: No, it's not.

22 HEARING OFFICER HALLORAN: It's
23 still in?

24 MS. O'LAUGHLIN: Yes.

1 HEARING OFFICER HALLORAN: Yeah.

2 I --

3 MS. BRICE: I mean, he --

4 HEARING OFFICER HALLORAN: I
5 think you have. It sounds like he
6 answered the question. So maybe not to
7 your liking, but you can address that
8 in the post-hearing brief as well.

9 MS. BRICE: Okay.

10 BY MS. BRICE:

11 Q. If you could turn in the same book,
12 please, to Exhibit 34. Do you recall discussing
13 this document yesterday?

14 A. Yes.

15 Q. Thank you. I would just like to
16 direct your attention to the fact that some of
17 the things left to be done on this document
18 include detour, removal and obliteration.

19 Do you see that?

20 A. Yes.

21 Q. Okay. So at this point in time
22 in September of 1974, they still had not done
23 the detour, removal and obliteration, right?

24 A. Yeah.

1 Q. Okay. And that would also mean
2 that they still hadn't done all of the restoration
3 they needed to do to Site 3; isn't that correct?

4 A. I would assume that would be correct,
5 yes.

6 Q. Thank you. Exhibit 35, please.

7 A. Okay.

8 Q. If you could -- one moment.

9 This document appears to me to
10 be discussing the west end of the project. If
11 you know Mit talks about the west end of the
12 project I'm just trying to understand. Oh,
13 that's not 33. My bad. I'm sorry. I'll come
14 back to the very end. I'll figure that out.

15 Please go to Exhibit 56, please.

16 A. Okay.

17 Q. This document -- sorry. Let me know
18 when you are there.

19 A. I will. Okay.

20 Q. Thanks. This document up in the
21 subject line references "ISGS: 2308."

22 Do you see that?

23 A. Yes.

24 Q. Okay. And that's the same number

1 that was on the PESA report, isn't it?

2 A. Yes.

3 Q. Okay. And why did you reference
4 ISGS: 2308 here?

5 A. I referenced it so that Anne Erdmann
6 with ISGS would have a point of reference so when
7 I asked her for historical documents, I didn't have
8 to draw a map showing her the area that I was
9 looking for.

10 Q. And how did you know at that point
11 in time in 2013 that this was ISGS: 2308?

12 A. Because I'm involved in that unit
13 and I know what ISGS reports -- what PESA reports
14 were written.

15 Q. Okay. And were you involved in that
16 PESA report?

17 A. No.

18 Q. Well, what was your role with respect
19 to it?

20 A. My role with respect to it that
21 once -- once the PESA report was written, it's
22 provided back to the districts to determine
23 based upon -- the PESA -- let's go back.

24 The PESA report is based upon

1 a corridor of a project that's in programming
2 that they may occur in a certain area along the
3 highway. So it addresses a larger area than may
4 necessarily be required.

5 So the PESA looks at every
6 site within the corridor and determines whether
7 or not there are sites there or properties that
8 have recognized environmental conditions. Then
9 they address that in the report.

10 Then that report is provided
11 to the districts. The districts then go through
12 and as a part of the programming and designing
13 process determine actually what properties are
14 going to need to be investigated for construction
15 purposes and the properties would be identified
16 by is there a property that is going to require
17 excavation in this construction project.

18 Is this project that's going
19 to require new right-of-way? Does this report,
20 you know, identify any other things that
21 utilities or something like that that may need
22 to be investigated?

23 So at that point they send
24 back to center office to the unit I'm in here

1 are all of the properties that we're going to
2 need to investigate for this particular project.
3 We then turn around and provide that to one of
4 our statewide consultants who does -- who do the
5 investigations and we provide them a copy of
6 the PESA report so they'll have a historical
7 record of the properties that they're going to
8 be investigating so that they can properly
9 prepare for health and safety purposes.

10 Q. Okay. Did you -- were you the
11 person that obtained the consultants to do work
12 with respect to this PESA?

13 A. Well, I don't obtain the consultants.
14 We have consultants that are on -- that have
15 multiple year contracts that get work orders
16 based upon different projects.

17 Q. Okay. Were you the one that sent
18 the work order with respect to this PESA?

19 A. I would have been the one that sent
20 the work order to the consultant.

21 Q. And would you have been the one
22 overseeing the work done by the consultant?

23 A. Yes.

24 Q. If you could turn to Exhibit 92,

1 please. I have the wrong exhibit this is referring
2 to. I referred to this as 35, but this is the
3 one that I was trying to locate.

4 A. You said 90 something?

5 Q. Exhibit 92, yes. Here, I can give
6 you my copy if it's easier.

7 A. Then you won't have a copy.

8 Q. But I know what it says.

9 A. Well, you never know.

10 Q. That's true.

11 A. Exhibit 92, yes.

12 Q. Okay. Here, you will note that
13 this is talking about in that very bottom
14 paragraph, it talks about the west end of the
15 job.

16 Do you see that?

17 A. Yes.

18 Q. So all I'm trying to find out is
19 if this document is somehow relevant to the
20 part of the project that we are discussing in
21 this case?

22 A. It refers to the western end of
23 Greenwood Avenue, but that western end of
24 Greenwood Avenue is outside of Site 3 and Site 6.

1 Q. Thank you. Could you turn to
2 Exhibit 60, please.

3 A. Okay.

4 Q. This is the 104(e) response; is that
5 right?

6 A. Well...

7 Q. Parts of it?

8 A. Yes.

9 Q. Yesterday, you read into the record
10 parts of this 104(e). You read into the record
11 response number six.

12 Do you recall that?

13 A. Yes.

14 Q. Okay. As I understand it, your
15 role in responding to the 104(e) was -- I believe
16 the term you used was more of a technical gofer;
17 is that correct?

18 A. I was the guy that tried to acquire
19 things or whatever information they needed.

20 Q. Okay. But were you, in your words,
21 a technical gofer?

22 A. I don't remember if I used that term
23 or not.

24 Q. But you would have found documents

1 for Mr. Schick, right? That was your primary
2 responsibility?

3 A. If he asked me to find stuff for
4 him, I went and tried to find stuff for him,
5 yes.

6 Q. Is that your primary responsibility?

7 A. Yes.

8 Q. Okay. So you don't know what
9 steps IDOT took to try to locate current or former
10 employees with respect to information in responding
11 to the 104(e), do you?

12 A. I was not involved in that aspect.

13 Q. And you don't know what steps IDOT
14 took to speak with the folks from Bolander or
15 former employees from Bolander?

16 A. I was not involved with that aspect.

17 Q. 104(e) was issued in 2000, correct,
18 and the response was in 2000, right?

19 A. The response was in 2000, yes.

20 Q. So if the project was over in 1974,
21 which is what you seem to be saying, then someone
22 who was 25 at that time would have been only 51
23 in 2000; isn't that true?

24 A. Okay.

1 MS. O'LAUGHLIN: Objection. This
2 is outside the cross and she covered
3 this previously.

4 HEARING OFFICER HALLORAN: This
5 is outside your redirect?

6 MS. O'LAUGHLIN: Excuse me. Yes,
7 outside my redirect. Excuse me.

8 HEARING OFFICER HALLORAN: And
9 this exhibit is already in evidence,
10 Ms. Brice.

11 MS. BRICE: That's my final
12 question.

13 HEARING OFFICER HALLORAN: Okay.
14 If you -- if I have your word on that,
15 that's fine.

16 MS. BRICE: Yes, you do.

17 HEARING OFFICER HALLORAN: Then
18 overruled. Thank you.

19 BY MS. BRICE:

20 Q. Is that correct?

21 A. Say that again, please.

22 Q. If someone was 25 at the time in
23 1974, in 2000, they would only be 51 years old;
24 isn't that right?

1 A. Correct.

2 MS. BRICE: Then no further
3 questions.

4 HEARING OFFICER HALLORAN: Thank
5 you, Ms. Brice.

6 Ms. O'Laughlin?

7 MS. O'LAUGHLIN: Nothing further.

8 HEARING OFFICER HALLORAN: Thank
9 you. You may step -- after what seven and
10 a half, eight hours, you may step down.

11 THE WITNESS: Seven and a half,
12 eight hours?

13 MS. O'LAUGHLIN: Four days.

14 THE WITNESS: It was four days.

15 HEARING OFFICER HALLORAN: Well,
16 the cross was seven and a half, eight hours,
17 but anyway, thank you so much.

18 (Witness excused.)

19 HEARING OFFICER HALLORAN: What's
20 next, IDOT?

21 MR. MCGINLEY: We would like to
22 go through the process of getting some of
23 our many exhibits into evidence.

24 HEARING OFFICER HALLORAN: Based

1 on my order?

2 MR. MCGINLEY: Based on your
3 order, yes. But I will say -- I mean, I
4 think there's a couple that I will start
5 with we may actually be able to dispense
6 with.

7 We will more for, just as
8 a matter of clarification, the administrative
9 order on consent, which is at the -- which
10 is exhibit -- with JM/IDOT Exhibit 62. They
11 had objected to our using that without
12 being moved into evidence. We would simply
13 seek judicial notice of it.

14 It's a record of underlying
15 proceeding. I mean, it forms the whole
16 basis for this case from Johns Manville.
17 I mean, if there is a need to put testimony
18 on, we could, but it seems that that would
19 belabor --

20 MS. BRICE: We're fine with that.

21 MR. MCGINLEY: Okay.

22 HEARING OFFICER HALLORAN: Okay.

23 So you are moving it in?

24 MR. MCGINLEY: We're seeking to

1 move that in, yes.

2 HEARING OFFICER HALLORAN: Okay.

3 Exhibit 62 is in evidence.

4 (JM/IDOT Exhibit No. 62 was
5 admitted into evidence.)

6 MR. MCGINLEY: Okay. The next
7 of the two -- the next exhibit that we
8 would ask judicial notice for would be
9 Exhibit 44, which is the Highway
10 Jurisdiction Guidelines for Highway
11 and Street Systems dated March 2006.

12 HEARING OFFICER HALLORAN: I'm
13 sorry, Mr. McGinley. What was that?

14 MR. MCGINLEY: This would be
15 Exhibit 44.

16 HEARING OFFICER HALLORAN: Okay.

17 MR. MCGINLEY: And this is the
18 IDOT March 2006 Highway Jurisdiction
19 Guidelines.

20 HEARING OFFICER HALLORAN: Okay.

21 MR. MCGINLEY: The basis for
22 doing that is that it's a publicly
23 available record on IDOT's website and
24 we can cite cases if need be as to why

1 such documents that are publicly
2 available that articulate the policies
3 and guidelines that public agencies
4 follow are appropriate subjects for
5 judicial notice, but, I mean, I'll
6 ask if -- it depends on whether Johns
7 Manville's counsel has objection to
8 that or whether you, as the hearing
9 officer, are willing to accept it
10 based only on judicial notice.

11 HEARING OFFICER HALLORAN: Okay.
12 Ms. Brice?

13 MS. BRICE: Sure. We don't
14 have a problem with its admissibility.
15 The issue is I don't know how you're
16 going to use it and I don't know what
17 you're trying to say about the document.
18 So, therefore, I have no idea -- you
19 know, I -- we need to be able to do
20 our cross-examination to understand how
21 you're using this document.

22 If I don't know how
23 you're using the document and it's
24 there in a vacuum, that goes back to

1 our whole motion.

2 HEARING OFFICER HALLORAN: Okay.
3 anything further?

4 MR. MCGINLEY: I would say
5 that it articulates what the policies
6 are with respect to jurisdiction over
7 state highways. That is an issue in
8 the case.

9 This notion of jurisdiction
10 on one hand versus ownership on the other,
11 IDOT's 2006 guidelines on this speak to
12 that issue directly.

13 HEARING OFFICER HALLORAN: Okay.
14 You know, Ms. Brice, your objection is
15 noted. I'm going to take it as an official
16 administrative notice and feel free to
17 respond if IDOT uses it in their brief.
18 You can respond in your reply. I
19 understand. Thank you.

20 MR. MCGINLEY: Okay.

21 HEARING OFFICER HALLORAN: Hold
22 on a minute, please.

23 MR. MCGINLEY: Okay.

24 HEARING OFFICER HALLORAN: Okay.

1 Thank you.

2 MR. MCGINLEY: We would next ask
3 to have Mr. Ebihara called to the stand,
4 please, just to go through certain
5 exhibits with him.

6 HEARING OFFICER HALLORAN: I'm
7 sorry.

8 MR. MCGINLEY: We would next ask
9 to have Mr. Ebihara called to the stand,
10 please.

11 HEARING OFFICER HALLORAN: Yes.
12 Please step up.

13 Lori will now swear you in
14 and we can proceed.

15 MR. EBIHARA: Okay.

16 THE COURT REPORTER: Would you please
17 raise your right hand?

18 MR. EBIHARA: Yes.

19 THE COURT REPORTER: Do you swear
20 the testimony you're about to give will be
21 the truth, the whole truth and nothing but
22 the truth, so help you God?

23 MR. EBIHARA: I do.

24 (Witness sworn.)

1 HEARING OFFICER HALLORAN: You
2 may proceed.

3 WHEREUPON:

4 T A T S U J I E B I H A R A
5 called as an adverse witness herein, pursuant to
6 Section (4), Rule 611(c): 735 ILCS 5/2-1102 of the
7 Illinois Rules of Evidence, having been first duly
8 sworn, deposeth and saith as follows:

9 C R O S S - E X A M I N A T I O N
10 by Mr. McGinley

11 Q. Mr. Ebihara, if I could ask you
12 to turn your attention, please, to Exhibit 49.

13 HEARING OFFICER HALLORAN: I'm
14 sorry. Mr. McGinley, what exhibit again,
15 please?

16 MR. MCGINLEY: Exhibit 49.

17 HEARING OFFICER HALLORAN: Thank
18 you.

19 BY MR. MCGINLEY:

20 Q. Mr. Ebihara, do you have Exhibit 49 in
21 front of you, sir?

22 A. I do.

23 Q. Have you -- are you familiar with
24 this document, Exhibit 49?

1 A. I am.

2 Q. Okay. It's the access agreement
3 entered into on February 12, 2008, between Johns
4 Manville and the city of Waukegan, correct?

5 A. That's correct.

6 Q. I'd like to turn your attention,
7 please, to the -- let's turn your attention,
8 please, to Paragraph 4 and this would be on 49-2.
9 It's the portion that's headlined utilities.
10 Could you read that, please?

11 A. "Utilities.. JM agrees to contact
12 or have its consultants or contractors contact
13 on its behalf JULIE at telephone number
14 (800) 892-0123 at least 72 hours in advance
15 of any invasive work on the access areas
16 so all utilities can be notified and located
17 in advance of any work, construction, activities
18 or excavation taking place."

19 Q. Thank you. So shortly after
20 this was -- this access agreement was entered
21 into, would it be correct in understanding
22 that Johns Manville and you as your company,
23 as environmental consultants, were doing work
24 in the area that's covered by this access

1 agreement, correct?

2 A. Correct.

3 Q. Okay. And this was work that was
4 done along the south side of Greenwood Avenue,
5 correct?

6 A. One of the locations.

7 Q. One of the locations. Thank you.

8 And the other location was where,
9 sir?

10 A. For Site 3 and for the north side of
11 Greenwood Avenue also within Site 6.

12 Q. Site 6. Okay. But you were doing --

13 A. Work within --

14 Q. Pursuant to this access agreement,
15 you were doing work on both Site 3 and Site 6; is
16 that correct?

17 A. That's correct.

18 Q. And this is in agreement with the
19 city of Waukegan; is that correct?

20 A. That's correct.

21 Q. What coordination did you have to
22 do with the city of Waukegan when actually doing
23 the work pursuant to this access agreement?

24 A. During the investigation activities?

1 Q. Yes. Thank you. Please.

2 A. I think there was just a notification
3 that work investigation activities would be
4 taking place.

5 Q. And were representatives of the
6 city of Waukegan out and present during work
7 on the site?

8 A. I don't recall in the initial
9 phases. We've had city of Waukegan representatives
10 on-site in other aspects of the project.

11 MS. BRICE: Mr. Halloran, may I
12 just ask a question?

13 HEARING OFFICER HALLORAN: Yes,
14 you may.

15 MS. BRICE: I think this document
16 is already in evidence.

17 HEARING OFFICER HALLORAN: You
18 know, I can't find it on your sheet. You
19 didn't object to it.

20 MS. BRICE: Sure. But, I mean,
21 if we're using Mr. Ebihara just to admit
22 evidence -- document, I think it's in
23 evidence.

24 HEARING OFFICER HALLORAN: Yes,

1 right.

2 MR. MCGINLEY: But I will point
3 out this was one of the exhibits that
4 was objected to. So simply to address
5 the correspondence that gave rise to
6 Johns Manville's objections, we were
7 just trying to get the record in.

8 HEARING OFFICER HALLORAN: Well,
9 I think you made your objections right
10 when they moved it into evidence.

11 MS. CAISMAN: It's in our recent
12 motion about the exhibits, this Exhibit 49
13 was not on the list of exhibits that we
14 objected to because I had, in my notes,
15 and checked the transcript that I thought
16 that IDOT used it at some point during
17 the May hearings. So we didn't object
18 to it for that reason.

19 MR. MCGINLEY: But it also -- it
20 also comes in with respect to issues about
21 control over Greenwood Avenue.

22 This also has to do with
23 the issue of the right-of-way, which Johns
24 Manville raised as well about who has

1 control over the right-of-way.

2 HEARING OFFICER HALLORAN: Go
3 ahead.

4 MS. BRICE: Sure. I thought
5 you represented in your briefs that you
6 were calling our witness just to establish
7 exhibits.

8 HEARING OFFICER HALLORAN: That's
9 correct. That's what I understand.

10 MR. MCGINLEY: Well, then we'll
11 let the exhibit stand as is and make such
12 arguments as we need to from it.

13 HEARING OFFICER HALLORAN: Very
14 well.

15 Ms. Caisman, I'm looking at
16 your list of trial exhibits moved into
17 evidence from May 23rd to May 25th. I
18 don't see 49 or did IDOT move that in,
19 did you say?

20 MS. CAISMAN: So the list was
21 just the ones that we had moved in.

22 HEARING OFFICER HALLORAN: Okay.
23 All right. So IDOT had already moved it
24 in?

1 MS. CAISMAN: Yeah. I don't
2 know if they ever made a formal motion,
3 but they had used it during the hearing.

4 MS. O'LAUGHLIN: Yeah. We
5 have not made a formal motion and
6 actually, this is not a document that
7 was on their first list that they gave
8 to us, but then it was not on the list --
9 it dropped off. It was not on the list
10 that was filed.

11 So it was originally on
12 their list then it was taken off. So
13 it's now on our list and we are moving
14 it into evidence along with others.

15 HEARING OFFICER HALLORAN: So
16 you are going to move it into evidence,
17 Mr. McGinley?

18 MR. MCGINLEY: Yes, please.

19 HEARING OFFICER HALLORAN: Any
20 objection?

21 MS. BRICE: No.

22 HEARING OFFICER HALLORAN: Okay.
23 IDOT moves Exhibit 49 into evidence. No
24 objection. It is admitted.

1 (IDOT Exhibit No. 49 was
2 admitted into evidence.)

3 BY MR. MCGINLEY:

4 Q. Mr. Ebihara, could I call your
5 attention, please, to Exhibit 67?

6 HEARING OFFICER HALLORAN: This
7 one is in as well, correct?

8 MS. BRICE: Yes, correct.

9 MR. MCGINLEY: If it's already
10 in, that's fine. I assume there wouldn't
11 be any objections from counsel if we make
12 certain arguments based upon the contents
13 of this document.

14 HEARING OFFICER HALLORAN: It's
15 in.

16 MR. MCGINLEY: That's fine. We
17 can dispense with that. Thank you.

18 HEARING OFFICER HALLORAN: Okay.
19 Exhibit 67 has been admitted without
20 objection.

21 (IDOT Exhibit No. 67 was
22 admitted into evidence.)

23 BY MR. MCGINLEY:

24 Q. I would like to turn your attention,

1 please, to Exhibit 160 -- I'm sorry -- Exhibit 120.

2 This exhibit in the white binder.

3 HEARING OFFICER HALLORAN: I'm

4 sorry, Mr. McGinley?

5 MR. MCGINLEY: I'm sorry. This

6 is Exhibit 120.

7 HEARING OFFICER HALLORAN: Thank

8 you.

9 BY MR. MCGINLEY:

10 Q. It's in the white binder.

11 A. Okay.

12 Q. If you could, take a moment to read
13 through that and let me know once you've had a
14 chance to familiarize yourself with it.

15 A. Okay.

16 Q. Okay. Have you seen this document
17 before?

18 A. I have.

19 Q. You have. Okay. And Bill Bow is
20 who, sir? He is the addressee on the letter.

21 This is on JM -- the first page of the exhibit,
22 which is JM 001446. Mr. Bow is who, sir?

23 A. He was the primary contact for
24 US EPA regarding the project at the time.

1 Q. Okay.

2 A. At the time.

3 Q. And you worked with Mr. Bow; is that
4 correct?

5 A. Yep.

6 Q. And I would like to direct your
7 attention, please, to -- this would be Page 3
8 of this. If you could turn to the last item on
9 the third page of this letter, JM 001448, this
10 is item number ten regarding Figure 8. If you
11 could just read that testimony -- that text,
12 please, into the record for us?

13 A. "Figure 8, the occurrence of
14 asbestos at Site 3 is sporadic other than in
15 the area along Greenwood Avenue adjacent to
16 Site 6. Transite pipe was utilized as parking
17 space bumpers on the ground surface of Site 3.
18 The history does not include information
19 regarding whether or not the bumpers were
20 removed or destroyed or if the material was
21 spread throughout the site. This should
22 also be clarified for Sites 4, 5 and 6."

23 Q. The question that's raised in
24 number ten, since the date of this letter,

1 which is February 3, 2010, are you aware of
2 any subsequent information that's come to
3 your attention regarding the history of whether
4 or not the bumpers were removed or destroyed or
5 if material was spread throughout the site?

6 A. Yeah. I'm not aware of any
7 additional information that was disclosed in
8 response to that request.

9 Q. And did you seek to obtain any
10 additional information from Johns Manville
11 regarding that issue?

12 A. My understanding was there was
13 not any information available from Johns Manville.
14 We worked closely with Johns Manville --

15 Q. Okay.

16 A. -- in the preparation of the reports.

17 Q. Okay. Thank you.

18 MR. MCGINLEY: That's all we
19 have for this witness. Thank you.

20 MS. BRICE: I have just one
21 quick question. If we could do our one
22 quick thing of getting the document
23 in -- the numbers.

24 HEARING OFFICER HALLORAN: Sure.

1 R E D I R E C T E X A M I N A T I O N

2 by Ms. Brice

3 Q. Mr. Ebihara, I think we touched on
4 this when you first testified, but, you know,
5 sitting -- having sat through this trial and
6 now having read Mr. Dorgan's report and the
7 investigation that Mr. Dorgan did, you now have
8 a better understanding of how the material might
9 have been spread or disposed of -- the concrete
10 Transite pipes; isn't that correct?

11 A. That's correct.

12 Q. Okay. So when you were responding
13 to that question, you weren't referring to the
14 work Mr. Dorgan did?

15 A. No, at the time responding to this
16 comment of this -- for this letter.

17 Q. Thank you. Now, I would just like
18 to move to try to get into evidence the numbers
19 we were working on last time during your direct.

20 HEARING OFFICER HALLORAN: Well,
21 before -- I guess, Mr. McGinley, is this
22 120 -- this didn't get in evidence yet, right?

23 MR. MCGINLEY: It is not, but
24 we will be moving for it to be put into

1 evidence, yes.

2 HEARING OFFICER HALLORAN: When?

3 MR. MCGINLEY: We were going to
4 make one mass moving --

5 HEARING OFFICER HALLORAN: Okay.

6 MR. MCGINLEY: -- of all of our
7 exhibits as soon as this is -- we have
8 completed with this exercise.

9 HEARING OFFICER HALLORAN: Okay.
10 Go ahead and proceed, Ms. Brice. We've
11 just moved in 49 and 67, but we'll hold
12 off on 120.

13 MR. MCGINLEY: I mean, there
14 are other exhibits that have not yet
15 been moved and we just -- for the sake
16 of clarity, we figured we'd do it at
17 once.

18 HEARING OFFICER HALLORAN: Okay.
19 All right. Ms. Brice, you may proceed.

20 BY MS. BRICE:

21 Q. Sure. Okay. Mr. Ebihara, during
22 your direct testimony, we were talking about some
23 calculations you had done with respect to amounts
24 of money JM paid and there were a couple of numbers

1 that we were trying to pin down. So I'm going
2 to ask you the following questions.

3 Do you know how much money
4 Johns Manville has paid your companies or other
5 contractors since July 8, 2013, with respect
6 to Site 3?

7 A. Yes.

8 Q. How much?

9 A. Approximately \$391,000.

10 Q. Okay. Same question with respect
11 to Site 6.

12 A. With respect to the west portion of
13 Site 6?

14 Q. Yes.

15 A. Approximately \$105,000.

16 MS. BRICE: Thank you very much.

17 HEARING OFFICER HALLORAN: Thank
18 you, Ms. Brice. Anything further?

19 MR. MCGINLEY: Not for Mr. Ebihara.

20 HEARING OFFICER HALLORAN: Thank
21 you. You may step down, sir. Thank you
22 so much.

23 THE WITNESS: Okay. Thank you.

24 (Witness excused.)

1 HEARING OFFICER HALLORAN: I
2 want to thank the parties for moving
3 this along. It's not even 10:00 a.m.
4 yet and we've made some progress.

5 MR. MCGINLEY: Mr. Halloran, we
6 would like to call Mr. Dorgan, please.

7 HEARING OFFICER HALLORAN: Okay.
8 Mr. Dorgan. Please have a seat.

9 Raise your right hand and
10 Lori will swear you in.

11 THE COURT REPORTER: Do you swear
12 the testimony you're about to give will
13 be the truth, the whole truth and nothing
14 but the truth, so help you God?

15 MR. DORGAN: I do.

16 (Witness sworn.)

17 HEARING OFFICER HALLORAN: Okay.
18 You may proceed, Mr. McGinley.

19 MR. MCGINLEY: Thank you.

20

21

22

23

24

1 WHEREUPON:

2 D O U G L A S G . D O R G A N , J R .
3 called as an adverse witness herein, pursuant to
4 Section (4), Rule 611(c): 735 ILCS 5/2-1102 of the
5 Illinois Rules of Evidence, having been first duly
6 sworn, deposeth and saith as follows:

7 C R O S S - E X A M I N A T I O N
8 by Mr. McGinley

9 Q. Mr. Dorgan, could you turn your
10 attention, please, to Exhibit 65?

11 A. Okay.

12 Q. Mr. Dorgan, you're familiar with
13 this document, I take it, correct?

14 A. Yes, I am.

15 Q. Could I ask you, please, under
16 65-1, this is under Roman I, Purpose, if you
17 could just read the first -- I believe that's
18 the first sentence underneath that paragraph
19 for us, please?

20 A. "The purpose of this memorandum
21 is to document the determination of an imminent
22 and substantial threat to public health, welfare
23 or the environment posed by contaminated soils
24 at the southwestern site area (site) including

1 Sites 3, 4, 5 and 6 in Waukegan, Lake County,
2 Illinois and document approval of the proposed
3 non-time critical removal action for the site."

4 Q. Okay. Thank you. Briefly, do
5 you have an understanding of why US EPA deemed
6 this to be non-time critical with respect to the
7 removal action?

8 A. I believe because they did not
9 understand that there was an immediate threat
10 to human health by the conditions of the site
11 at the time that the enforcement action memorandum
12 was issued.

13 Q. Now, if I could turn your attention,
14 please, to 65-3.

15 A. Okay.

16 Q. Do you recall previously when you
17 were on cross-examination back on the very first
18 day of the hearing that we talked about Sites 4
19 and 5, correct?

20 A. Yes.

21 Q. Could I just ask you, please, to
22 go down to the second full paragraph? This is
23 the paragraph beginning the EECA study. If I
24 could have you just read the first couple of

1 sentences in that paragraph, please?

2 A. The EECA study involved visual
3 ACM inspection and polarized light microscopy
4 (PLM) and transmission electron microscopy (TEM)
5 analyses of soil samples collected from test pits
6 within the expanded site 4/5 investigation area,
7 which indicated the presence of a variable
8 thickness of ACM and/or asbestos fibers in
9 soil above 0.25 percent. See Figure 9-A of the
10 EECA. Visible ACM debris within the test pits
11 included, but is not limited to, Transite pipe,
12 roofing materials, fibrous process waste, wall
13 board, brake lines and flex board."

14 Q. Okay. That's fine. Thank you.
15 Do you have any reason sitting here today to
16 dispute the characterization and the summary
17 of the materials that have been discovered
18 in Sites 4 and 5 as it's described here on
19 Page 65-3?

20 A. No.

21 Q. Okay. And those are the same
22 types of materials that have also been found
23 at Site 3 and Site 6, correct?

24 A. Generally, I believe so.

1 Q. Okay. Fine. Thank you. If I
2 could turn your attention, please, to Exhibit
3 80. I assume that you are familiar with this
4 exhibit, Exhibit 80, correct?

5 A. Yes, I am.

6 Q. And this is actually cited as
7 one of the items in your bibliography in your
8 expert report; is that correct?

9 A. That's correct.

10 Q. I'd like you to turn, please, to
11 Page 80-15. This is a portion of the -- I'll
12 represent to you that this is a portion of the
13 report that was done by the University of
14 Illinois-Chicago concerning asbestos issues at
15 Illinois Beach State Park, which is immediately
16 adjacent to the Johns Manville site. You would
17 agree with that representation, wouldn't you?

18 A. It's very proximal. Whether it's
19 immediately adjacent, I'm not exactly sure where
20 the property boundaries are and the boundaries
21 for the state park are, but they're definitely
22 adjacent to each other.

23 Q. And you would agree that Illinois
24 Beach State Park is essentially due east of the

1 site of the former Johns Manville facility; is
2 that correct?

3 A. Parts of the state park are.

4 Q. Thank you. This is a portion
5 of the report at 80-15 that talks about the
6 deposition -- about the coastal processes that
7 are responsible or have been identified as
8 placing asbestos onto the beach at Illinois
9 Beach State Park. Wouldn't you -- you have
10 seen this portion of the report before, correct?

11 A. I believe that's a fair
12 characterization.

13 Q. All right. And the processes
14 that are described here are waves and literal
15 transportation, which apparently means the
16 movement of asbestos from offshore onto the
17 shore via waves, correct?

18 A. Yes.

19 Q. Okay. And also the other -- one
20 of the other processes that's described here
21 is beach and near shore ice. Ice forms along
22 the Illinois beaches and near shore to varying
23 degrees from winter to winter, correct?

24 A. Yes.

1 Q. And you'd agree with that statement,
2 that that's also responsible for producing
3 asbestos on the breach at Illinois Beach State
4 Park, correct?

5 A. Yes, it can be.

6 Q. Okay. And finally, there's also
7 the issue that's identified here of lake level
8 changes. Lake Michigan water level vary annually,
9 about a foot, due to the annual water levels of the
10 lake, correct?

11 A. That's what it says.

12 Q. It's your contention that but for
13 the activities of IDOT at Site 3 and Site 6 in
14 the course of the construction project that the
15 asbestos that's left at those sites could have
16 been handled in much the same way as the asbestos
17 at Illinois Beach State Park, correct?

18 A. That's correct.

19 Q. Okay. But you would agree that the
20 process by which the asbestos arrived at Illinois
21 Beach State Park is not the same as what's taking
22 place at Site 3 or Site 6, correct?

23 A. I agree with that.

24 Q. Okay. There is no wave action taking

1 place on Site 3 and Site 6, right?

2 A. Not today.

3 Q. Global warming might change that.

4 There is no lake level changes; correct?

5 A. No.

6 Q. Okay. And there is no beach and near
7 shore ice, correct?

8 A. No.

9 Q. And isn't it true that the Illinois
10 Beach State -- the UIC study also points out that
11 there are unknown sources for the asbestos that's
12 reaching Illinois Beach State Park, isn't that also
13 correct?

14 A. That's correct.

15 Q. And that's different from what's
16 taking place at Site 3 and Site 6, isn't that
17 correct?

18 A. Generally, yes.

19 MR. MCGINLEY: Okay. No
20 further questions. Thank you.

21 MS. BRICE: Thanks. I have
22 a couple of questions.

23

24

1 R E D I R E C T E X A M I N A T I O N

2 by Ms. Brice

3 Q. If you could look back at 65-3,
4 please.

5 HEARING OFFICER HALLORAN: What
6 exhibit is that?

7 MS. BRICE: 65-3, please.

8 HEARING OFFICER HALLORAN: Thank
9 you.

10 BY MS. BRICE:

11 Q. Mr. Dorgan, Mr. McGinley asked you
12 about the paragraph that starts the EECA study.

13 Do you see that?

14 A. I do.

15 Q. And he had you identify a bunch of
16 different types of asbestos-containing materials.

17 Do you see that?

18 A. Yes, I do.

19 Q. Do you recall wallboard being present
20 on Site 3 or Site 6?

21 A. Not particularly.

22 Q. Do you remember flex board being
23 present on Site 3 or Site 6.

24 A. Not particularly.

1 Q. Do you recall fibrous process waste
2 being detected on Site 3 or Site 6?

3 A. I believe fibrous waste, whether it
4 was described as process waste, I'm not entirely
5 sure, but there was some fibrous waste observed in
6 borings on Site 6.

7 Q. I think it was called fibrous sludge;
8 is that right?

9 A. That could be.

10 Q. Okay. Is that the same thing as
11 fibrous process waste? I just don't know.

12 A. I don't know either.

13 Q. Okay. And brake liners, has brake
14 liners been found on Site 3 or Site 6?

15 A. I believe there was a reference to
16 brake shoe perhaps, but there was some reference
17 to a brake piece in one of the locations, I believe,
18 but I'm not sure if it was exactly referred to as a
19 brake liner.

20 Q. Okay. But that was one boring out
21 of all of the borings that have been done on
22 Sites 3 and 6; isn't that correct?

23 A. That's correct.

24 MS. BRICE: No further questions.

1 HEARING OFFICER HALLORAN: Thank
2 you. That exhibit is already in evidence.

3 Mr. McGinley next?

4 MR. MCGINLEY: The last exhibit
5 we would ask to discuss with Mr. Dorgan
6 would be Exhibit 102 and this is IDOT's
7 own exhibit.

8 MS. BRICE: Okay. Mr. Halloran,
9 we will lodge an objection for this, but,
10 you know, if they want to ask questions,
11 fine this document wasn't produced.

12 There has been some
13 confusion about this document and I think
14 it's fair for Mr. McGinley to be able to
15 ask some questions, but the document was
16 never produced nor does it have anything
17 to do with Site 3 or Site 6.

18 So I'm just making that --
19 noting that for the record.

20 HEARING OFFICER HALLORAN: Okay.
21 Thank you.

22 MS. BRICE: And it's outside
23 the scope of cross.

24 HEARING OFFICER HALLORAN: Well,

1 this isn't really cross.

2 MS. BRICE: Right. Sure.

3 HEARING OFFICER HALLORAN: I'm
4 not sure what it is. You can proceed.

5 MS. BRICE: I'm just confused.
6 I thought we were done, which is that's
7 why I was asking him questions. So I
8 apologize.

9 HEARING OFFICER HALLORAN: No,
10 I agree. This was mislabeled or something
11 earlier?

12 MS. BRICE: It was --

13 MR. MCGINLEY: No. This is a
14 document that was included in Mr. Dorgan's
15 bibliography to his expert report.

16 MS. BRICE: Which is why I think
17 it's fine if they want to ask questions
18 about it.

19 HEARING OFFICER HALLORAN: Okay.
20 Thank you.

21 THE WITNESS: I am confirming we
22 are discussing Exhibit 102?

23 HEARING OFFICER HALLORAN: Yes.

24 MR. MCGINLEY: Thank you.

1 R E C R O S S - E X A M I N A T I O N

2 by Mr. McGinley

3 Q. This is the second five-year report
4 for the Johns Manville site in Waukegan, Illinois,
5 correct?

6 A. That's correct.

7 Q. And this was one of the documents
8 that you reviewed and relied upon apparently
9 and included in the bibliography to your expert
10 report, correct?

11 A. It was included in the bibliography.
12 How much it was reviewed and relied upon, I don't
13 really remember.

14 Q. Okay. But it's fair to say that
15 everything that you looked at -- everything that's
16 listed in the bibliography to your expert report
17 is a document that you at least spent some amount
18 of time looking at whether to a greater or lesser
19 degree, subject to different conditions, but you
20 listed things in your bibliography because you
21 reviewed them and relied upon them; correct?

22 A. Yes. My bibliography would have
23 listed those documents that had been reviewed,
24 but the review of this particular report is

1 one that I definitely don't recall spending much
2 time with.

3 Q. Okay. Do you recall last -- back
4 on May 23rd during your cross-examination saying
5 that you were unfamiliar -- you were asked about
6 the historical waste management practices of
7 Johns Manville, correct?

8 A. Yes.

9 Q. Okay. And do you recall at that
10 time you testified that you weren't -- that you
11 didn't recall anything about ever having seen
12 anything about historical waste management
13 practice; correct?

14 A. I believe I said I wasn't familiar
15 with what their waste management practices were.

16 Q. I'd like for you, please, to turn
17 to this document -- and it's a little confusing
18 because there is a Page 1 at the front, which is
19 added by US EPA, but if you turn to the page that's
20 marked Page 3 at the bottom of the report so this
21 would be within section three under background. So
22 if you can find that then tell me once you have had
23 a chance to look at it?

24 A. Okay.

1 Q. Under the section that says, "History
2 of Contamination," could you just read that
3 paragraph for us, please?

4 A. "The facility's wastewater treatment
5 system operated on top of the 150-acre landfill
6 area, approximately \$3 million cubic yards of
7 off-specification products primarily containing
8 asbestos and asbestos-containing sludge dredge
9 from the wastewater treatment system were ultimately
10 disposed in the landfill area. Other contaminants
11 including lead, chrome, thorium, aniline were also
12 disposed in the landfill area, but the primary
13 contaminant of concern was asbestos. The
14 asbestos-containing sludge at the site was
15 located at the landfill surface and many areas
16 and could easily become airborne."

17 Q. Okay. Thank you. You recall also
18 as we've talked about Site 3 and Site 6, it's also
19 been acknowledged by yourself there's evidence in
20 the record that there is asbestos sludge that's
21 found at Site 3 and Site 6, correct?

22 A. I'm aware of asbestos sludge being
23 observed at Site 6. I don't recall specifically
24 it being observed on Site 3.

1 Q. Okay. And it's listed here as being a
2 waste product that was actually treated by Johns
3 Manville, correct?

4 A. I'm not sure that's how this narrative
5 characterizes it.

6 Q. Asbestos-containing sludge
7 ultimately disposed in the landfill area, that
8 would suggest that it's a waste product; is that
9 correct?

10 A. I would assume so.

11 Q. And asbestos sludge is some of
12 the same material that's been found at Site 6
13 that you've just acknowledged, correct?

14 MS. BRICE: Asked and
15 answered.

16 HEARING OFFICER HALLORAN: That's
17 sustained.

18 BY MR. MCGINLEY:

19 Q. So when you testified last month
20 that you were not familiar with any of the waste
21 management practices that had been employed by
22 Johns Manville, you could have actually -- did
23 you forget or had you not familiarized yourself
24 with this portion of the second five-year plan?

1 A. Yeah. I don't -- I don't recall
2 this document. It may have been reviewed.
3 Certainly this particular information, I'm not
4 sure would have led me to the kind of familiarity
5 that I was being questioned on.

6 I'm not aware that this
7 document was actually referenced in my report.
8 It did make it onto the bibliography, but how
9 it was used in -- how it was used in the
10 formulation of my opinions, I don't believe
11 that was.

12 Q. Okay. And you would certainly
13 want your bibliography to be an accurate
14 representation of what material you relied upon
15 in the course of preparing your report, though,
16 correct?

17 A. Yes.

18 MR. MCGINLEY: All right. Thank
19 you.

20 MS. O'LAUGHLIN: Wait, wait.

21 HEARING OFFICER HALLORAN: Okay.

22 Ms. Brice?

23 MS. O'LAUGHLIN: Wait, wait.

24 MS. BRICE: Sure.

1 MS. O'LAUGHLIN: Okay. Thank
2 you.

3 HEARING OFFICER HALLORAN: Okay.
4 Ms. Brice?

5 MS. BRICE: Thank you.

6 R E - R E D I R E C T E X A M I N A T I O N
7 by Ms. Brice

8 Q. Just for clarification, you said
9 in your bibliography it wasn't referenced in your
10 report. What do you mean by that?

11 A. Well, in my report, this particular
12 document wasn't specifically cited even though it
13 was included on the bibliography.

14 Q. Okay. And do you know why it was
15 included on your bibliography?

16 A. I'm not entirely sure why.

17 MS. BRICE: No further questions.

18 HEARING OFFICER HALLORAN: Thank
19 you.

20 (Witness excused.)

21 HEARING OFFICER HALLORAN: Do you
22 have anything further, Mr. McGinley?

23 MR. MCGINLEY: We would like to
24 call Mr. Stoddard.

1 Thank you, Mr. Dorgan.

2 HEARING OFFICER HALLORAN: So
3 Mr. Stoddard as your witness or...

4 MR. MCGINLEY: Well, we just --
5 we simply want to -- we are calling
6 Mr. Stoddard for the purpose of
7 authenticating one of the documents
8 which Johns Mansfield has objected to
9 our using.

10 HEARING OFFICER HALLORAN: All
11 right. Proceed.

12 THE COURT REPORTER: Raise your
13 right hand.

14 Do you swear the testimony
15 you're about to give will be the truth,
16 the whole truth and nothing but the truth,
17 so help you God?

18 MR. STODDARD: I do.

19 HEARING OFFICER HALLORAN: Thank
20 you.

21 You may proceed.

22 MR. MCGINLEY: Thank YOU.

23 (Witness sworn.)

24

1 WHEREUPON:

2 K E I T H S T O D D A R D

3 called as a witness herein, having been first duly
4 sworn, deposeth and saith as follows:

5 D I R E C T E X A M I N A T I O N

6 by Mr. McGinley

7 Q. Mr. Stoddard, if I could ask you
8 to pull out Exhibit 46, and it's in one of the
9 binders that's up here.

10 MS. CAISMAN: Exhibit 46?

11 MR. MCGINLEY: Yes.

12 MS. CAISMAN: I will just
13 note that we actually moved this into
14 the evidence ourselves and didn't
15 object to it.

16 MR. MCGINLEY: Okay. That's
17 fine. Then we will dispense with that.

18 BY MR. MCGINLEY:

19 Q. Then if you could turn your attention,
20 please, to Exhibit 4L?

21 MR. MCGINLEY: And Johns
22 Manville has objected to this.

23 HEARING OFFICER HALLORAN: Thank
24 you, Ms. Caisman.

1 BY THE WITNESS:

2 A. Now, Exhibit 4L, where would I find
3 that?

4 BY MR. MCGINLEY:

5 Q. It's in the binders there.

6 A. Here we go.

7 MS. CAISMAN: I think you mean
8 4I.

9 BY MR. MCGINLEY:

10 Q. It's 4I, yes.

11 Mr. Stoddard, you're familiar
12 with title examinations, correct?

13 A. That's correct.

14 Q. Okay. Could I turn your attention,
15 please, to within Exhibit 4I that's in front of
16 you, please, if I could direct your attention to
17 Page 4I and this would be 286. Once you have that
18 in front of you, let me know.

19 A. 4I 286 or 289?

20 Q. 286 first.

21 A. Okay.

22 Q. Let me just ask you some initial
23 questions foundationally. In your work, you've
24 worked for IDOT for how many years?

1 A. Just under five years.

2 Q. What's the nature of your position
3 at IDOT?

4 A. My position is I am Chief of Plats
5 and Plans for District 1, Land Acquisition.

6 Q. Okay. And could you tell us a little
7 bit about what you do as the Chief of Plats and
8 Plans in Land Acquisition?

9 A. As Chief of Plats and Plans, I'm
10 responsible for the preparation of plats of highway
11 and legal descriptions that will be used in the
12 acquisition process.

13 Q. In order to help prepare legal
14 descriptions for these plats and plans, what
15 types of materials do you rely upon to put those
16 plats of highway together?

17 A. We use consultants for a majority
18 of that, but the plats of highway are compiled
19 by consultants and some internal surveying and
20 we use -- title commitments are ordered for every
21 parcel that we are going to be looking at to
22 acquire property from.

23 We will use the -- title
24 companies will normally use the last deed of

1 record and additional research in that process.
2 We will use any archived documents that may
3 be used for right-of-way in that particular
4 area to define the existing right-of-way,
5 subdivision plats, anything of record we may rely
6 upon just for informational purposes only and tax
7 maps to
8 take a look at the area to see which titles
9 do need to be ordered.

10 That is the bulk of what
11 we use to begin the process of preparing the
12 plats.

13 Q. Okay. So I take it as a result
14 of all of the experience and all of the
15 information that you have just described that's
16 looked at in order to determine what's necessary
17 for plat of survey that it's fair to say that
18 you are familiar with how to read a title
19 commitment; is that correct?

20 A. That's correct.

21 Q. Directing your attention then to
22 4I-286, this is the first page of a title
23 commitment that was produced to IDOT by Johns
24 Manville and let me ask you, sir, have you ever

1 seen this document before?

2 A. Yes, I have.

3 Q. Okay. And can you tell us, please,
4 what this document is?

5 MS. CAISMAN: Mr. Halloran,
6 we're going to object. Mr. Stoddard
7 was disclosed as an expert witness in
8 this case and he gave a very specific
9 list of documents that he did review.

10 This particular title
11 commitment was not one of them. He
12 was also asked about this extensively
13 at his deposition. He did not mention
14 reviewing this title commitment.

15 He was also not disclosed
16 in his discovery response as a fact witness
17 and this is not an IDOT document. So I
18 don't think he has personal knowledge of
19 the contents of this document.

20 MR. MCGINLEY: This is --

21 HEARING OFFICER HALLORAN: Okay.
22 Mr. McGinley?

23 MR. MCGINLEY: This relates
24 directly to your order. This is our effort

1 to satisfy Johns Manville about the
2 documents that would be used and taken
3 into evidence in this case.

4 Mr. Stoddard, you know,
5 he is familiar with this. We've tried
6 to do this and to have an interpretation
7 and to get this title commitment brought
8 in through one of their other witnesses,
9 their witness demurred on being able
10 to say what this document actually was.
11 That was Ms. Giannelli last month.

12 So in order to satisfy the
13 objections that have been raised by Johns
14 Manville, we're presenting Mr. Stoddard
15 simply for the purpose of saying what
16 this document is and to described what
17 relevance it has to the issues that are
18 raised by this lawsuit.

19 HEARING OFFICER HALLORAN: Yes.
20 I think my order addresses this situation.
21 It is a public record. I can take official
22 notice and it goes to the weight and not
23 the admissibility. Overruled.

24 You may proceed.

1 MR. McGINLEY: Thank you.

2 BY MR. McGINLEY:

3 Q. Mr. Stoddard, if I could direct
4 your attention, please, to Page 4I-289.

5 Before we do this, let me just
6 ask you something basically about a title
7 commitment. Generally speaking, what are the
8 components that you would see or the information
9 you would expect to see in a title commitment?

10 A. A title commitment is a -- in
11 general is comprised of -- and composed of two
12 different schedules. Schedule A, being the legal
13 description of the property the title commitment
14 was requested for and Schedule B.

15 In Schedule B there would be
16 documents cited of public record that when the
17 title company did their research, they discovered
18 may have some impact on property and they will
19 note that in Schedule B.

20 Q. Okay. Could I then direct your
21 attention, please, to 4I-289 and this would be
22 Item 5 at the top of the page.

23 Would this be -- so Item 5,
24 you've just said that there was part of a title

1 commitment, the second part, identifies other
2 parcels, other recordations, I supposed would
3 be a way of putting it, that may affect title
4 with respect to the parcel of property for
5 which title commitment was contained; is that
6 correct?

7 A. That's correct.

8 Q. Okay. Could I ask you, please,
9 to read the first seven lines of item five?

10 HEARING OFFICER HALLORAN: What
11 page are we on, Mr. McGinley?

12 MR. MCGINLEY: 4I-289, sir.

13 HEARING OFFICER HALLORAN: Thank
14 you.

15 BY THE WITNESS:

16 A. Item five?

17 BY MR. MCGINLEY:

18 Q. Yes.

19 A. Just the legal description or starting
20 with the heading?

21 Q. You can start with the heading as
22 well, please. Thank you.

23 A. "The land referred to in this
24 commitment is described as follows: Parcel 1A

1 (north part-west half northwest quarter). That
2 part of the west half of the northwest quarter
3 of Section 15, Township 45 north, Range 12 east
4 of the third principal meridian, lying south of
5 the north 66 feet conveyed to the city of Waukegan
6 for street purposes by deed recorded April 18,
7 1895, as Document 61658 and lying east of the east
8 line of Sand Street now known as Pershing Road as
9 originally conveyed by deed to the city of Waukegan
10 for street purposes recorded January 19, 1915, as
11 document 157222 and lying south and east said
12 streets as widened by grant for public highway, the
13 state of Illinois dated August 3, 1971, and recorded
14 August 12, 1971, as document 1517501 and re-recorded
15 as January 16, 1974, as document 1649408 and
16 clarified by grant dated April 6, 1984, and recorded
17 June 8," it says -- 1974 on the title commitment and
18 I believe that should be 1984 -- "as document
19 2288725." Do you want me to continue?

20 Q. That's fine.

21 HEARING OFFICER HALLORAN: Well,
22 Mr. McGinley, I've taken official notice.
23 I've accepted it into evidence and given
24 it the weight that it deserves or at least

1 the Board will take a look at it. Why are
2 we going through this?

3 MR. MCGINLEY: Just so that he --
4 Mr. Stoddard can help clarify the issue of
5 what is actually be created through the
6 dedication.

7 HEARING OFFICER HALLORAN: Well,
8 I think it speaks for itself. The Board
9 can take a look at it or I'm not sure where
10 we are going. He was just supposed to be
11 called, you know, to get this in. I've
12 already allowed it in and I've given it
13 official notice.

14 MR. MCGINLEY: Well, if the Board
15 is taking official notice, then we have no
16 further need for going through this.

17 HEARING OFFICER HALLORAN: Thank
18 you.

19 MR. MCGINLEY: Thank you.

20 MS. CAISMAN: Can I do a limited
21 cross.

22 HEARING OFFICER HALLORAN: Limited.
23 Thank you.

24

1 C R O S S - E X A M I N A T I O N

2 By Ms. Caisman

3 Q. Mr. Stoddard, this title commitment
4 is not actually publicly filed, is it?

5 A. Not to my knowledge.

6 Q. You didn't assist in preparing this
7 title commitment?

8 A. No, I did not.

9 Q. Okay. And in preparing your expert
10 disclosures in this case you didn't review this
11 title commitment?

12 A. I did not have this title commitment
13 at the time.

14 Q. Now, you haven't reviewed the
15 underlying documents that went into preparing
16 this title commitment, have you?

17 A. Could you clarify that statement
18 for me? When you say "underlying documents,"
19 which documents are you referring to?

20 Q. I believe you testified on direct
21 that title company would look at certain documents
22 that were publicly available to compile the
23 information they put in this title commitment;
24 is that right?

1 A. I would imagine that's part of
2 their research process, yes.

3 Q. Okay. So you don't know what
4 documents the title company looked at to put
5 this title commitment together?

6 A. I would imagine they looked at
7 the documents that they cited in this commitment.

8 Q. But you yourself did not review
9 those documents?

10 A. No. I'm not a part of the title
11 commitment process for preparing title commitments.

12 Q. In fact, you looked at the grant
13 for public highways from 1971, 1974 and 1984 that
14 are referred to in a portion of this legal
15 description?

16 A. I've look at all of the documents
17 for portions of which I read including the grants.

18 Q. Okay. But you didn't look at the
19 portions for the other portion that you didn't
20 read?

21 A. Actually, I did.

22 Q. You didn't disclose that in your
23 expert report, did you?

24 A. At the time of my expert report, I

1 did not have this commitment. You're asking me
2 if based on this commitment and what I was asked
3 in direct if I read through these additional
4 documents that are cited here and I did read
5 through those.

6 Q. You didn't supplement your report
7 to state that, did you?

8 A. No.

9 Q. Okay. The legal description --
10 this entire legal description, not just the portion
11 that you read for Parcel 1-A differs from the legal
12 description in the 1971, 1974 and 1984 grant
13 documents; isn't that right?

14 A. This legal description describes
15 the property of which the grants are associated
16 with this property, which is Parcel 1-A.

17 Q. But the legal description for Parcel
18 1-A is not the same as the legal description in
19 the grants for public highway that you reviewed?

20 A. There were several legal descriptions
21 in the grant for public highway. Which one are you
22 referring to?

23 Q. Parcel 0393, the parcel that's at
24 issue in this case. Does the description for Parcel

1 1-A in this Exhibit 4I, does that exactly match
2 the legal description for Parcel 0393 in the 1971,
3 1974 or 1984 grant documents?

4 A. This legal description abuts the
5 legal description. However, it is not exactly
6 the same. They describe two different parcels.
7 So they would not be the same.

8 MS. CAISMAN: No further questions.

9 HEARING OFFICER HALLORAN: Thank
10 you.

11 Mr. McGinley?

12 MR. MCGINLEY: I think that's
13 our last witness, but we would like --
14 could we have a few minutes just to make
15 sure?

16 HEARING OFFICER HALLORAN: Okay.
17 Yes. It's about time for a bathroom break
18 anyway. Let's go off the record.

19 (Whereupon, after a short
20 break was had, the following
21 proceedings were held
22 accordingly.)

23 HEARING OFFICER HALLORAN: All
24 right. Is everybody ready? We're back

1 on the record. It's approximately 10:45.

2 Mr. McGinley, are you going
3 to have a few minutes?

4 MR. MCGINLEY: Yes. We thought
5 it would make sense at this point to just
6 go through our exhibit list run through --
7 make sure that everything that we want to
8 get in is agreed to and is admitted and if
9 we're good with that, we will --

10 HEARING OFFICER HALLORAN: Yeah.
11 I'm thinking about doing that after rebuttal.
12 I would like to go up at lunch and figure
13 out all of these exhibits that -- JM's are
14 pretty clear, but I want to figure out what
15 was admitted and what was thrown out there.
16 So I need to make my list and we will
17 go from there. Would that be okay?

18 MS. O'LAUGHLIN: If we could, we
19 would like to reserve the right to recall
20 a witness for any issues that come up with
21 regard to the exhibits.

22 For instance, if you -- if we
23 disagree and we feel that it's been denied
24 and we need to recall someone to establish

1 the foundation and relevance.

2 HEARING OFFICER HALLORAN: You
3 know, I deny that request, but if it comes
4 to pass, I'll reconsider.

5 MS. O'LAUGHLIN: Can we -- I think --
6 so you don't want us to move our exhibits
7 into evidence in our case? You want us to
8 wait until after rebuttal?

9 MR. MCGINLEY: Well, because that
10 way, we just close out our case-in-chief --

11 MS. O'LAUGHLIN: Yes.

12 MR. MCGINLEY: -- and be done and
13 then we go on to do rebuttal.

14 MS. BRICE: We're fine with that.
15 We'd rather -- I mean, we'd like to be able
16 to release Mr. Ebihara, if possible.

17 HEARING OFFICER HALLORAN: Yes.
18 We can do it after our -- what's your
19 suggestion?

20 MS. BRICE: We're fine. We're fine
21 if they want to do that.

22 MS. CAISMAN: I think my suggestion
23 would be to just kind of let them make the
24 motion and sort of admit it and after lunch

1 or during lunch we can figure out exactly
2 which numbers we're talking about. I
3 think that's kind of how we did it with
4 our case. We just made a general motion
5 to move exhibits in and then hashed out
6 which specific ones they were after.

7 HEARING OFFICER HALLORAN: Yes.
8 Okay. I don't think I'm going to make my
9 ruling.

10 MS. O'LAUGHLIN: Okay. We'll just --
11 we'll move certain exhibits to be moved into
12 evidence then. How's that?

13 HEARING OFFICER HALLORAN: That
14 sounds -- okay. Let me...

15 MS. BRICE: So, Ellen, will you need
16 Mr. Ebihara?

17 MS. O'LAUGHLIN: Will you -- well,
18 you --

19 HEARING OFFICER HALLORAN: What
20 exhibits did he --

21 MS. BRICE: I don't think there's
22 any exhibits that he would be related to
23 that are controversial.

24 MS. O'LAUGHLIN: Well, I guess that

1 the question. Well, do you know what
2 your objections are to our motion today?
3 Because if there's no objection to any
4 of the exhibits that Dr. Ebihara had
5 testified to, then I see no reason why
6 he would have to come back.

7 MS. CAISMAN: He was 49 and 120.

8 HEARING OFFICER HALLORAN: So
9 49, 67 and 120. That's all I have.

10 MS. BRICE: I don't think we have
11 a problem with those. Didn't we already
12 sort of try and admit them?

13 HEARING OFFICER HALLORAN: Well,
14 49, you did admit. Sixty-seven was admitted
15 without objection. These are just my cryptic
16 notes. I don't know if they moved it yet or
17 if it's already in evidence.

18 IDOT Exhibit 120. I don't
19 think it's been addressed.

20 MS. BRICE: We don't have an
21 objection.

22 HEARING OFFICER HALLORAN: Well,
23 it sounds like, Mr. Ebihara, you can go.
24 Is that my understanding.

1 MS. O'LAUGHLIN: If that's --

2 MR. MCGINLEY: Yes. That's
3 correct. I think it's doctor.

4 MS. BRICE: Yes. Thank you,
5 Dr. Ebihara.

6 HEARING OFFICER HALLORAN: Thank
7 you.

8 MR. MCGINLEY: We're making
9 progress.

10 MR. GOBELMAN: It's like the Hunger
11 Games. You are the first to be selected to
12 leave.

13 MS. O'LAUGHLIN: All right. Thank
14 you. I'll go through this exercise. I'll
15 just jump into it.

16 So we move the following
17 exhibits to be moved into evidence as
18 part of the record of this case:

19 Exhibit 4A, Exhibit 4B, Exhibit 4I,
20 Exhibit 7, Exhibit 8, Exhibit 19,
21 Exhibit 20, Exhibit 21A, Exhibit 21B,
22 Exhibit 25, Exhibit 26, Exhibit 29,
23 Exhibit 31, Exhibit 32, Exhibit 33,
24 Exhibit 34, Exhibit 35, Exhibit 36,

1 Exhibit 38, Exhibit 40, Exhibit 41,
2 Exhibit 42, Exhibit No. 43, Exhibit 44,
3 Exhibit 46, Exhibit 49, Exhibit 50,
4 Exhibit 52, Exhibit 53B, Exhibit 53K,
5 Exhibit 53L, and now we're adding onto
6 our list, Exhibit 53N, 53P, Exhibit 54A.

7 HEARING OFFICER HALLORAN: Hold
8 on, hold on. 53P?

9 MS. O'LAUGHLIN: Correct.

10 HEARING OFFICER HALLORAN: And
11 54...

12 MS. O'LAUGHLIN: A, 54E, 54Q, 54R,
13 54S.

14 HEARING OFFICER HALLORAN: S?

15 MS. O'LAUGHLIN: S as in Sam,
16 54T, 56, 57, 58, 59, 60, 62, 63, 64,
17 65, Exhibit 66, Exhibit 67, Exhibit 74,
18 Exhibit 78, Exhibit 80, Exhibit 84,
19 Exhibit 92, Exhibit 93, Exhibit 94,
20 Exhibit 102, Exhibit 107, Exhibit 108,
21 Exhibit 109, Exhibit 120, Exhibit 123,
22 Exhibit 132, Exhibit 133, Exhibit 141 --
23 I'm sorry. Scratch that. Exhibit 133,
24 we're not going to. There is no stipulation.

1 So I'm going to withdraw our motion
2 with regard to Exhibit 133. Exhibit
3 141, Exhibit 161, Exhibit 162, Exhibit
4 163, Exhibit 164, Exhibit 166, Exhibit
5 167, Exhibit 200, and Exhibit 202.

6 HEARING OFFICER HALLORAN: All
7 right. I'll take a look at it. I'm sorry.

8 MS. O'LAUGHLIN: I'm unclear as
9 to which exhibits JM objects to.

10 MS. CAISMAN: Do you want me to
11 lay that out now or later?

12 HEARING OFFICER HALLORAN: Do you
13 have the list now?

14 MS. CAISMAN: Yes.

15 MS. BRICE: But we reserve to
16 amend after we go back and look.

17 MS. CAISMAN: We object to the
18 admission of 4A and 4B as no testimony
19 was elicited about these deposition
20 transcripts.

21 We also renew our objection
22 to Exhibit 38, which was the 1965
23 resolution, which was eligible and unable
24 to be read by Mr. Gobelman yesterday.

1 HEARING OFFICER HALLORAN: Oh,
2 I remember that. That was 38?

3 MS. CAISMAN: Yes.

4 HEARING OFFICER HALLORAN: Thank
5 you.

6 MS. CAISMAN: We object to the
7 admission of 54A, 54E and 54T as there
8 was no testimony elicited about those
9 three aerial photographs.

10 HEARING OFFICER HALLORAN: Okay.
11 Hold on, please. Okay.

12 MS. CAISMAN: We object to the
13 admission of Exhibit 64 as there was no
14 testimony elicited regarding that
15 document.

16 We object to the admission
17 of Exhibit 78 for the same reason that
18 no testimony was elicited regarding that
19 document.

20 We object to the admission
21 of Exhibits 108 and 109 as no testimony
22 was elicited regarding those topographical
23 maps.

24 HEARING OFFICER HALLORAN: Wait

1 a minute. Exhibits 108 and 109?

2 MS. CAISMAN: Yes.

3 HEARING OFFICER HALLORAN: Thank
4 you. Okay.

5 MS. CAISMAN: We object to the
6 admission of Exhibit 123 as no testimony
7 was elicited regarding that document and
8 also there was no stipulation of any kind
9 with respect to that document.

10 We object to Exhibit 132 as
11 there was no testimony regarding that
12 document.

13 We object to Exhibit 161 as
14 there was no testimony elicited with respect
15 to that document.

16 We also renew our objections
17 to Exhibits 162 and 163. Mr. Hearing Officer,
18 in May, you excluded these from evidence
19 because they were not timely produced from
20 IDOT. I know your June 21st ruling mentioned
21 a quitclaim deed so I wasn't sure --

22 HEARING OFFICER HALLORAN: I was
23 going to address that. Okay. Thank you.

24 MS. CAISMAN: Yeah. I will just

1 note for the record in addition to the
2 untimely production of those documents,
3 the lack of reliance or disclosure of
4 reliance on them by IDOT's experts on
5 those particular deeds, there are markings
6 or annotations on them that I highly doubt
7 are part of the original deed from 1895
8 and 1915 that was recorded on it. So we'd
9 object to the foundation and authenticity
10 for those markings.

11 Then we had previously objected
12 to Exhibit 166 just because that copy was
13 harder to read and I think a more similar
14 more legible copy exists, which is Exhibit 40.

15 We also objected in May --

16 HEARING OFFICER HALLORAN: I'm
17 sorry. So 166 is the same as 40?

18 MS. CAISMAN: Yes.

19 HEARING OFFICER HALLORAN: So do
20 we need 166?

21 MS. O'LAUGHLIN: We'll take a look
22 at it.

23 HEARING OFFICER HALLORAN: Okay.
24 Thank you.

1 I'm sorry, Ms. Caisman.

2 MS. CAISMAN: And then in May,
3 we had objected to Exhibit 167 as not
4 having been timely produced. So we will
5 just renew that objection.

6 HEARING OFFICER HALLORAN: Okay.

7 MS. CAISMAN: I guess, too, we
8 would just renew our -- sorry -- a little
9 out of order -- the exhibit that as used
10 with Mr. Stoddard was 4I, Pages 286 to 326.
11 We don't think that's a publicly available
12 document. It was not disclosed. He doesn't
13 actually have personal knowledge of it. So
14 for the sake of bringing the document into
15 the record with an inappropriate witness, we
16 will just renew that objection.

17 HEARING OFFICER HALLORAN: Is
18 there anything else? Was 202 out there?
19 I know at one point Ms. Brice reserved
20 and she wanted me to take another look
21 at it. Is that the map?

22 MS. BRICE: Right, right. I mean,
23 we would object to -- I mean, 164 is what
24 we have been using for the most part in this

1 case. At least that's what I was talking
2 about. I never actually understood exactly
3 what the changes were to 202 that were done
4 basically on the stand. So, you know, we
5 would object to that.

6 HEARING OFFICER HALLORAN: All
7 right.

8 MS. O'LAUGHLIN: We will take a
9 look at their objections and then I think
10 we will have to call Mr. Gobelman back
11 depending on what the ruling is on some
12 of these aerial photographs and topographic
13 maps.

14 We thought he covered his
15 aerial photographs enough and his topographic
16 maps enough, but if we need to go through
17 the exercise of saying it is what it is,
18 but if we want to use precious hearing time
19 to do that, we will.

20 HEARING OFFICER HALLORAN: Yes.
21 I remember a few hours of him talking
22 about topographic maps and aerial photos.
23 I'm not certain which exhibits he was
24 referring to.

1 MS. BRICE: Right. Well, I
2 don't know what his opinions are about
3 these different aerial photos because
4 he hasn't talked about them. There's
5 a series of years of aerial photos.

6 I mean, I don't disagree
7 that they should be admissible, but I
8 don't know what -- is he offering opinion
9 on them? Did he rely on them?

10 HEARING OFFICER HALLORAN: Well,
11 did you have a chance to cross?

12 MS. BRICE: Yeah, but he didn't
13 raise them. That's the point.

14 MS. CAISMAN: She crossed on the
15 certain topographic maps and aerial photos
16 that he used, but those were ones he did
17 not use.

18 HEARING OFFICER HALLORAN: That's
19 what I'm getting at. I don't know which --

20 MS. BRICE: Right. So that's
21 the problem. Since he didn't use them,
22 obviously we didn't cross-examine him.

23 HEARING OFFICER HALLORAN: So
24 we're really going to make IDOT call him

1 back up there again for these aerial
2 topographic maps?

3 MS. BRICE: Do they need to
4 rely on them?

5 MS. O'LAUGHLIN: Are they cited
6 in his bibliography?

7 MS. BRICE: I don't know. You
8 tell me.

9 MR. MCGINLEY: They are.

10 MS. O'LAUGHLIN: Let's take a
11 look. We will take a look at them.

12 HEARING OFFICER HALLORAN: You
13 know what, let's take a look at them at
14 lunch. So does IDOT rest?

15 MS. O'LAUGHLIN: Well, subject
16 to the right to recall to establish
17 foundation and relevance and any other
18 issues as to getting these documents
19 into evidence.

20 HEARING OFFICER HALLORAN: Okay.
21 So noted. They rest.

22

23 (Whereupon, IDOT rests
24 its case-in-chief.)

1 HEARING OFFICER HALLORAN: JM?

2 MS. CAISMAN: We have used some
3 exhibits on the crossing of Mr. Gobelman
4 that we would also want to move into evidence.
5 I don't know. Do you want us to do that
6 now?

7 MS. O'LAUGHLIN: Sure.

8 MS. O'LAUGHLIN: Those are in
9 addition to --

10 MS. CAISMAN: In addition to
11 the ones we used May 23 and May 25. We
12 used a couple of additional ones, not
13 very many yesterday.

14 MS. O'LAUGHLIN: And are those
15 in addition to the ones that are listed
16 on your exhibit list that was filed?

17 MS. CAISMAN: No. They are all
18 on our exhibit list. We just didn't elicit
19 any testimony about them until yesterday.

20 MS. O'LAUGHLIN: Okay. Thank you
21 for the clarification.

22 HEARING OFFICER HALLORAN: I just
23 want to note by far in my 17 -- well, my 27
24 years as a prosecutor and here, I've never

1 seen this many exhibits. But I'm just saying --
2 anyway, but go ahead Ms. Caisman.

3 MS. CAISMAN: It was 4D, 25, which
4 is also on IDOT's list. So 25 was mutually
5 moved in.

6 HEARING OFFICER HALLORAN: Okay.

7 MS. CAISMAN: Twelve, 13, 75, and
8 76.

9 HEARING OFFICER HALLORAN: Okay.
10 So 25 has already been moved?

11 MS. CAISMAN: That was on IDOT's
12 list just now.

13 HEARING OFFICER HALLORAN: Oh,
14 okay. Are you finished?

15 MS. BRICE: And I would just like
16 to say procedurally and for the record to
17 the extent that they have rested with the
18 reservation, we would move for directed
19 on their affirmative defenses.

20 HEARING OFFICER HALLORAN: Denied.
21 Thank you. So noted for the record.

22 MS. BRICE: It is a procedural
23 point.

24 HEARING OFFICER HALLORAN: Yeah.

1 Well, all right. Thank you. So noted. All
2 right. So IDOT rests with that condition
3 and JM, Ms. Caisman, rebuttal?

4 MS. BRICE: Yes. JM will call
5 Mr. Brent Tracy.

6 THE COURT REPORTER: Do you
7 swear the testimony you're about to give
8 will be the truth, the whole truth and
9 nothing but the truth, so help you God?
10 (Witness sworn.)

11 WHEREUPON:

12 B R E N T T R A C Y
13 called as a witness herein, having been first duly
14 sworn, deposeth and saith as follows:

15 D I R E C T E X A M I N A T I O N
16 by Ms. Brice

17 Q. Hi, Mr. Tracy. I just have a few
18 very quick questions for you.

19 When Johns Manville signed
20 the administrative order on consent, what was
21 its understanding of why Johns Manville was
22 liable for asbestos-containing material in
23 Sites 3 and 6?

24 A. We had placed the tire bumpers --

1 the pipes that were the tire bumpers on the
2 parking lot of Site 3.

3 HEARING OFFICER HALLORAN: Can
4 you keep your voices up? The blowers are
5 on and it's hard to hear. Thanks.

6 BY MS. BRICE:

7 Q. At that time what did JM know
8 about IDOT's involvement with either Site 3 or
9 Site 6?

10 A. We knew that they had done the
11 Amstutz Project and we knew that they had built
12 the bypass roads.

13 Q. At that time what was JM's belief
14 as to how the asbestos-containing material became
15 buried on the sites?

16 A. At the time we signed the AOC, our
17 consultant had the theory that when we used the
18 geoprobe to take the 1998 samples or the other
19 consultant did, a geoprobe is a very small tube
20 and they may have driven some of the pieces down
21 lower into the cores when we did that.

22 Q. You previously said that during
23 the AOC negotiations, JM raised with US EPA that
24 IDOT might have operator status under CERCLA.

1 What was US EPA's response?

2 A. They said they didn't feel they
3 had enough evidence to bring them in.

4 Q. I'm sorry. I didn't hear you.

5 A. They didn't feel they had enough
6 evidence to bring them in.

7 MS. O'LAUGHLIN: Objection,
8 hearsay.

9 HEARING OFFICER HALLORAN: Okay.

10 Ms. Brice?

11 BY MS. BRICE:

12 Q. Did you --

13 HEARING OFFICER HALLORAN: Sustained.

14 MS. BRICE: Wait. Can I respond
15 to the hearsay objection?

16 HEARING OFFICER HALLORAN: Yeah.

17 Well, it looked like you were responding
18 to Mr. Tracy with another question.

19 MS. BRICE: Oh, no, no. This
20 goes to notice as to what US EPA's position
21 was.

22 HEARING OFFICER HALLORAN: Proceed.

23 MS. BRICE: So are you sustaining
24 or overruling?

1 HEARING OFFICER HALLORAN: Sustained.

2 I want to hear your response.

3 MS. BRICE: Oh, that's my --

4 HEARING OFFICER HALLORAN: Okay.

5 Yeah. The blowers are loud.

6 BY MS. BRICE:

7 Q. So with respect to -- did you have --
8 did US EPA tell you -- let me back up.

9 You discussed with this US EPA,
10 correct?

11 A. Yes.

12 Q. Okay. And did you have -- did you
13 personally have a conversation with US EPA about
14 this, correct?

15 A. Yes.

16 Q. Okay. And with respect to what --
17 let me restate this.

18 What did you do in response to
19 US EPA's reaction to your statement about IDOT
20 possibly having operators test --

21 THE COURT REPORTER: We can't
22 hear you.

23 HEARING OFFICER HALLORAN: You
24 have to keep your voice up. I'm sorry.

1 MS. BRICE: I'm sorry. It's
2 hard.

3 BY MS. BRICE:

4 Q. What did JM do in response to US EPA's
5 position?

6 A. At the time in 2007?

7 Q. Yes.

8 A. We -- at that point, we discussed
9 whether we were going to execute the agreement
10 or not ultimately, we did execute it.

11 HEARING OFFICER HALLORAN: Sir,
12 you have to keep your voice up.

13 THE WITNESS: Oh, I thought I
14 was. I'm sorry.

15 HEARING OFFICER HALLORAN: Not
16 at all. I'm sorry. Thank you.

17 BY THE WITNESS:

18 A. Let me think back where I was. At
19 the time we contemplated whether that was enough
20 reason to or whether we should go ahead and execute
21 the AOC based on that information and given CERCLA's
22 punitive nature, we ultimately did sign the
23 AOC.

24

1 BY MS. BRICE:

2 Q. Okay. You took that action why? I
3 mean, you -- what was your understanding of what
4 US EPA was communicating to you what notice did
5 they give to you about their position?

6 A. They -- they verbally told us that
7 they were going to -- I mean, not going to bring
8 them in at that point and they also indicated at
9 the time that they would look at issuing another
10 information request.

11 Q. Okay. And did they issue an
12 information request?

13 A. No, they did not.

14 Q. Okay. What was your understanding
15 of what they said about not bringing them in at
16 that time?

17 A. My understanding was that they said
18 they did not have enough evidence to bring them
19 in.

20 Q. To your knowledge, had US EPA used
21 civil investigators to investigate the sites?

22 A. I was made aware that they did use
23 civil investigators for the site.

24 Q. But did you ever come to learn what

1 was known by the civil investigators?

2 A. EPA never shared that information.

3 MS. BRICE: No further questions.

4 HEARING OFFICER HALLORAN: Thank
5 you, Ms. Brice.

6 Mr. McGinley?

7 C R O S S - E X A M I N A T I O N

8 by Mr. McGinley

9 Q. Mr. Tracy, I assume that Johns
10 Manville sought to have another information
11 request issued by US EPA to IDOT. Would that
12 be a fair characterization of Johns Manville's
13 effort?

14 A. No. That was EPA's affirmative
15 statement to us. We did not ask them to do that
16 directly. They said that prior to asking.

17 Q. And you never sought to have US EPA
18 issue another 104(e) request? You never made any
19 attempt to have US EPA attempt to do that?

20 MS. BRICE: Asked and answered.

21 HEARING OFFICER HALLORAN: Overruled.

22 BY THE WITNESS:

23 A. Would you repeat the question.

24 I'm sorry. I want to make sure I get it right.

1 BY MR. MCGINLEY:

2 Q. Did Johns Manville ever make any
3 attempt to ask US EPA to issue another 104(e)
4 request to IDOT?

5 A. Yes. We actually supplied them
6 with some potential questions and they still
7 did not respond.

8 Q. Did not respond. In fact, they
9 didn't take that action, right? They have not
10 issued a subsequent 104(e) letter to IDOT; isn't
11 that right?

12 A. That's my understanding, yes.

13 Q. It's your understanding or are
14 you confirming that that's, in fact, the case?

15 A. Well, I haven't reviewed the
16 entire administrative record to make sure, but
17 I'm not aware that they have done that.

18 Q. And you are, in fact, fair to say,
19 intimately familiar with what's been taking place
20 with this case, correct? You've been working on
21 this matter for several years, haven't you?

22 A. Yes.

23 Q. Okay. So, in fact, if US EPA had
24 done that, you would know about it?

1 A. If they would have told us, yes.

2 Q. And you, in fact, were involved in
3 the efforts, fair to say, at least in some
4 respect to have US EPA issue another 104(e)
5 letter to IDOT, isn't that also correct?

6 MS. BRICE: Objection,
7 mischaracterize the testimony.

8 HEARING OFFICER HALLORAN: That's
9 sustained. Rephrase.

10 BY MR. MCGINLEY:

11 Q. Wouldn't it be fair to say,
12 Mr. Tracy, you have made efforts as part of Johns
13 Manville's overall efforts to get US EPA to issue
14 another 104(e) letter to IDOT, haven't you had a
15 role in those efforts?

16 MS. BRICE: Again, that
17 mischaracterizes the testimony.

18 HEARING OFFICER HALLORAN: He
19 can answer if he is able.

20 BY THE WITNESS:

21 A. I -- at EPA's request, we offered
22 some potential questions to EPA. That's the
23 effort we made.

24

1 BY MR. MCGINLEY:

2 Q. And you were involved in that effort
3 yourself, correct?

4 A. Yes.

5 Q. You mentioned earlier about
6 civil investigators from US EPA looking into
7 the Johns Manville site and I suppose from
8 your testimony, although I don't believe you
9 said so specifically, that you were referring
10 to Site 3 and Site 6, correct?

11 A. The sites that were the subject
12 of the 104(e) question and Johns Manville at
13 the time, which were -- which would have been,
14 I believe, Sites 1, 2 and 3.

15 Q. Sites 1, 2 and 3.

16 Okay. Have you ever submitted --
17 has Johns Manville ever submitted any FOIA requests
18 to US EPA for information regarding the Johns
19 Manville sites?

20 A. Ever? I believe the answer would be
21 yes.

22 Q. That has taken place?

23 A. It has.

24 Q. Okay. How recently has that ever been

1 done?

2 A. I believe most recent FOIA request
3 was probably around 2000.

4 Q. 2000, is that your testimony, sir?

5 A. Yes.

6 Q. And have you -- were you involved
7 at all in the drafting of the FOIA request to
8 US EPA back in 2000?

9 A. No.

10 Q. All right. Who handled that for Johns
11 Manville?

12 A. I believe it would have been Bruce
13 Ray, but I'm not sure.

14 Q. Do you recall what the scope of the
15 information was that was being sought by Johns
16 Manville through that FOIA request?

17 A. No.

18 Q. So you have never seen that FOIA
19 request, is that your testimony?

20 A. I have not directly seen the FOIA
21 request, no.

22 Q. You have not directly seen it. So
23 what then is your knowledge other than the fact
24 that the FOIA request was made? Do you have

1 additional knowledge?

2 A. That is my knowledge.

3 Q. So you have no further knowledge other
4 than the fact that it was issued -- that a FOIA
5 request was made?

6 A. Correct.

7 MR. MCGINLEY: Okay. I'm fine.
8 Thank you. No further questions.

9 HEARING OFFICER HALLORAN: Thank
10 you.

11 Ms. Brice?

12 MS. BRICE: Yes. I have one quick
13 point.

14 R E D I R E C T E X A M I N A T I O N
15 by Ms. Brice

16 Q. I think it was your testimony a
17 minute ago that it was US EPA's idea to issue a
18 second FOIA request to IDOT; is that correct?

19 A. They -- yeah. When they said they
20 didn't have enough information and after some
21 other discussion, they basically said we would --
22 we may entertain issuing another information
23 request and if you have some questions you want
24 us to ask, please relay them.

1 MS. BRICE: Okay. No further
2 questions.

3 HEARING OFFICER HALLORAN: Thank
4 you.

5 Thank you, Mr. Tracy.

6 (Witness excused.)

7 HEARING OFFICER HALLORAN: Let's
8 go off the record for a minute.

9 (Whereupon, a discussion
10 was had off the record.)

11 HEARING OFFICER HALLORAN: Lori,
12 we are back on the record, please. It's
13 approximately 11:15.

14 Ms. Caisman, you're witness.

15 MS. CAISMAN: Thank you.

16 JM calls Mr. Stoddard.

17 HEARING OFFICER HALLORAN: All
18 right. Mr. Stoddard, you have been sworn
19 in earlier today. You're under oath.

20 You may proceed.

21 (Witness previously sworn.)

22 MS. CAISMAN: Thank you.

23

24

1

2

3 WHEREUPON:

4

K E I T H S T O D D A R D

5

called as an adverse witness herein, pursuant to

6

Section (4), Rule 611(c): 735 ILCS 5/2-1102 of the

7

Illinois Rules of Evidence, having been previously

8

duly sworn, deposeth and saith as follows:

9

C R O S S - E X A M I N A T I O N

10

by Ms. Caisman

11

Q. Mr. Stoddard, you were offered by

12

IDOT as an expert witness in the scope and purpose

13

of a grant for public highway; is that correct?

14

A. That's correct.

15

Q. You don't have a law degree, do you?

16

A. No, I do not.

17

Q. You're not an expert in real estate

18

law?

19

A. No.

20

Q. You're not an expert on easements or

21

the law of easements?

22

A. No.

23

Q. And so you're not -- you wouldn't

24

be an expert on the types of duties that IDOT

1 would have to maintain any easement that it had
2 under the law?

3 A. That's correct.

4 MR. MCGINLEY: Objection.

5 Mr. Stoddard hasn't been offered as
6 an expert witness on that.

7 It's outside the scope
8 of any testimony that we elicited from
9 Mr. Stoddard.

10 HEARING OFFICER HALLORAN: Okay.

11 Ms. Caisman?

12 MS. CAISMAN: I think we are
13 trying to establish what he is and is
14 not an expert on for purposes of his
15 expert report and it also goes to his
16 credibility and the credibility of the
17 opinions in his disclosure.

18 HEARING OFFICER HALLORAN: I'll
19 allow a few minutes on it.

20 MS. CAISMAN: Sure.

21 BY MS. CAISMAN:

22 Q. And you've never taken any legal
23 courses?

24 A. No.

1 Q. So you are not offering any legal
2 opinions, are you?

3 A. That is correct.

4 Q. If you could, turn to Exhibit 15.

5 A. Here are Exhibits 28 through 56.
6 I don't see Exhibit 15. Here it is.

7 Q. Mr. Stoddard, Exhibit 15, I just
8 want to establish the -- for foundation and
9 background purposes the parcel that we're looking
10 at. You understand that Parcel 0393 is the
11 right-of-way parcel that we are talking about
12 on this case?

13 A. And this is Exhibit 15-1 that we
14 are looking at?

15 Q. Yes.

16 A. Okay. I'm sorry. Your question?

17 Q. Do you understand Parcel 0393 is
18 the parcel that's at issue in this case?

19 A. I understand that, yes.

20 Q. And do you see where Parcel 0393
21 is demarcated in a rectangular box and it's just
22 south of Greenwood Avenue and east of Sand or
23 Pershing Street?

24 A. I see that.

1 Q. Okay. So you will understand then
2 when we're talking about Parcel 0393, that's the
3 area that we're referring to?

4 A. Yes.

5 Q. And that's distinct and a different
6 parcel than E393, which is marked with a red box
7 and highlighted in yellow --

8 A. Yes.

9 Q. -- on Exhibit 15?

10 A. Yes.

11 Q. Okay. You believe that IDOT has a
12 permanent easement in Parcel 0393, don't you?

13 A. Yes.

14 Q. Okay. If you could, turn to Exhibit
15 No. 41.

16 A. I have that.

17 Q. Exhibit No. 41 is the 1971 grant
18 for public highway and in this document, this
19 grant gave IDOT the right to use for highway
20 purposes a number of parcels, which included
21 Parcel 0393?

22 A. That is correct.

23 Q. So because of this grant document,
24 IDOT could do anything related to highway purposes

1 on that particular parcel?

2 A. That -- that would be true.

3 Q. Okay. And as the permanent easement
4 holder on Parcel 0393, IDOT could do whatever was
5 necessary to maintain the property for highway
6 purposes?

7 A. If it's for highway purposes, yes.

8 Q. And highway purposes would include
9 maintaining public safety?

10 A. That is correct.

11 Q. It would include maintaining traffic
12 flow?

13 A. Yes.

14 Q. This 1971 grant document in Exhibit
15 No. 41 would also allow IDOT to dig on Parcel 0393
16 if it was for a highway purpose?

17 A. I believe so.

18 Q. It would allow IDOT to install new
19 facilities on Parcel 0393 if they were for a highway
20 purpose?

21 A. That is correct.

22 Q. And it would also -- the grant also
23 gives IDOT access to Parcel 0393 to do anything as
24 it relates to highway purposes?

1 A. That would be correct.

2 Q. You understand that IDOT needed to
3 acquire the permanent easement in Parcel 0393
4 so that it could change the grade of Greenwood
5 Avenue to make an overpass to connect to the
6 Amstutz expressway?

7 MR. MCGINLEY: Objection, assumes
8 facts not in evidence.

9 HEARING OFFICER HALLORAN: And
10 Ms. Caisman?

11 MS. CAISMAN: I'm asking him if
12 that's a correct understanding or not.

13 HEARING OFFICER HALLORAN: He
14 can answer if he is able. Overruled.

15 BY THE WITNESS:

16 A. I didn't review the construction
17 plans as a part of my job in acquiring right-of-way.
18 Programming and design make those decisions and I
19 acquire. We just do what they've directed us to
20 do.

21 BY MS. CAISMAN:

22 Q. But you understand that IDOT
23 needed an interest in Parcel 0393 to do work
24 as part of its project on the Amstutz expressway?

1 A. That is my understanding.

2 MR. MCGINLEY: Objection,
3 assume facts not in evidence, no
4 foundation.

5 HEARING OFFICER HALLORAN: Okay.
6 Ms. Caisman?

7 MS. CAISMAN: Again, I was asking
8 if that's an understanding and I believe
9 he answered that that was his understanding.

10 HEARING OFFICER HALLORAN: I'll
11 let it stand.

12 BY MS. CAISMAN:

13 Q. IDOT's permanent easement in Parcel
14 0393 is an existing right-of-way to this day,
15 correct?

16 A. That is one way right-of-way can be
17 classified and as it currently stands, the road
18 is still there. So it would still be effective,
19 in my opinion.

20 Q. And so because the road is still
21 there, the grant for public highway conveyed to
22 IDOT is still necessary?

23 A. I believe so.

24 Q. So as long as the road abutting

1 Parcel 0393 is being used for highway purposes,
2 IDOT's easement on Parcel 0393 is still in
3 affect?

4 A. That would be correct.

5 Q. And it would still be necessary?

6 A. Yes.

7 Q. Okay. If you could, turn to Exhibit
8 No. 43.

9 A. I have that exhibit.

10 Q. This is the 1984 grant for public
11 highway from ComEd to IDOT; is that correct?

12 A. That is correct.

13 Q. And it appears similar to the 1971
14 grant, but on Page 43-9, it indicates that the
15 purpose of this document is to correct the
16 intent and legal description of an earlier 1974
17 grant?

18 A. That's what's stated on this page.

19 Q. Now, 1984 was after the construction
20 of the Amstutz Project was completed, correct?

21 A. Based on testimony offered here,
22 that would be my understanding.

23 Q. Okay. So this document was
24 re-recorded then after the Amstutz -- construction

1 on the Amstutz Project concluded?

2 A. Again, that's my understanding based
3 on testimony given here as to when the Amstutz
4 Project was completed.

5 Q. You understood that this 1984 grant
6 document was separating permanent easement parcels
7 from temporary construction easement parcels?

8 A. That's correct.

9 Q. Okay. And 0393 was being treated
10 as a permanent easement parcel?

11 A. I just want to make a clarification
12 that the 0393 is a right-of-way parcel. It's
13 never referred to as a permanent easement in
14 these documents, but that's how I had classified
15 it in my deposition.

16 Q. Okay. So your understanding is it
17 in effect it operates as a permanent easement?

18 A. That is correct.

19 Q. Okay. And that was a permanent
20 easement granted to the state of Illinois?

21 A. Yes, according to this document.

22 Q. Now, the 1984 grant document, other
23 than to use Parcel 0393 for highway purposes,
24 there were no other restrictions on IDOT's use

1 of Parcel 0393?

2 A. Based on this document, that would
3 be my understanding.

4 Q. So there were no limitations on
5 the duration of IDOT's interest in Parcel 0393
6 based on the 1984 grant document?

7 A. That is correct.

8 Q. If you would, turn to Exhibit 85.
9 Are you on 85?

10 A. Yes, I believe so.

11 Q. Yes. Okay. Exhibit 85 is just
12 another copy of the publicly recorded 1984 grant
13 for public highway; is that correct?

14 A. Yes.

15 Q. Okay. I just want you to turn
16 to the very last page of Exhibit 85, to this
17 map or figure on the back of the grant document.
18 Was this figure -- do you know if it was prepared
19 by IDOT?

20 A. I have not seen this figure.

21 Q. Okay. Are you familiar with H.W.
22 Lockner, Inc.?

23 A. No, I am not.

24 Q. Do you see in the box and in the

1 right -- bottom right-hand corner, it says, "Area
2 of permanent easement"?

3 A. I see that.

4 Q. Do you see where Parcel 0393 is
5 identified under that heading?

6 A. This particular exhibit is very
7 difficult to read as far as -- I'm not sure.

8 Q. This one has the color version.

9 A. This type is very small. I
10 apologize. I have difficulty reading it.

11 Q. Do you see Parcel 0393 on the map
12 itself?

13 A. I do.

14 Q. Okay. And it's shaded in dark?

15 A. That is correct.

16 Q. And then in the box in the bottom
17 right-hand corner where it says, "permanent
18 easement," there's a box shaded in dark?

19 A. Yes.

20 Q. Okay. And then below that, there's
21 a heading that says, "temporary easement"?

22 A. That's correct.

23 Q. I believe next to that there's a
24 box and I think it's striped?

1 A. It's hashed. That's correct.

2 Q. It's hashed?

3 A. Yes.

4 Q. Okay. And E393 on the figure,
5 Parcel E393 is hashed?

6 A. That's correct.

7 Q. So is that consistent with the
8 understanding that Parcel 0393 was treated as
9 a permanent easement?

10 A. Yes, that's consistent.

11 Q. And consistent with the understanding
12 that Parcel 0393 was treated as a temporary
13 easement?

14 A. That's correct.

15 Q. You stated earlier that you reviewed
16 the construction plans. Did you review the
17 construction plans for the Amstutz Project?

18 A. No, I have not review the construction
19 plans for the Amstutz Project.

20 Q. Are you aware of whether or not H.W.
21 Lockner prepared the construction plans for IDOT
22 for the Amstutz Project?

23 A. No.

24 Q. If you could, turn to Exhibit 47.

1 A. Okay. You will have to give me a
2 moment here.

3 Q. Exhibit 47 starts with a cover
4 email from you to Mr. McGinley dated March 31,
5 2016. Attached is a draft of your expert
6 disclosure statement; is that correct?

7 A. That's correct.

8 Q. Now, IDOT's attorney is the AG'S
9 office, which originally drafted this disclosure
10 statement for you, didn't they?

11 A. Yes.

12 Q. And then you made certain revisions
13 to it?

14 A. That is correct.

15 Q. Okay. So if you could, turn to
16 Exhibit 47-2. I'm looking at Section 2B.

17 A. I have that.

18 Q. Now, when IDOT's attorneys wrote
19 this disclosure for you, they originally wanted
20 you to say that the grant for public highway
21 only provides IDOT with the right to use temporary
22 easement over the third party's real property;
23 is that right?

24 A. I don't believe they wanted me to

1 say that. I believe based on conversations that
2 I had with them and when they drafted the document
3 that they wrote that down and that's why it's
4 crossed out to correctly represent what was
5 talked about in those phone conversations.

6 Q. Okay. So in the phone conversations,
7 you discussed with them that the grant for public
8 highway provided IDOT with a permanent easement?

9 A. I don't know that that specific
10 language was used.

11 Q. But you did not say that it provided
12 IDOT only a temporary easement?

13 A. I don't recall the entire content of
14 those phone conversations.

15 Q. Okay. Despite then having purportedly
16 talked about the opinions with you, they wrote down
17 that the grant for public highway only provided IDOT
18 with the right to use temporary easement over the
19 real property?

20 A. In the initial draft, that's how it
21 was stated.

22 Q. And you crossed that out?

23 A. I did.

24 Q. Because that's incorrect?

1 A. Correct.

2 Q. The grant gave IDOT a permanent
3 easement over Parcel 0393?

4 A. My opinion is that there is a
5 permanent easement there. So I -- I don't know
6 if I had that specific conversation with them
7 or directed them that that was my -- you know,
8 in that statement, but - so I don't know if I
9 made that comment directly to them, this is a
10 permanent easement, but, you know, based only
11 how the draft was written, I crossed that out.

12 Q. Your reason for crossing it out
13 is because that statement was incorrect and your
14 understanding or your opinion is that it's a
15 permanent easement?

16 MR. MCGINLEY: Objection, asked
17 and answered.

18 HEARING OFFICER HALLORAN: Sustained.

19 BY MS. CAISMAN:

20 Q. IDOT's attorneys had also originally
21 written that the grant for public highway does not
22 vest in IDOT any permanent rights in the property.
23 Do you see that?

24 A. I'm sorry. Could you --

1 Q. It's still in Section 2B. We're now
2 on 47-3 at the very top.

3 A. I see that.

4 Q. And then you crossed that part out
5 as well?

6 A. Yes, I did.

7 Q. Because IDOT does have permanent
8 rights vested in Parcel 0393?

9 A. Based on the fact that it's a
10 permanent easement, that's correct.

11 Q. If you could, turn to Exhibit 17.

12 A. I have that.

13 Q. I'm looking at -- this is the final
14 filed version of your expert disclosure statement.
15 I want to direct your attention to 17-3 again
16 looking at 2B.

17 A. I have that.

18 Q. I just want to clarify that in
19 this section, you are not stating that IDOT had
20 a temporary easement, correct?

21 A. Could you repeat the question,
22 please?

23 Q. Okay. So I'll just read it. It
24 states, "Mr. Stoddard is also expected to testify

1 that fee simple interest and title is vested in
2 Commonwealth Edison for the real property located
3 south of Greenwood Avenue and east of Sand
4 Street and that the grant for public highway
5 only provides IDOT with the right to use a
6 third party's real property for the purpose
7 specified with additional limitations on
8 temporary construction easements."

9 Now, I just want to clarify
10 that you're not saying that Parcel 0393 was a
11 temporary construction easement.

12 MR. MCGINLEY: Objection,
13 asked and answered.

14 HEARING OFFICER HALLORAN: Overruled.

15 BY THE WITNESS:

16 A. This -- this -- Section B here
17 refers to the ownership in which is Parcel 0393
18 is located. And so this statement refers to
19 an ownership issue. It does not refer to
20 Parcel 0393 in the property with which is situated.
21 It is owned by Commonwealth Edison.

22 BY MS. CAISMAN:

23 Q. But I just want to clarify that
24 in this statement, you're not saying that IDOT

1 had a temporary construction easement over that
2 parcel?

3 A. I don't see any language where
4 I'm making a statement concerning 0393, whether
5 it's a temporary easement or a permanent easement
6 in this particular location of this document.

7 Q. Okay. So when you say "additional
8 limitations on temporary construction easement,"
9 that does not apply to Parcel 0393, does it?

10 A. But that does not apply to 0393,
11 that is correct.

12 Q. So I just want to make sure this is
13 clear.

14 The temporary construction
15 easements that were granted were limited in time?

16 A. That is my understanding by a reading
17 of those grants for public highway.

18 Q. But the grant on -- with respect to
19 Parcel 0393 could last forever as long as it was
20 being used for highway purposes?

21 A. Forever is a long time, but if it was
22 their, yes.

23 Q. If you could, turn to Exhibit 3G. I
24 have Exhibit 3G.

1 A. Okay.

2 Q. These are respondent's -- IDOT's
3 revised responses to complainant's third set of
4 interrogatories.

5 Specifically, I want to direct
6 your attention to number four, which is on 36 --
7 sorry -- 3G-6.

8 MR. MCGINLEY: Mr. Halloran,
9 I'm going to object. This wasn't -- we
10 never raised this in our case-in-chief.
11 I mean, if -- we've never asked Mr. Stoddard
12 about interrogatory responses. We had
13 him presented simply initially just to
14 talk about the title commitment.

15 I mean, I'm not sure why
16 we have to go through this exercise,
17 but it does seem like it's a little
18 bit far afield from where we went with
19 Mr. Stoddard in the case and I'm not
20 sure what the rebuttal purpose would
21 be.

22 HEARING OFFICER HALLORAN: Right.
23 Ms. Caisman?

24 MS. CAISMAN: Mr. Stumpner, in

1 their case, had made certain representations
2 about IDOT -- the nature of IDOT's interest
3 in this property and the abutting roadways
4 and how that will -- how that impacts
5 IDOT's responsibilities and obligations
6 or not.

7 So we're attempting to
8 rebut this with Mr. Stoddard. We
9 thought IDOT was going to call him in
10 their case-in-chief given that we did
11 months of discovery.

12 Additionally, going through
13 these interrogatory responses, I believe
14 that his testimony contradicts much what
15 IDOT put in their sworn interrogatory
16 responses. And so IDOT's good faith or
17 bad faith in responding to these certain
18 misrepresentations and their cooperation
19 in this matter goes to the Section 33C
20 factors.

21 HEARING OFFICER HALLORAN: Quick
22 reply.

23 MR. MCGINLEY: Well, I'll object
24 initially to the characterization of bad

1 faith. I think that that's uncalled for.

2 But more to the point, they
3 named Mr. Stoddard as being a witness in
4 their case-in-chief. They opted not to
5 call Mr. Stoddard in their case-in-chief.

6 This is a rebuttal, you
7 know, exercise at this point. So the
8 purpose and the scope should be to rebut
9 and it should be limited to the purposes
10 of rebutting.

11 HEARING OFFICER HALLORAN: I
12 agree. I mean, I'm not sure how we're
13 getting where you're going or why.

14 MS. CAISMAN: Like I said, I
15 think it rebuts Mr. Stumpner's testimony
16 about the nature and interest -- honestly,
17 our expectation was that given that we
18 had done -- as we stated repeatedly,
19 reopened discovery and moved the hearing
20 back to do expert discovery so that they
21 could name Mr. Stoddard as a witness, we
22 had expected to be doing this on
23 cross-examination rather than rebuttal,
24 but they chose not to call him despite

1 all of the efforts made on this case.

2 MS. BRICE: And if I might add,
3 our briefing on this was to the extent
4 that they -- they had his written
5 testimony in evidence. We're allowed
6 to do cross-examination of that. So
7 we expressed to them that we thought
8 that they were going to be calling him
9 in their case and they chose not to.

10 Therefore, we're allowed
11 to do cross-examination of him procedurally
12 in their case. We're just doing in the
13 context of rebuttal because we're trying
14 to get it in and it's just an easier way
15 to do it, but we've made it very clear to
16 them that we thought they needed to call
17 them in their case-in-chief because of
18 the whole due process issues, everything
19 along those lines, and we raised in our
20 motion that we filed with respect to the
21 need to be able to cross-examine a witness
22 and his expert report is in evidence and
23 his written testimony and the rules are
24 that if you've got written testimony in

1 evidence, you're allowed to do
2 cross-examination of that witness.

3 HEARING OFFICER HALLORAN: Well,
4 why didn't you call him in your
5 case-in-chief?

6 Was it just trial tactics?

7 MS. BRICE: No. We assumed
8 he was being called in their case. I
9 understand trial, bold trial tactics,
10 right? But we -- frankly, I mean, they --
11 all representations have been made that
12 he was going to be called in their
13 case-in-chief.

14 But if they are using him
15 and using his witness testimony and his
16 expert report, we are allowed
17 cross-examination under the rules.

18 MR. MCGINLEY: But we're not
19 using his testimony.

20 HEARING OFFICER HALLORAN: He's
21 not using --

22 MS. BRICE: Well, I don't know
23 if he is or isn't. He's got -- the witness --

24 MR. MCGINLEY: We haven't

1 included Mr. Stoddard's disclosure
2 statement as being one of our exhibits.
3 We just went through that exercise.

4 HEARING OFFICER HALLORAN: What
5 exhibit is that?

6 MR. MCGINLEY: Exhibit 17. We
7 didn't use that and we certainly didn't
8 use the draft.

9 HEARING OFFICER HALLORAN: I
10 agree with Mr. McGinley. I think we are
11 going far afield of what rebuttal purposes
12 are for and especially with Mr. Stoddard.
13 Sustained.

14 MS. CAISMAN: Mr. Halloran, given
15 that, I could probably cut out a bunch of
16 this given your ruling, maybe now we want
17 to take a break for lunch instead of watching
18 sit through and cut through this.

19 HEARING OFFICER HALLORAN: Yes.
20 That's what she just suggested.

21 MS. CAISMAN: Okay.

22 HEARING OFFICER HALLORAN: Okay.
23 so I don't know. At ten 'til 1:00? No.
24 let's make it at 1:00 o'clock. We have

1 some exhibit stuff to go through. Thank
2 you. We're off the record.

3 (Whereupon, after a short
4 break was had, the following
5 proceedings were held
6 accordingly.)

7 HEARING OFFICER HALLORAN: All
8 right. My apologies. We are back on the
9 record at approximately 1:08 in the afternoon
10 on June 24th.

11 Ms. Caisman, I believe your
12 witness is still up.

13 Mr. Stoddard, you still under
14 oath.

15 MS. CAISMAN: Just to clarify, we
16 are going to set aside the exhibit issues
17 for now?

18 HEARING OFFICER HALLORAN: Yes.

19 BY MS. CAISMAN:

20 Q. Mr. Stoddard, you provided an expert
21 opinion regarding jurisdiction in this case, didn't
22 you?

23 A. Yes.

24 Q. And you were here for Mr. Stumpner's

1 testimony on jurisdiction?

2 A. I was not.

3 Q. But today -- as you sit here
4 today, you were not offering -- you weren't
5 asked by IDOT to offer any opinions regarding
6 jurisdiction?

7 A. I don't recall being specifically
8 being asked to offer an opinion on jurisdiction.

9 Q. You were not able to reach any --
10 an opinion as to who originally had jurisdiction
11 over Greenwood Avenue, did you?

12 MR. MCGINLEY: Objection, vague
13 and ambiguous, lacks foundation.

14 HEARING OFFICER HALLORAN: Could
15 you rephrase, please, Ms. Caisman?

16 BY MS. CAISMAN:

17 Q. If you could, turn to Exhibit 47.

18 A. Okay. I have Exhibit 47.

19 Q. Okay. If you could, turn to --
20 again, this is your -- the draft disclosure
21 statement for you that was prepared by the
22 AG's office. If you could, turn to 47-3.

23 A. Okay. I have that change.

24 Q. And I'm looking at Section 2D.

1 A. I do not see the section number.

2 I see a D. Is that what you're referring to?

3 Q. Yes. So two starts on 47-2 and
4 it goes A, B, C, D on 47?

5 A. Okay. I have it.

6 Q. Okay. So I'm looking at D. In
7 Section D, it's talking about Greenwood and
8 Sand Street; isn't that right?

9 A. That's correct.

10 Q. Okay. And the last sentence reads,
11 "have always been under the jurisdiction and
12 control of the city of Waukegan and that the city
13 of Waukegan's jurisdiction and control over each
14 of the aforementioned streets continues up through
15 the present day."

16 Do you see that?

17 A. That is crossed out. I see that,
18 yes.

19 Q. And you crossed that out?

20 A. Yes, I did.

21 Q. You crossed that out because you're
22 not familiar with whether the city of Waukegan
23 always had jurisdiction over Greenwood Avenue
24 and Sand Street?

1 A. Not at the time that this was
2 prepared.

3 Q. You don't know who originally
4 had jurisdiction of Greenwood Avenue and
5 Sand Street?

6 A. Again, not at the time that
7 this was prepared.

8 Q. You don't know when, if ever,
9 the city of Waukegan acquired jurisdiction
10 over Greenwood Avenue and Sand Street?

11 A. I do now.

12 Q. When you prepared your -- at
13 the time you prepared your expert report, you
14 didn't know that?

15 A. That is correct.

16 Q. And so you couldn't definitively
17 say who had jurisdiction over Greenwood and
18 Sand at the time you prepared your expert
19 report?

20 MR. MCGINLEY: Objection,
21 asked and answered.

22 HEARING OFFICER HALLORAN: Yes,
23 I have heard that. Thank you.

24

1 BY MS. CAISMAN:

2 Q. You never supplemented your expert --

3 A. No, I did not.

4 Q. -- to provide that information, did
5 you?

6 A. No, I did not.

7 Q. If you could, turn to Exhibit 3G.

8 A. I have that exhibit.

9 HEARING OFFICER HALLORAN: I'm
10 sorry. Did you say 3G, Ms. Caisman?

11 MS. CAISMAN: Yes.

12 MR. MCGINLEY: Mr. Halloran,
13 I'll object to getting into Exhibit 3G.
14 You know, this is --

15 HEARING OFFICER HALLORAN: Hold
16 on a minute, please, Mr. McGinley. Let me
17 try to find it first. Thank you.

18 MR. MCGINLEY: Sorry.

19 HEARING OFFICER HALLORAN: We're
20 back on the interrogatories, Ms. Caisman?

21 MS. CAISMAN: Yes.

22 HEARING OFFICER HALLORAN: Same
23 objection as before Mr. McGinley?

24 MR. MCGINLEY: That's correct.

1 MS. CAISMAN: I'm sorry. I missed
2 that.

3 MR. MCGINLEY: It's outside the
4 scope. That's the nature of the objection.

5 MS. CAISMAN: Mr. Stumpner
6 raised the issue of jurisdiction during
7 their case-in-chief and so we are rebutting
8 that.

9 HEARING OFFICER HALLORAN: I
10 think we're still going far afield. Do
11 you want to expound on your objection?

12 MR. MCGINLEY: Yes. Well, I
13 mean, Mr. Stoddard has basically testified
14 earlier today as to what was in the title
15 commitment. He has testified to what's
16 going on with, you know, the development
17 of his report to the extent that that's
18 admissible at this point.

19 He wasn't here when
20 Mr. Stumpner was here. So it's setting up
21 an argument that doesn't seem proper under
22 the circumstances.

23 MS. BRICE: May I please address
24 this?

1 HEARING OFFICER HALLORAN: Yes,
2 you may.

3 MS. BRICE: Mr. Stumpner talked
4 at length about jurisdiction on direct
5 in their case. Mr. Stoddard was
6 originally offered as the expert on
7 jurisdiction, but they've swapped it
8 out and used somebody who wasn't an
9 expert or disclosed as an expert to
10 talk about jurisdiction.

11 We would now like to
12 rebut what Mr. Stumpner said with
13 what we think Mr. Stoddard will say.

14 HEARING OFFICER HALLORAN: Well,
15 I think I made my ruling about 11:40
16 before lunch, the same thing. You know,
17 I think it's beyond scope. You could have
18 called Mr. Stumpner in your case-in-chief,
19 correct?

20 MS. BRICE: No. He was in their
21 case.

22 HEARING OFFICER HALLORAN: Or
23 Mr. Stoddard, Mr. Stoddard, right, or no?

24 MS. BRICE: Right, but it's the

1 same topic. I mean, if there's a question
2 of jurisdiction that they put on in their
3 case, we're entitled to rebut that issue.

4 MS. CAISMAN: This is a different
5 topic then.

6 MS. BRICE: This has nothing to
7 do with what we were talking about earlier.

8 HEARING OFFICER HALLORAN: Before
9 lunch?

10 MS. BRICE: Yeah. No.

11 HEARING OFFICER HALLORAN: I'll
12 let you proceed momentarily and then, you
13 know, object again if you feel the need.
14 Overruled.

15 BY MS. CAISMAN:

16 Q. 3G, if you could take a look at
17 number one on 3G-3.

18 A. At the bottom of the page?

19 Q. Yes. So the interrogatory is at
20 the bottom of the page and I'm looking at IDOT's
21 response to that interrogatory on 3G-4 and
22 specifically the last sentence of the response
23 reads, "once construction of the expressway on
24 the Greenwood Avenue overpass was completed,

1 IDOT had no further use for the grant for
2 public highway as roads adjacent to the land
3 on which the grant for public highway was
4 located and Greenwood and Sand Street were
5 and have always been roads under the exclusive
6 control of the city of Waukegan and were never
7 state highways."

8 Do you see that?

9 MR. MCGINLEY: Objection,
10 lacks foundation.

11 HEARING OFFICER HALLORAN: And
12 Ms. Caisman?

13 MS. CAISMAN: I'm just asking
14 whether he has read that and I'm just
15 going to compare that to the statement
16 that he crossed out in his disclosure,
17 which he has personal knowledge of.

18 BY THE WITNESS:

19 A. I have not seen this document before.

20 HEARING OFFICER HALLORAN: I'll
21 allow it this time, but this has got to be
22 wrapped up in a hurry.

23 Again, I think it is far
24 afield and it infers inconsistency. You

1 can hammer it out in the post-hearing
2 briefs.

3 BY MS. CAISMAN:

4 Q. Do you see that last sentence,
5 specifically the part "wherein have always
6 had roads under the exclusive control of the
7 city of Waukegan"?

8 A. Yes, I do.

9 Q. And that language -- and you had
10 crossed out the language "are and have all been
11 streets under the control of" in your draft
12 expert disclosure statement, didn't you?

13 MR. MCGINLEY: I'm going to
14 object again. I -- you know, again,
15 this lacks foundation. Statements
16 that Mr. Stoddard has rendered with
17 respect to the disclosure statement
18 and the revision of the disclosure
19 statement -- final disclosure statement,
20 it's in the record. I don't understand
21 where this is going.

22 HEARING OFFICER HALLORAN: Yeah.
23 The record will -- I'm letting her ask --
24 Ms. Brice, I'm letting her ask a couple

1 of questions and that's it. Then I'm
2 closing it, as I stated earlier.

3 MS. BRICE: I just have a
4 question of clarification.

5 HEARING OFFICER HALLORAN: I'm
6 sorry. Go ahead.

7 MS. BRICE: I just have a
8 clarification that I think might help all
9 of us.

10 HEARING OFFICER HALLORAN: Uh-huh.

11 MS. BRICE: When you said we can
12 argue this in the post-hearing briefs, for
13 example, can we use Mr. Stoddard's deposition
14 in our post-hearing briefs?

15 HEARING OFFICER HALLORAN: Well,
16 it's -- I think they -- didn't you -- isn't
17 that in already? Did you move it?

18 MS. BRICE: No. That's not in.
19 We'd like to. We'd like it to be in. I
20 think if you --

21 MR. MCGINLEY: And we would argue
22 that that's not proper because Mr. Stoddard --
23 you know, again they could have brought him
24 in as part of their case-in-chief. They

1 named him as a witness in their case-in-chief.
2 Mr. Stoddard sat through a day of testimony
3 wherein he could have been called and
4 he wasn't.

5 MS. BRICE: Mr. Halloran,
6 they just entered the highway
7 jurisdictional guidelines into this
8 case without any testimony. You took
9 judicial notice of it. Okay?

10 We're going to be left
11 without being able to rebut whatever
12 they're going to be saying about
13 jurisdiction if we don't have
14 Mr. Stoddard's deposition testimony
15 or some testimony from him here today.

16 I'm happy to rely on
17 the deposition if we could enter that
18 into evidence.

19 HEARING OFFICER HALLORAN: Okay.
20 IDOT? Why wouldn't you want Mr. Stoddard's
21 testimony? Is it the testimony or the --
22 his deposition testimony?

23 MR. MCGINLEY: It's the deposition.
24 I mean, the use of the disclosure statement,

1 we didn't -- we didn't bring this in. They
2 could have brought this in as part of their
3 case-in-chief. They chose not to. We
4 also made a choice and that's what
5 happens --

6 HEARING OFFICER HALLORAN: That's
7 what I thought I ruled at the beginning of
8 the lunch hour.

9 MS. BRICE: This is different
10 because this is rebuttal of what Mr. Stumpner
11 said. Okay? What we were dealing with
12 before lunch didn't have anything to do
13 with that. Mr. Stumpner had not talked
14 about those things.

15 They put on -- instead of
16 putting on Mr. Stoddard, because they
17 didn't like what he said in his deposition,
18 they put on Mr. Stumpner. Now, they don't
19 want us to be able to use what their own
20 witness said and they made us spend three
21 months of discovery on because they don't
22 like what he has to say. I mean, we're
23 trying to get to the bottom of the truth
24 here.

1 MR. MCGINLEY: I would simply
2 note for the record that insofar as
3 discovery in this case, after they
4 filed their second amended complaint
5 is concerned, they took five depositions.
6 They propounded countless amounts of
7 requests for admission, requests for
8 production, also interrogatories and
9 we also took -- in the spirit of the
10 discovery that was allowed, we took
11 limited discovery.

12 At the end of it, we made
13 certain hearing strategy calculations
14 about what we thought was appropriate
15 and necessary for the presentation of
16 our defense. We don't think that there
17 was anything improper about that.

18 Counsel seems to have a
19 problem with not having called Mr. Stoddard
20 in their case-in-chief and now they appear
21 to regret that decision, but that isn't
22 something that we should have to belabor
23 as a result of this hearing.

24 MS. BRICE: I -- I will just add

1 very briefly that we objected to reopening
2 discovery on this entire thing. We were
3 the ones who said we don't need experts.
4 We don't need discovery and you guys
5 insisted upon finding an expert and
6 going into discovery. So then we took
7 advantage of that. We said you're not
8 maybe going to end up liking this.

9 HEARING OFFICER HALLORAN: Okay.
10 Hold on. Ms. Caisman, how many more
11 questions do you have on this topic?

12 MS. CAISMAN: That was my last
13 one with respect to the interrogatories.
14 Then I just have maybe eight about the
15 concept of jurisdiction, which Mr. Stumpner
16 raised in their case, which is not part
17 of our case-in-chief. It's no relation
18 to our claims.

19 HEARING OFFICER HALLORAN: Why
20 don't you ask that question and move on
21 and see what Mr. McGinley has to say.

22 BY MS. CAISMAN:

23 Q. So we just read the language in
24 3G, the response to number one about that Greenwood

1 Avenue and Sand Street weren't always roads under
2 the exclusive control of the city of Waukegan.

3 My only question is in
4 Exhibit 47 in your draft disclosure is that
5 similar to the language you had crossed out
6 that said, are Greenwood Avenue and Sand Street
7 are and have always been streets that were under
8 the control of the city of Waukegan?

9 A. As it relates to this document,
10 were and always have been roads under exclusive
11 control of city of Waukegan owner of state
12 highways, that is a correct statement.

13 In regards to my deposition --
14 no, my report, I crossed those out at the time
15 I was not aware -- when that was prepared, I was
16 not aware that they were under the jurisdiction
17 of Waukegan and I just put -- in the previous
18 testimony, I just stated that I now know that
19 they are. So I'm responding to that particular
20 statement because that is a true statement.

21 Q. How do you know that?

22 A. I have the documents that dedicated
23 those particular roads to the city of Waukegan.

24 Q. Where did you obtain those documents

1 from?

2 A. I obtained those documents from the
3 Lake County recorder's office.

4 Q. And you spoke to Mr. Carr at
5 IDOT about jurisdiction?

6 A. I did.

7 Q. It's his expertise that you relied
8 on in giving any opinions about jurisdiction?

9 MR. MCGINLEY: Objection. This
10 is just getting argumentative at this point
11 and really I think as Mr. Halloran has
12 already said, if there's issue about
13 this, let's just do it with post-hearing
14 briefs.

15 MS. BRICE: Fine. Then we can
16 use his deposition?

17 MS. O'LAUGHLIN: No.

18 MR. MCGINLEY: No. Because you
19 wouldn't -- I mean, we had to go through
20 the exercise of getting exhibits in. We
21 identified exhibits they wanted testimony
22 about. Now, they would seek to yet again
23 turn the tables.

24 MS. BRICE: Well, you're not

1 letting us get the testimony.

2 MS. O'LAUGHLIN: It's --

3 MR. MCGINLEY: I -- it's just
4 it's getting ridiculous at this point.

5 HEARING OFFICER HALLORAN: Yeah.
6 You know, again, before lunch, I agree with
7 Mr. McGinley.

8 Ms. Caisman, how many more
9 questions do you have on jurisdiction?

10 MS. CAISMAN: I'm just going to
11 ask quickly about the concept generally.

12 HEARING OFFICER HALLORAN: Quickly
13 is fine.

14 MS. CAISMAN: I'll stay away from
15 this reference.

16 HEARING OFFICER HALLORAN: Okay.
17 Thank you.

18 BY MS. CAISMAN:

19 Q. Jurisdiction is separate from
20 ownership of property, right?

21 A. That's correct.

22 Q. So someone can have a right-of-way
23 or an easement interest on a piece of property
24 and someone else can have jurisdictional rights?

1 A. That is correct. Based on my tenure
2 with IDOT and my understanding of it, yes.

3 Q. So in this case, it's IDOT that
4 has a property interest in Parcel 0393?

5 A. That is correct.

6 Q. The city of Waukegan does not have
7 a property interest in Parcel 0393?

8 MR. MCGINLEY: Objection, calls
9 for speculation.

10 HEARING OFFICER HALLORAN: If he
11 can answer, please do. Mr. Stoddard?

12 BY THE WITNESS:

13 A. I'm not aware of any rights the
14 city of Waukegan may have of this.

15 BY MS. CAISMAN:

16 Q. So even if the city of Waukegan had
17 jurisdiction over Greenwood Avenue and Sand Street,
18 IDOT still has its permanent easement interest in
19 Parcel 0393; isn't that right?

20 A. That is correct.

21 Q. And the same would have been true in
22 the 1970s?

23 MR. MCGINLEY: Objection. He's
24 stated -- he's already given the answer.

1 It's asked and answered at this point.

2 HEARING OFFICER HALLORAN: You
3 may answer if you are able.

4 BY THE WITNESS:

5 A. Based on the dates on the
6 documentation, my opinion would be that is correct.

7 BY MS. CAISMAN:

8 Q. You also gave opinions in your
9 expert disclosure about the maintenance of
10 Greenwood Avenue and Sand Street; did you not?

11 A. I did.

12 Q. If you could, turn to Exhibit 47.

13 A. I have that exhibit.

14 Q. Okay. On Exhibit 47-3, I'm on Section
15 2E.

16 A. I have that.

17 Q. Section 2E reads, "Finally,
18 Mr. Stoddard is expected to testify that once
19 IDOT's construction work on the Amstutz Project
20 concluded that the state was not responsible for
21 maintaining and there would have been no need
22 for IDOT to have maintained the grant for public
23 highway."

24 Do you see that?

1 A. Yes, I do.

2 Q. Did you cross that out?

3 A. I did.

4 Q. Because you did not know that was
5 factual?

6 A. At the time, I did not.

7 Q. If you could, turn to Exhibit 40.

8 MS. BRICE: Mr. Halloran, can
9 I ask a clarifying question that I think
10 would expedite?

11 HEARING OFFICER HALLORAN: Sure.

12 MS. BRICE: With respect to
13 your previous representation that you're
14 not relying on Mr. Stoddard's report in
15 any way, I'm assuming you are not relying
16 on any of the exhibits to his report,
17 you're not relying on anything that he's
18 saying?

19 Because that's the point.
20 If you are relying on things in his --
21 which I think is what you're going to
22 try and do. If that's what you're doing,
23 you're now preventing us from being able
24 to cross-examine him.

1 MR. MCGINLEY: We will rely on
2 Mr. Stoddard's testimony to the extent that
3 we elicited testimony within our
4 case-in-chief. That is our intent.

5 HEARING OFFICER HALLORAN: I'm
6 sorry. Within your case-in-chief?

7 MR. MCGINLEY: Yes.

8 MS. BRICE: Right. What about
9 the documents attached to his report that
10 were not brought up in your case-in-chief?

11 MS. O'LAUGHLIN: Like what?

12 MR. MCGINLEY: What are you talking
13 about?

14 MS. BRICE: I don't know. I mean,
15 I think there's -- the jurisdictional transfer
16 issues.

17 MS. O'LAUGHLIN: If you could
18 point to --

19 MR. MCGINLEY: If there's an
20 exhibit that Ms. Brice is thinking about,
21 you know, I'd be happy to clarify
22 that, but I'm not sure what all she is
23 talking about at this point. There are
24 a number of documents attached.

1 MS. CAISMAN: So exhibit --
2 there is Exhibit D to his expert disclosure,
3 which is a 1991 jurisdictional transfer.

4 MS. O'LAUGHLIN: Could you give --
5 what's the exhibit number?

6 MS. CAISMAN: Seventeen.

7 MS. O'LAUGHLIN: So 17D.

8 MS. CAISMAN: There's Exhibit G
9 to his disclosure.

10 HEARING OFFICER HALLORAN: Okay.
11 Exhibit 17.

12 MS. CAISMAN: And there are
13 exhibits to that -- attached exhibits to
14 that.

15 MS. BRICE: And I think we
16 would say, you know, to the extent it's
17 an exhibit that's attached to Mr. Stoddard's
18 report that's not otherwise the case,
19 they shouldn't be able to rely on it
20 because they're claiming they're not
21 relying on his report. I don't think
22 they should be able to backdoor it
23 in through this document when we're
24 not being allowed to cross-examine

1 him from their case-in-chief, which
2 is what I've been worried about the
3 whole time.

4 HEARING OFFICER HALLORAN: Just
5 as an aside, most cases are just labeled
6 Exhibit 18, 19, whatever. A couple of
7 these cases like IDOT's wanting to move
8 in, 53, for example, I don't understand
9 that. In my mind, it's all or nothing.

10 You've got, you know, A, C,
11 Q, R. It's the most convoluted thing
12 I've ever seen as far as these exhibits.
13 In any event, respond to --

14 MR. MCGINLEY: Exhibit 17 isn't
15 on our list. I mean, that would be my
16 answer.

17 HEARING OFFICER HALLORAN: Well,
18 I'm just saying as an aside, there are all
19 of these sub-exhibits within the exhibits.

20 Seventeen is not on their
21 list so evidently, they are not going to
22 rely on it.

23 MR. MCGINLEY: That's what we
24 went through before we left for lunch.

1 MS. CAISMAN: Right. And so we're
2 just clarifying it.

3 MS. BRICE: We want to clarify
4 it.

5 MS. CAISMAN: And so we're just
6 clarifying on our post-hearing briefing,
7 you're not going to be relying on this
8 exhibit then or its attachments.

9 MS. O'LAUGHLIN: We object to
10 that.

11 HEARING OFFICER HALLORAN: Okay.
12 But you guys -- JM already moved it into
13 evidence?

14 MS. McLAUGHLIN: We object to
15 that.

16 HEARING OFFICER HALLORAN: But
17 it's in.

18 MS. BRICE: We can take it out.

19 HEARING OFFICER HALLORAN: Right?
20 At least that's what you have here.

21 MS. BRICE: We can take it out.

22 MS. CAISMAN: Yeah. We're fine
23 with taking it out.

24 MR. MCGINLEY: We're not using it.

1 MS. O'LAUGHLIN: Yeah. We're not
2 using it.

3 HEARING OFFICER HALLORAN: I'm
4 sorry?

5 MR. MCGINLEY: It's not IDOT's
6 intention to use Exhibit 17.

7 HEARING OFFICER HALLORAN: Okay.

8 MR. MCGINLEY: I hope that's
9 clear enough.

10 MS. BRICE: Okay. We can remove
11 it.

12 HEARING OFFICER HALLORAN: That's
13 IDOT's representation. But you guys did
14 move this in and admit it.

15 MS. CAISMAN: We did with our
16 expert and we were really only using it
17 as the premise of kind of this is what
18 he was rebutting in his report. I think
19 that was what he disagreed with.

20 HEARING OFFICER HALLORAN: It's
21 represented by JM that they're going to
22 remove Exhibit 17 that has already been
23 admitted into evidence. We have
24 representation by IDOT that they are

1 not going to rely on Exhibit 17. Thank
2 you.

3 BY MS. CAISMAN:

4 Q. If you could, turn to Exhibit 40.

5 A. I have that exhibit.

6 Q. This is the 1966 resolution. You
7 have seen this document before right?

8 A. This is a document between the state
9 and the city?

10 Q. Yes.

11 A. I've seen this document. I don't
12 recall seeing Page 140-1 of this document, but I
13 have seen this document.

14 Q. So you've seen 40-2?

15 A. That is correct.

16 Q. If you could, turn to 40-3.

17 A. I've got that page.

18 Q. Okay. And I'm on 1A-3.

19 A. I see that.

20 Q. You were here for Mr. Gobelman's
21 testimony about this document yesterday, right?

22 A. Yes.

23 Q. And you heard him testify that the
24 city and/or the county would reimburse the state

1 for construction costs where there was no benefit
2 to the state?

3 A. I recall some testimony to that
4 affect. I don't know if those were the exact
5 words.

6 Q. But generally, you recall that
7 testimony?

8 A. I do.

9 Q. Okay. And in Paragraph 3 on 40-3,
10 the city is reimbursing the state for 40 percent
11 of the costs, all construction along Greenwood
12 Avenue east of Station 13 plus 20. Do you see
13 that?

14 HEARING OFFICER HALLORAN: Forty
15 percent or 100 percent?

16 BY THE WITNESS:

17 A. No. I see 100 percent.

18 BY MS. CAISMAN:

19 Q. So the first, "The city will
20 reimburse the state for 100 percent of the
21 costs of all construction necessary along
22 Greenwood Avenue between Stations 22 plus 350
23 and 31. So now, I'm turning to the second
24 part of that where the city will reimburse

1 the state for 40 percent of the costs of all
2 construction along Greenwood Avenue east of
3 Station 13 plus 20?

4 A. I see that.

5 Q. It's your understanding, is it
6 not, that Parcel 0393 falls east of Station 13
7 plus 20 along Greenwood Avenue?

8 MR. MCGINLEY: Objection,
9 lacks foundation, assumes facts not
10 in evidence.

11 HEARING OFFICER HALLORAN: And
12 Ms. Caisman?

13 MS. CAISMAN: It's in the document.
14 We can turn to it. He said he's seen this
15 before.

16 HEARING OFFICER HALLORAN: I'll
17 allow it.

18 BY MS CAISMAN:

19 Q. If you could, turn to 40-13.

20 A. I see that.

21 Q. Do you see where it says 13 plus 20?

22 A. I do.

23 Q. Okay. And that's just to the west of
24 railroad rendering for railroad tracks?

1 A. I do not see a north arrow on this
2 exhibit. So I don't know which way east and west
3 is as far as stationing.

4 Q. Okay. Well, if you go to 40-12,
5 you see Sheridan Road and Illinois Route 421?

6 A. I see Sheridan Road and Greenwood
7 Avenue.

8 Q. Okay. Sheridan Road and Greenwood
9 Avenue. You see Station 31?

10 A. That's correct, just east of Sheridan
11 Road.

12 Q. Okay. So if you keep traveling
13 east along that green line, the green line then
14 continues on to 40-13, doesn't it?

15 A. Yes, it does.

16 Q. And you have Station 22 plus 50
17 correct?

18 A. Yes.

19 Q. Okay. Continue going east on Page
20 40-13 and you see Station 13 plus 20?

21 A. That's correct.

22 Q. Okay. Continue going east.

23 A. On which sheet would that be?

24 Q. From 40-13 to 40-14 and you see

1 Greenwood Avenue and kind of in the corner of
2 Sand?

3 A. I see it, but again, there is no
4 north arrow on this drawing.

5 Q. Are you aware that Sand Street runs
6 north/south and Greenwood Avenue runs east/west?

7 A. Oh, yes.

8 Q. Okay. Does that help you orient?

9 A. Well, you have four quadrants. So,
10 I mean, depending on where you were at the drawing,
11 I mean, north/south and east/west, if you turn it
12 up, there's no -- you don't know which direction
13 you're looking at without a --

14 Q. When we were looking at 40-12, you
15 had no problems saying Station 40 was east of
16 Sheridan Road, did you?

17 MR. MCGINLEY: Objection,
18 argumentative.

19 HEARING OFFICER HALLORAN: He
20 is adverse. Overruled.

21 BY THE WITNESS:

22 A. That is correct. There is no
23 stationing on Exhibit 40-14. I'm just trying
24 to understand north.

1 BY MS. CAISMAN:

2 Q. Turn back to 40.

3 HEARING OFFICER HALLORAN: I'm
4 sorry.

5 MS. CAISMAN: I'm sorry. I'm
6 trying to figure this out.

7 BY MS. CAISMAN:

8 Q. Okay. If you could, turn to Exhibit
9 12?

10 A. Okay. I have Exhibit 12.

11 Q. At the bottom of the page, this
12 is an email from Steven Warren to you dated
13 May 20, 2015; is that right?

14 A. Exhibit 12. I have the top page.
15 I have Friday, March 25th of 2016. Do I have the
16 wrong exhibit?

17 Q. Look at the bottom email of that
18 page. It's a chain. The bottom email is an email
19 from Steven Warren to you dated May 20, 2015; is
20 that correct?

21 A. That is correct.

22 Q. He sent you some documents; is that
23 true?

24 A. Yes.

1 Q. And he asked you, "Can you tell me
2 if IDOT owns the ROW at this intersection"?

3 A. That was the question, yes.

4 Q. And you then forwarded this email
5 to Matthew Dorey (phonetic) on February 25, 2016?

6 A. That is correct.

7 Q. And you responded talking about Parcel
8 E393; is that correct?

9 A. Yes.

10 Q. Which is a temporary easement?

11 A. Yes.

12 Q. You are aware that the parcel at
13 issue in this case is 0393; correct?

14 MR. MCGINLEY: Objection, asked
15 and answered.

16 HEARING OFFICER HALLORAN: It's
17 overruled.

18 BY THE WITNESS:

19 A. At the time I sent this email, I
20 was not aware that the parcel in question was
21 Parcel 0393.

22 BY MS. CAISMAN:

23 Q. A temporary easement would not be
24 considered a right-of-way; is that correct?

1 A. That is correct.

2 Q. So he asks you about IDOT's ownership
3 of a right-of-way, but you responded not about
4 a right-of-way?

5 A. Within the attachments was an
6 exhibit that showed both 0393 and E393. When
7 he sent me that exhibit, he had highlighted
8 E393. So I was responding to the highlighted
9 portion of that.

10 In my deposition, that exhibit
11 was produced. It was done in black and white.
12 So I'm assuming if it was copied in black and
13 white that the yellow highlighted area did not
14 show up.

15 Q. Regardless of what was in that
16 attachment of the -- his question posed in
17 the email was about right-of-way. You responded
18 not about the right-of-way.

19 A. I responded to what I thought
20 he was asking me the question about. He used
21 the term right-of-way.

22 Q. So your testimony now is that your
23 response was limited to a contemporary construction
24 easement because of an attachment to this May 20th

1 email that he sent you -- that Mr. Warren sent you?

2 A. At that time, yes.

3 Q. If you could, turn to Exhibit 4H.

4 Then on 4H-36, Mr. Stoddard, you gave a deposition
5 in this case, correct?

6 A. I'm sorry. I'm not to that page yet.

7 Q. Sorry?

8 A. I did.

9 Q. And you were under oath?

10 A. I was.

11 Q. You swore to tell the truth?

12 A. Yes.

13 Q. And the whole truth?

14 A. Yes.

15 Q. On Line 3, did I ask -- did Ms. Brice
16 ask the following question and did you give the
17 following answer?

18 MR. MCGINLEY: I'm going to
19 object to using the deposition in this
20 fashion. I mean, she is seemingly trying
21 to impeach Mr. Stoddard. I mean, maybe
22 ask a question first. If you want to
23 get the deposition in, but this is --

24 HEARING OFFICER HALLORAN: Did

1 you ask a question?

2 MS. BRICE: She just did.

3 MS. CAISMAN: I did.

4 HEARING OFFICER HALLORAN: I
5 thought she just did.

6 MR. MCGINLEY: She took a
7 deposition and asked about whether he
8 had given an oath and I think that was
9 it. I don't think there was an actual
10 question.

11 MS. BRICE: No. It was the
12 question before that.

13 HEARING OFFICER HALLORAN: We
14 can stop and we will read the question
15 back.

16 Lori, can you go back
17 to the last question that Ms. Caisman
18 asked Mr. Stoddard?

19 (Whereupon, the requested
20 portion of the record was
21 read accordingly.)

22 MR. MCGINLEY: I'll withdraw.

23 HEARING OFFICER HALLORAN: Thank
24 you, Mr. McGinley.

1 You may proceed.

2 BY MS. CAISMAN:

3 Q. Starting on Line 3, were you asked the
4 following question and did you give the following
5 answer:

6 "Question: Okay. So going
7 back to Deposition Exhibit 4, you say
8 in here at the end based on this
9 information, IDOT is not the owner
10 of any -- of the temporary construction
11 easement properties described in this
12 document. Why did you limit your
13 response to the temporary construction
14 easement properties when the original
15 question posed by Mr. Warren was who
16 owns the right-of-way at this intersection?"

17 "Answer: Again, the phone
18 call that -- I don't recall what the
19 conversation was, if the -- it would
20 have probably been directed -- at the
21 time my understanding was that I was
22 looking at Parcel E393."

23 "Question: So you believe
24 there was a phone conversation at some

1 point in which Mr. Warren directed you
2 to focus on E393 and not 0393?"

3 "Answer: There was some
4 correspondence where I was directed
5 to focus on that initially, yes."

6 "Question: I'd appreciate
7 it if you could go back to your emails
8 and see if you could possibly find that
9 piece of correspondence. It would be
10 really helpful."

11 "Answer: I know I have the
12 email that says 'give me a call.' That's
13 all I have."

14 Were you asked those questions
15 and did you give those answers?

16 A. Yes.

17 Q. Okay. Have you ever had a phone
18 conversation with anyone about the ownership of
19 Parcel 0393?

20 A. Not a phone conversation, no.

21 Q. Did you speak with Mr. Gobelman
22 or the Attorney General's Office on May 29, 2015?

23 A. When you say "speak with," what
24 are you referring to a phone conversation?

1 Q. Or in person.

2 A. No, not in person or a phone
3 conversation and I don't know if there was
4 correspondence by email on that date. I would
5 have to look.

6 Q. Okay. Now, you work in IDOT's
7 District 1, correct?

8 A. That is correct.

9 MR. MCGINLEY: Mr. Halloran,
10 I'm going to object. This is going
11 well beyond the scope of any testimony
12 that we've had previously elicited from
13 Mr. Stoddard. You know, it's -- we've
14 talked about the jurisdiction. I mean,
15 where is all of this going at this point?

16 MS. BRICE: I can clearly
17 elaborate. There is a document in
18 Mr. Gobelman's file that says that
19 he had a conversation that day with
20 Mr. Stoddard and District 1 and the
21 AG's office and Mr. Gobelman talked
22 about it and he said he never talked
23 to him. He said he never talked to
24 him, but there's a document that

1 indicates that happened. So we are
2 trying to find out.

3 HEARING OFFICER HALLORAN: You
4 can't argue that in a post-hearing brief?

5 MS. BRICE: Well, we don't know
6 what he is going to say right now. We
7 can argue it in a post-hearing brief.

8 HEARING OFFICER HALLORAN: I
9 would appreciate it.

10 MS. BRICE: Okay.

11 HEARING OFFICER HALLORAN: Thank
12 you.

13 MS. CAISMAN: The only other
14 topic I would have left was there's
15 those two really old deeds.

16 HEARING OFFICER HALLORAN: The
17 quitclaim deeds?

18 MS. CAISMAN: Yeah, that we had
19 objected to as not being timely disclosed
20 and there are comments on them. So we
21 would object to those coming in in the
22 first place, but if they are, that would
23 be the only remaining topic.

24 MS. BRICE: I think you've ruled

1 that they were out.

2 HEARING OFFICER HALLORAN: Yeah.
3 And I will revisit that and I can revisit
4 that now. I'm going to reverse my ruling.
5 I think you had four or five days after
6 the AG turned it over. It was part of a
7 title commitment that you disclosed and
8 thirdly, I'm going to 101.626.

9 I'm sorry. Ms. Brice, I'm
10 giving my ruling and you're talking.

11 MS. BRICE: Sure. Sorry.

12 HEARING OFFICER HALLORAN: It's
13 hard for me to --

14 MS. BRICE: I apologize.

15 HEARING OFFICER HALLORAN: So
16 I think it's a document that reasonable
17 people would rely on. I reverse my ruling
18 on both 162 and 163. So 162 and 163 comes
19 in, the two quitclaim deeds.

20 MS. CAISMAN: Nothing further.

21 HEARING OFFICER HALLORAN: Thank
22 you.

23 Mr. McGinley?

24 MR. MCGINLEY: No. We have no

1 questions for Mr. Stoddard.

2 HEARING OFFICER HALLORAN: I'm
3 sorry?

4 MR. MCGINLEY: We have no
5 questions for Mr. Stoddard.

6 HEARING OFFICER HALLORAN: Thank
7 you, Mr. Stoddard. Thank you.

8 (Witness excused.)

9 HEARING OFFICER HALLORAN: Anything
10 further on rebuttal?

11 MS. BRICE: We are going to call
12 Mr. Dorgan, please.

13 MR. MCGINLEY: Mr. Halloran, can
14 Mr. Stoddard be discharged at this point?

15 MS. BRICE: I think so, yes.

16 HEARING OFFICER HALLORAN: Yes.
17 You may by agreement of the parties. Thank
18 you.

19 MR. STODDARD: Thank you.

20 MS. BRICE: Thank you, Mr. Stoddard.

21 MR. STODDARD: You're welcome.

22 MS. BRICE: Mr. Halloran, I just
23 have one clarifying question. Previously,
24 I believe when I was redirecting Mr. Tracy

1 on one question, I said the wrong word.
2 I said FOIA instead of 104(e) and he
3 responded that way. Is there some way
4 to clarify that?

5 HEARING OFFICER HALLORAN: Well,
6 Mr. McGinley, Ms. O'Laughlin?

7 MR. MCGINLEY: We can just accept
8 the representation. That's fine.

9 HEARING OFFICER HALLORAN: You
10 will accept the representation.

11 MR. MCGINLEY: Yes.

12 HEARING OFFICER HALLORAN: Great.
13 Thank you. So noted in the record. Thank
14 you.

15 MR. MCGINLEY: Can I ask one
16 question before we launch into Mr. Dorgan?
17 Will we have enough time left at the end
18 of this to possibly ask questions of
19 Mr. Dorgan should that be necessary? I
20 know that -- I mean, I know that we are at
21 2:00 o'clock and you've indicated that
22 we are stopping as of 4:30.

23 HEARING OFFICER HALLORAN: Yeah.
24 I wasn't aware that Mr. Dorgan was going

1 to be called. I thought you just had
2 Mr. Tracy and Mr. Stoddard.

3 MS. BRICE: I promise I told
4 you that. I said -- I said Mr. Tracy
5 was going to be very brief and I said
6 Mr. Dorgan was going to take maybe an
7 hour.

8 HEARING OFFICER HALLORAN: I
9 thought you said Mr. Stoddard. I don't
10 know. We are going to have to double it
11 up.

12 MS. BRICE: I'm not planning to
13 take very long.

14 HEARING OFFICER HALLORAN: Well,
15 an hour, you said. So...

16 MS. BRICE: Well...

17 HEARING OFFICER HALLORAN: You
18 know, it's usually double that. That's
19 what I'm saying based on the last four
20 days. If you could double that up, that
21 would be fine. So if IDOT has questions --
22 because we're out of here by 4:30.

23 MS. BRICE: Sure.

24 HEARING OFFICER HALLORAN: And we

1 still have to deal with the exhibits.

2 MS. BRICE: Understood. I'm
3 assuming they're meaning questions relating
4 to my redirect -- our rebuttal case, not
5 something totally different, right?

6 MR. MCGINLEY: That's precisely
7 correct. We are trying to ensure that we
8 have a right to ask questions of Mr. Dorgan
9 if that's necessary.

10 HEARING OFFICER HALLORAN: Right.

11 MS. BRICE: Sure. Definitely.
12 Okay. Let's go.

13 Have you been sworn in?

14 MR. DORGAN: Earlier.

15 HEARING OFFICER HALLORAN: Let's
16 swear in Mr. Dorgan. It's not that you
17 need it, but let's just do it for the
18 record's sake.

19 THE COURT REPORTER: Do you swear
20 the testimony you're about to give will be
21 the truth, the whole truth and nothing but
22 the truth, so help you God?

23 MR. DORGAN: I do.

24 (Witness sworn.)

1

2 WHEREUPON:

3 D O U G L A S G. D O R G A N, J R.

4 called as a witness herein, having been first duly
5 sworn, deposeth and saith as follows:

6 D I R E C T E X A M I N A T I O N

7 by Ms. Brice

8 Q. Mr. Dorgan, you prepared a rebuttal
9 report in this case; is that correct?

10 A. That's correct.

11 Q. Okay. And that is Exhibit 16, and
12 I'm not going to mark it for right now, but we
13 will move it into evidence if we have not thus
14 far.

15 In that rebuttal report, you
16 outlined, I believe, seven reasons why you
17 disagree with Mr. Gobelman that IDOT didn't
18 cause or allow the spreading, disposal, burial
19 or replacement of ACM on Sites 3 and 6; is that
20 correct?

21 A. That's correct.

22 Q. Okay. Before I go into that, I'm
23 going to clear up a couple of issues. What's
24 the difference between as-built drawings and bid

1 drawings?

2 A. The bid drawings would be the
3 documents that led to the contractors upon
4 which they would have prepared their bids and
5 submitted their bids. As the project was
6 actually implemented, the as-builts would be
7 a set of the original bid drawings that would
8 be marked up to reflect any changes -- change
9 conditions encountered in the field or changes
10 to the plan construction that took place so
11 that there would be documentation that those
12 changes had occurred.

13 Q. And which one is more important
14 for rendering an opinion in this case?

15 A. I believe the as-builts would be
16 more relevant.

17 Q. And why is that?

18 A. Because they would reflect what
19 was actually done for the project.

20 Q. And which ones did you rely on,
21 as-builts or the bids?

22 A. The as-built drawings.

23 Q. And had you ever seen the bid
24 drawings? Have they been produced to you?

1 A. No, I had not.

2 Q. And have you ever seen a color copy
3 of the as-built drawings that says, you know, red --
4 changes made in red? Have you ever seen that?

5 A. No, I have not.

6 Q. Have you ever seen Sheet 17 of the
7 as-built plans?

8 A. No, I have not.

9 Q. Have you ever seen soil borings
10 taken under Greenwood for the Amstutz Project?

11 A. No, I have not.

12 Q. Do you believe there would have been
13 such borings?

14 A. I think it's likely that there would
15 have been borings done.

16 Q. And why is that?

17 HEARING OFFICER HALLORAN: Could
18 you speak up, please? I'm sorry.

19 BY THE WITNESS:

20 A. I think it's likely that there would
21 have been borings done and that would have been
22 purposes of understanding the scope of the
23 required work to construct both the embankment
24 and the intersection with Detour Road A.

1 BY MS. BRICE:

2 Q. Well, and wouldn't those borings
3 tell you if you had unsuitable material?

4 A. Yes.

5 Q. Okay. And what about Detour Road A,
6 do you know if they did any borings under Detour
7 Road A one way or another?

8 A. I don't know if there were borings
9 done under Detour Road A.

10 Q. Would you expect there to have been
11 borings done under Detour Road A?

12 A. There may have been, but I'm not aware
13 if there were.

14 Q. I'd like to talk about your figures
15 very quickly. If you could, turn to Figure 2,
16 Exhibit 6-25. Can you please explain briefly
17 what this figure is depicting?

18 A. This figure depicts the detection
19 of asbestos fibers within soil samples that were
20 collected as part of previous investigations.

21 Q. Okay. And what about Figure 3
22 on the next page, Page 6-26?

23 A. Figure 3 represents those locations
24 in previous investigations where visual

1 asbestos-containing material was identified.

2 Q. And what's the difference between
3 these two figures?

4 A. The first figure represents those
5 locations where asbestos -- individual asbestos
6 fibers were detected whereas Figure 3 shows those
7 locations where a solid matrix that would have
8 contained asbestos would have been encountered.

9 Q. Thank you. And if you could, turn
10 to 6-27, which is Figure 4. If you could, please
11 explain this to us.

12 A. This is just a profile along
13 Detour Road A, I believe, that shows the locations
14 of asbestos and asbestos -- both asbestos fibers
15 and visual ACM that was detected along that profile
16 in earlier investigations.

17 Q. Okay. And in the profile down
18 below -- for example, take a look at 5S and 6S.
19 There are lines here. Are those within the fill
20 material? Is that what you're trying to depict
21 here?

22 A. That's correct.

23 Q. And explain. Within the fill
24 material --

1 A. That would have been placed during
2 construction project by IDOT.

3 Q. Thank you. If you could, turn to
4 Figure 5, please.

5 A. Okay.

6 Q. What are you showing on this figure?

7 A. Similar to Figure 4, this represents
8 a profile through Greenwood Avenue and again, it
9 represents the occurrence of both asbestos fibers
10 and asbestos-containing material and the fill
11 materials that were placed at the site.

12 Q. Okay. And if you could, explain just
13 a little more exactly what you are showing in this
14 profile down below and let me put it this way, I
15 asked Mr. Gobelman a number of questions about this
16 document and Stations 7, 8 and 9, for example. What
17 are you depicting here at Stations 7, 8 and 9 along
18 Greenwood?

19 A. Well, at these locations, the
20 cross-section shows a layer of peat material
21 that would have been considered unsuitable and
22 shown on the IDOT construction as-builts as an
23 unsuitable material that would have been removed
24 and replaced as well as all the material above

1 it. This is representing how the predominant
2 occurrence of both fibers and asbestos-containing
3 material is located within that zone.

4 Q. Thank you. Let's look at your
5 rebuttal report figures quickly and we're going
6 to take a look at -- this is Exhibit 16. I
7 would like to look at Exhibit 16-17, please.

8 Are you there?

9 A. Yes, I am.

10 Q. Okay. Great. Could you, please,
11 tell us what this figure is?

12 A. This figure represents the area
13 of Site 3 and the western end of Site 6 where it
14 shows Site 3 boundary and the Site 6 boundary and
15 the IDOT construction limits that were part of
16 the Amstutz construction project. It also shows
17 IDOT easements and then it shows the location of
18 the former Johns Manville parking lot as well as
19 the location of the detour roads.

20 Q. What about the red lines, the arrows?

21 A. Those would have been a representation
22 of the location of ditches that would have been
23 constructed as part of the construction effort.

24 Q. Thank you. If you could, turn the

1 page, please, to Figure 2. This figure looks
2 similar to some of the figures on your initial
3 report. How is it different from the figures
4 on your initial report?

5 A. This particular figure focuses in
6 on those locations where Transite pipe was either
7 identified in the investigation borings or test
8 pits or suspect Transite pipe was identified.

9 Q. Okay. And when you say, "suspect
10 Transite pipe," what do you mean by that?

11 A. It was described that way on the
12 boring logs.

13 Q. If you could now turn to Exhibit 84
14 along with Exhibit 164, which was prepared by
15 Mr. Gobelman.

16 A. Okay.

17 Q. You prepared Exhibit 8; is that
18 correct?

19 A. That's correct.

20 Q. What is the purpose of this Exhibit
21 84?

22 A. The purpose is to show a cross-section
23 through two sets of sample boring locations and it
24 represents the presence of different types of

1 asbestos-containing material that was encountered
2 within select borings during the investigations.

3 Q. Okay. Does it show more than just
4 Transite pipe?

5 A. Yes, it does.

6 Q. And does it show the occurrence of
7 asbestos fibers?

8 A. It does not show the fibers. It shows
9 what has been described as fibrous sludge.

10 Q. Okay. And the fibrous sludge and
11 the other types of ACM are where in relationship
12 to your opinion about the fill material placed
13 by IDOT?

14 A. It would be above.

15 Q. Let's look at Mr. Gobelman's
16 Exhibit 164 and let's start with Figure 1, please.

17 MS. O'LAUGHLIN: Can I -- there
18 was a copying error that I noticed once
19 we had the exhibits over the break and
20 on Exhibit 90, the Bates numbers, there
21 is a better version of Gobelman's
22 demonstrative as the first three pages
23 of Exhibit 90. I think it was just a
24 copying error and they're pulled out.

1 I'd like to correct that record with
2 better copies. We can do this later,
3 but there are better copies. There are
4 full ones. The Bates numbers are the
5 same. You can see that it was just a
6 copying error.

7 MS. BRICE: Okay. I have 164,
8 but you --

9 MS. O'LAUGHLIN: Right. But
10 you can see like the official exhibits,
11 they are that type of copy, and the better
12 is the first three pages of Exhibit 90.
13 They are the same Bates numbers. So they
14 should just be relabeled.

15 MS. BRICE: Okay.

16 THE WITNESS: Exhibit 90 in here?

17 MS. O'LAUGHLIN: No. It's in one
18 of the black binders.

19 THE WITNESS: Right here? Those
20 aren't the ones we're talking about.

21 MS. O'LAUGHLIN: You will see,
22 these are the same Bates numbers and these
23 are the -- they're bundled with the Sidwell
24 maps and I think that was just a copying

1 error. So this should be one -- what
2 number is that, 164, I believe? It's
3 these three, the first three. I just
4 figured that out.

5 HEARING OFFICER HALLORAN: You
6 know, real quickly, while on that topic,
7 it looks like JM's exhibits they are marked
8 pages, the exhibits. IDOT's, they don't
9 have page numbers. They have Bate marks
10 and it's a little confusing especially
11 when you're going to post-hearing brief
12 and citing all of this.

13 I was going to have the
14 parties cite the page numbers -- exhibit
15 page numbers, but we can't do it on this.
16 So cite the exhibits as well from IDOT.

17 In any event...

18 MS. O'LAUGHLIN: Yeah. We can
19 adjust that.

20 HEARING OFFICER HALLORAN: I just
21 want you to be aware of it -- that it's not
22 working out.

23 MS. O'LAUGHLIN: It's not a big
24 deal.

1 MR. MCGINLEY: Do you want us
2 to produce -- I mean, we can produce a
3 set that has a Bates number. I mean, we
4 can adopt a similar numbering system just
5 to make it easier for purposes going
6 forward. We can probably get that to you
7 by Tuesday of next week.

8 HEARING OFFICER HALLORAN: Okay.

9 MR. MCGINLEY: And for Johns
10 Manville as well, obviously.

11 MS. BRICE: Right. But then how
12 will that correspond with what's already in
13 the record?

14 MS. O'LAUGHLIN: Yeah.

15 HEARING OFFICER HALLORAN: With
16 what's in the record, yeah.

17 MS. BRICE: That's the problem.

18 MS. O'LAUGHLIN: I mean, and we
19 agree. I mean, the Johns Manville exhibits
20 are -- were the exhibits that we were both
21 going to use. They did the numbering.
22 it's just the way it worked out.

23 MS. CAISMAN: Could I say the JM
24 ones refer to the exhibit page numbers

1 and then just for the IDOT ones refer
2 to the Bates number and just know that --

3 MS. O'LAUGHLIN: I sort of
4 agree with you. We'll need to have an
5 agreed -- if we number them, we will
6 have to have two references because
7 throughout the hearing, they are referred
8 to as exhibit numbers without necessarily
9 page numbers although we can try and number
10 them.

11 HEARING OFFICER HALLORAN: If
12 need be, we will talk about it and I'm
13 sure we will after Mr. Dorgan's dep is
14 done. Thank you.

15 BY MS. BRICE:

16 Q. Okay. If you could, please take a
17 look at Figure 1 of Exhibit 164. Are you there?

18 MS. O'LAUGHLIN: Can you do
19 the Bates number for 164?

20 BY THE WITNESS:

21 A. I believe the point that was just
22 made is that Exhibit 90-1, 90-2 and 90-3 would
23 be 11-by-17 color copies of the same figures that
24 are done in Exhibit 164 with the intent of trying to

1 use 90-1.

2 MS. BRICE: It says Figure 1
3 on the bottom. It's listed. It says,
4 "IDOT 012084."

5 MR. MCGINLEY: Right.

6 HEARING OFFICER HALLORAN: And I
7 don't have that.

8 MS. O'LAUGHLIN: It's the same
9 as you have, 90, Exhibit 90.

10 HEARING OFFICER HALLORAN: Okay,
11 okay. You may proceed. I'm sorry.

12 BY MS. BRICE:

13 Q. In general, how is Mr. Gobelman's
14 164 or 90 different from your Figure 84?

15 A. My Figure 84. Well, I can just
16 speak to what I see on Exhibit 90-3, Figure 1,
17 is that Mr. Gobelman has used my original figure
18 as the underlying base for a number of additions
19 that he made where he then superimposed additional
20 locations of asbestos, it appears to be fibers,
21 that were identified as part of the investigation
22 and then also added some locations to the eastern
23 end of Site 6 and along the northern right-of-way
24 of Site 6.

1 Q. Okay. But other than the ones
2 on the eastern end of Site 6 and the northern
3 side of Site 6, you had identified these fibers
4 elsewhere on one of your other figures?

5 A. Yes, I have.

6 Q. So let's look here at the east end
7 of Site 6. He has 7S and 8S.

8 Do you see that?

9 A. I do.

10 Q. Did IDOT do work in those locations?

11 A. Yes, they did.

12 Q. What kind of work was done in location
13 7S and 8S?

14 A. It would have been the construction
15 of the intersection of Detour Road A with Greenwood.

16 Q. What did they have to do to construct
17 that intersection?

18 A. They had to bring fill in to raise
19 Detour Road A up to the grade of Greenwood Avenue.

20 Q. And what else?

21 A. The cross-sections out of the record
22 suggest there were areas of unsuitable fill material
23 that also had to be removed from below Greenwood
24 Avenue.

1 Q. He also includes borings on the
2 north side of Site 6.

3 Do you see that?

4 A. I do.

5 Q. Does he depict those borings to be
6 within the IDOT right-of-way?

7 A. Yes, they are.

8 Q. Let's turn to Figure 2, which is
9 IDOT 012082, please. From what I can tell,
10 this Figure 2 does not differ from your Exhibit
11 84 with respect to depicting the material on
12 the south side of Greenwood; is that correct?

13 A. I believe they are generally the
14 same, but it appears he included a reference
15 to ACM brake shoes on his figure that have not
16 been specifically identified on Figure 84.

17 Q. Okay. Good point. That's probably
18 because he added 7S and 8S; is that right?

19 A. I believe that is correct.

20 Q. Okay. Thank you. Other than
21 that addition, do you see anything different
22 in Mr. Gobelman's Figure 2?

23 A. They appear to be generally the
24 same.

1 Q. Okay. Let's go to Mr. Gobelman's
2 Figure 3, which is IDOT 012083.

3 Do you see that?

4 A. I do.

5 Q. And this is the B to B cross-section
6 with respect to the north side of Greenwood, right?

7 A. That's correct.

8 Q. Do you have any reason to dispute
9 the location of ACM he has depicted on this
10 figure?

11 A. Again, they appear to generally
12 align with the same information that had been
13 presented on my figure with the -- or actually,
14 I had not -- no, I had not prepared a cross-section
15 for the north side of Greenwood, but I have no
16 reason to specifically dispute the information
17 that he is presenting on this figure.

18 Q. Okay. And sorry to be going back
19 and forth, but on Figure 2, there is a line
20 drawn on the base elevation of the fill material
21 on both his figure and your figure, correct?

22 A. That's correct.

23 Q. And what was that line depicting on
24 your figure?

1 A. That would have been the depth
2 of the unsuitable fill material removal and
3 the backfill that would have been needed to
4 restore after that unsuitable material was
5 removed.

6 Q. And you also took into the account
7 the pipe location, correct?

8 A. That's correct.

9 Q. And so everything above that dotted
10 line you're depicting as being within the fill
11 material placed by IDOT?

12 A. That's correct.

13 Q. Okay. If you go back to Figure 3
14 on Mr. Gobelman's document, if you could draw in
15 for me that fill line that you would expect to
16 be on the cross-section and, you know, before
17 you do that, let me give you some backup
18 information that might be little bit helpful.
19 If you could, turn to 21A-72. Are you there?

20 A. Yes.

21 Q. What is this document showing?

22 A. This is the cross-sections that
23 shows Greenwood Avenue starting at the bottom
24 at Station 7 plus 60. It appears it's going

1 to Station 9 and it shows the materials that
2 were removed that were considered to be unsuitable
3 that were ultimately replaced and then it also --
4 Station 9 picks up the drainage ditch that was
5 installed along the utility embankment.

6 Q. And this document indicates that
7 there's been unsuitable material in both the
8 north and south side at the center line of
9 Greenwood Avenue, correct?

10 A. That's correct.

11 Q. And is that at approximately the
12 same depth on the north and south side?

13 A. Yes.

14 Q. Could you please explain for the
15 record how you know that from this document?

16 A. There are -- obviously, the center
17 line of Greenwood Avenue was shown. It shows
18 the entire cross-section through Greenwood Avenue
19 as though you were looking length-wise along
20 Greenwood Avenue and then it references elevations
21 that correspond with the grid lines upon which
22 these drawings were projected.

23 Q. Thank you. And so let's go back to
24 Figure 3, cross-section BB of Mr. Gobelman's

1 figure. I take it from what you just said that
2 the line that you have drawn on your Figure 84
3 and Mr. Gobelman has drawn on Figure 2, that
4 would be at approximately the same location
5 on the north side of Greenwood; is that accurate?

6 A. That's correct.

7 Q. Okay. Could you please draw in
8 that line for us and initial your name next to
9 it on the drawing?

10 A. Very approximately, it would be
11 Elevation 585.

12 Q. Okay. And where is the fill
13 material or where is the asbestos-containing
14 material that Mr. Gobelman has depicted on
15 this figure?

16 A. In the fill materials above that
17 elevation.

18 Q. So what can you conclude about
19 Mr. Gobelman's Figure 3 and how ACM became
20 located in the borings depicted on the north
21 side of Greenwood Avenue?

22 A. The asbestos that's represented
23 on the figures is located within fill material
24 placed during the IDOT construction project.

1 Q. I'd like you to turn quickly to
2 Exhibit 63-86. Are you there?

3 A. Yes.

4 Q. Okay. This document is depicting
5 in part the occurrence of asbestos on Site 6;
6 isn't that right?

7 A. That's correct.

8 Q. Okay. And look up in the top --
9 there's two parts of Greenwood on this document;
10 correct?

11 A. That's correct.

12 Q. Okay. I'd like for you to look up
13 at the top part of Greenwood.

14 A. Yes.

15 Q. Okay. And do you see -- if you
16 could write in there where -- if you could show
17 everybody where Site 3 is, I'd appreciate it,
18 and then describe it for the record.

19 MR. MCGINLEY: I'm sorry. What
20 page is this again?

21 MS. BRICE: It's 63-86.

22 MR. MCGINLEY: Thank you.

23 BY THE WITNESS:

24 A. Site 3 -- so these are two plan

1 views of Site 6. The top plan view would be
2 the western half approximately of Site 6 and
3 the lower plan would be the eastern half with
4 a match line linking the two.

5 Site 6 is this hashed area
6 to the bottom left corner of the top plan view
7 and then that's...

8 BY MS. BRICE:

9 Q. Okay. What I'm particularly
10 interested in is do you see where this sort of --
11 it looks like a road curving around at the --
12 in that top left portion of the document? Not
13 really top, but mid left. I'm trying to delineate
14 sort of the bottom of Site 3.

15 A. I'm not sure I'm following your
16 question.

17 MS. BRICE: I'm sorry. Can
18 I approach?

19 HEARING OFFICER HALLORAN: Yes,
20 you may.

21 BY MS. BRICE:

22 Q. So I'm assuming -- I assume that
23 this road right here -- and I'll show everyone
24 in a moment -- is part of Site 3. Is that

1 accurate or am I misreading that?

2 A. I'm not sure I would be able to
3 characterize that necessarily as a road.

4 Q. Okay. Perfect. But this is the
5 part -- so you can see in here you've got the
6 borings at 1S-2, 8S, correct?

7 A. That's correct.

8 Q. Okay. And that's up at the very --
9 the very top part of here, right (indicating)?
10 So does that line up with the borings that we
11 were talking about on Mr. Dorgan -- Mr. Gobelman's
12 figure?

13 A. Yes.

14 Q. And look to the north there. You
15 see some borings on the north side; right?

16 A. Yes, I do.

17 Q. Okay. And do those line up with
18 the borings depicted on Mr. Dorgan's (sic.)
19 figure?

20 A. Mr. Gobelman's figure?

21 Q. Mr. Gobelman's figure. I'm sorry.

22 A. Yes.

23 Q. Okay. Now, go back down to the
24 south side of Greenwood and look to the east.

1 Are there any other -- is there a break there?

2 Is there any other asbestos
3 to the east on the south side of Greenwood?

4 A. Not if it's represented on this
5 drawing.

6 Q. Okay. So then look directly at
7 Mr. Gobelman's -- look at the north side and
8 there is a break, is there not, after about
9 seven in or eight in?

10 A. Yes.

11 Q. Okay. What does that suggest to
12 you, if anything?

13 A. Well, according to this figure,
14 that would represent an area of soil that was
15 not affected by asbestos-containing material.

16 Q. Okay. So what does that suggest
17 to you with respect to whether IDOT placed
18 asbestos-containing material on the north side
19 Greenwood?

20 A. Well, this demonstrates the two
21 areas that are identified as being -- having
22 asbestos-containing material effects, both on
23 the north side and the west end of Site 6
24 again immediately adjacent to the area of

1 Site 3.

2 Q. And those generally line up
3 with the IDOT right-of-ways; do they not?

4 A. I believe so, yes.

5 Q. Okay. You can set that to the side.
6 Thank you.

7 And in Mr. Gobelman's testimony,
8 you sort of blended site -- he sort of -- I'm sorry.
9 Strike that.

10 Mr. Gobelman treated Site 6 and
11 Site 3 as completely separate. Do you recollect
12 that?

13 A. Yes.

14 Q. Is that accurate?

15 MR. MCGINLEY: Objection, vague.

16 HEARING OFFICER HALLORAN: He
17 can answer if he is able. Overruled.

18 BY THE WITNESS:

19 A. I mean, I would agree that they
20 are separate sites, but certainly the west end
21 of Site 6 is adjacent to and abuts Site 3.

22 BY MS. BRICE:

23 Q. And turn to -- let me actually
24 pull it out -- 21A-23, which we have a board of.

1 You can just use this.

2 A. Sure.

3 Q. At the intersection of Detour Road
4 A and Greenwood, we just -- there was a fair
5 amount of work done there, right?

6 A. Yes.

7 Q. And that work was done to the east
8 of Station 7; correct?

9 A. That's correct.

10 Q. And Mr. Gobelman stated, did he not
11 in his testimony, that there was no work done along
12 Greenwood east of Station 7?

13 A. Yes. I believe that generally
14 represents his testimony.

15 Q. Okay. And do you agree with that?

16 A. No.

17 Q. And why is that?

18 A. Because this figure out of the
19 as-built drawings clearly shows that there was
20 work being done to tie the detour road in with
21 Greenwood Avenue past Station 7.

22 Q. Okay. And there's -- down at
23 the profile, you see Stations 13, 14 and 15
24 along Detour Road A and those need fill material,

1 correct?

2 A. Yes.

3 Q. Was ACM -- strike that. Thank you.
4 That's all I have for that document.

5 I discussed with Mr. Gobelman
6 that unsuitable material at Stations 7 through
7 9 and the fact that the plans called for at
8 least three feet of fill material or material,
9 in his mind, to be placed in those locations.
10 What is your opinion about that?

11 A. I would agree that fill material
12 was needed and they had the obligation of removing
13 the unsuitable material and then restoring it
14 up to design grade and that would have all been
15 some form of fill.

16 Q. Okay. Do you have an opinion on
17 what was used given the sampling results that
18 we found?

19 A. It would appear that the fill material
20 used had asbestos in it.

21 Q. I'd like to stay with 21A-72 for
22 a moment. This is something I brought up briefly
23 with Mr. Gobelman. We were talking about digits.
24 If you could -- and I think I might need 21A-72

1 and 73, but if you could look for me and let me
2 know -- ditches and embankments.

3 From this document, 21A-72,
4 can you tell me how far the embankment extends
5 to the south at Station 8?

6 A. It extends approximately 25 to 26
7 feet west of the center line of Greenwood Avenue.

8 Q. Okay. And is that then extending
9 onto and towards Site 3?

10 A. Yes.

11 Q. And how far does the embankment
12 extend to the south of Station 9?

13 A. Approximately 30 feet west of the --
14 south of the center line. Excuse me.

15 Q. And how about Station 10? I think
16 that might be on the next page.

17 How far does the embankment
18 extend to the south of Station 10?

19 A. Approximately 40 -- 42 feet, 44
20 feet.

21 Q. And there's ditches noted, are
22 there not, on those drawings?

23 A. Yes, there are.

24 Q. And how wide was the ditch at Station

1 8?

2 A. Actually, there's no ditch shown at
3 Station 8.

4 Q. Okay. Station 9. Sorry. My bad.

5 A. Station 9, the width is approximately
6 25 feet.

7 Q. And is that Station 9, is that
8 ditch depicted on any of your figures?

9 A. Yes. It's shown -- the center line
10 of that line was shown as a red dash on several
11 of my figures.

12 Q. Okay. Why don't we just pick one
13 out because I think it's an important point. Let's
14 use Figure 2, Exhibit 16-18.

15 Do you see that?

16 A. Yes.

17 Q. Okay. When you say -- the center
18 line of that ditch is depicted in red; is that
19 correct?

20 A. That's correct.

21 Q. Okay. And can you describe for
22 the record where that red line is in relation
23 to other things on the document?

24 A. The ditch is shown primarily as

1 being located on the northern part of Site 3.

2 Q. So that ditch is not -- you're
3 not representing the width of that ditch in
4 your drawing; is that correct?

5 A. That's correct.

6 Q. Okay. Thank you. And how wide is
7 the ditch at Station 10?

8 A. Approximately 40 -- 40 to 42 feet
9 roughly.

10 Q. Did you see any large ditches or
11 wide ditches when you were on the site?

12 A. I did not.

13 Q. Okay. And it's your understanding
14 that IDOT was required to restore Site 3 to its
15 original condition after completing its work?

16 A. That's my understanding.

17 Q. Okay. And in your opinion, what
18 did they -- how did they restore the ditches?

19 A. I'm assuming they would have been
20 filled in.

21 Q. Okay. And do you know what they were
22 filled in with?

23 A. Some form of fill material.

24 Q. Okay. And has there been

1 asbestos-containing material found in or near
2 those ditches taking into account their width?

3 A. Yes.

4 Q. All right. Can you give us a couple
5 of examples?

6 A. Looking at the figures out of my
7 original report, which would be Exhibits 6-25
8 and 6-26, sample locations, B3-25, B3-16, B3-15
9 would all be either within or proximal to those
10 ditch locations.

11 Q. Thank you. Let's turn to Detour
12 Road A now and the rest of Site 3. Mr. Gobelman
13 said the contractor wouldn't use concrete Transite
14 pipe in the road or on Site 3 because he wanted
15 to use it in the embankments. He said it was
16 valuable material, correct?

17 A. That's correct.

18 Q. And that the contractor would
19 not have wanted to waste that material; is that
20 right?

21 A. That's right.

22 Q. Didn't the contractor obliterate
23 Detour Road A?

24 A. That's correct.

1 Q. And that would have included filling
2 in any ditches he dug alongside Detour Road A,
3 right.

4 MR. McGINLEY: Objection,
5 calls for speculation.

6 HEARING OFFICER HALLORAN: He
7 can answer if he can. Overruled.

8 BY THE WITNESS:

9 A. I would anticipate that.

10 BY MS. BRICE:

11 Q. Okay. And so you have on your
12 figures ditches drawn near Detour Road A, is
13 that not right?

14 A. That's correct.

15 Q. Okay. And I believe we discussed
16 on your direct also ditches were needed to install
17 the culvert? I think that's Exhibit 31 that said
18 that there was a culvert that needed to be
19 installed.

20 Do you remember that?

21 A. I do.

22 Q. Okay. Do you have any idea how
23 wide the ditches were that were installed
24 alongside Detour Road A?

1 A. I don't know specifically.

2 Q. But would that be in the record
3 possibly?

4 A. It may.

5 Q. Has this been asbestos-containing
6 material found near those ditches depicted on
7 your figures along Detour Road A?

8 A. Yes.

9 Q. Can you give us some examples?

10 A. Examples would be Test Pit 11,
11 B3-22, Hydro Test Pit 06A, I believe it is,
12 Test Pit 16 ACT, it would all be either within
13 or proximal to.

14 Q. The culvert that was located along
15 Detour Road A; isn't that right?

16 A. That's correct.

17 Q. Okay. And is there ACM in the area
18 of that culvert?

19 A. Some of the same locations I just
20 referenced are in the same general areas of the
21 former culvert.

22 Q. And how about the road, Detour Road
23 A itself, has there been ACM found along Detour
24 Road A?

1 A. Yes.

2 Q. And how would you describe the
3 proximity of the ACM with respect to Detour
4 Road A?

5 A. I think I've described it in
6 previous testimony as generally aligned with
7 Detour Road A.

8 Q. You said in your rebuttal report
9 that Mr. Gobelman has no reasonable rebuttal to
10 your opinion that IDOT crushed and buried the
11 concrete Transite pipe. Can you elaborate,
12 please?

13 A. I don't know that there's been
14 a point where in his report that suggests an
15 alternative to why we have Transite pipe that's
16 been broken and crushed present in various
17 locations at the site including along where
18 Detour Road A had been in the embankment materials
19 that were replaced. So I just haven't heard a
20 plausible alternative offered at this point.

21 Q. Okay. You've limited your answer
22 a moment ago to his report.

23 Does that also include the
24 testimony that's been provided in this case?

1 You have been here for the entire testimony.

2 A. I believe so.

3 Q. Okay. So does that include the
4 testimony?

5 A. Yes.

6 Q. Thank you. Mr. Gobelman talked
7 about this aerial photograph from 1972, right?

8 A. Yes.

9 Q. And you had opined that in that
10 triangle area in particular that there was
11 quite a bit of disturbance; is that accurate?

12 A. Yes.

13 Q. And he attributed that disturbance
14 to the culvert work that was done and that was
15 discussed in -- I think it was August, October
16 and November in 1972.

17 Do you remember that testimony?

18 A. I do.

19 Q. Do you agree?

20 A. No.

21 Q. And why is that?

22 A. I believe the area of disturbance
23 is much larger than what would have been needed
24 to accommodate the installation of a culvert

1 across Detour Road A.

2 Q. Okay. How much larger?

3 A. Significantly larger. Not being
4 entirely sure exactly what the disturbed area
5 was for the culvert, but this is a much larger
6 area than would have been needed to just manage
7 that particular effort.

8 Q. All right. Does it look to you
9 that the area is disturbed almost inside of the
10 entire triangle?

11 A. Not within the entire triangle,
12 but it occupies a large part of it.

13 Q. Okay. What percent would you say?

14 A. Sixty.

15 Q. Thank you. If you could, look at
16 Exhibit 35, please.

17 A. Okay.

18 Q. Mr. Gobelman claimed that this
19 document supported his opinion that IDOT may
20 not have removed unsuitable material at Stations
21 7 and 9 along Greenwood. He said the document
22 indicates that instead of removing 44,000 cubic
23 yards of unsuitable material, only 29,300 were
24 removed, which he agreed was 67 percent. Let's

1 assume he was right.

2 MR. MCGINLEY: Objection, that
3 mischaracterizes the witness's testimony.

4 HEARING OFFICER HALLORAN: Rephrase,
5 please, Ms. Brice.

6 MS. BRICE: Okay.

7 BY MS. BRICE:

8 Q. Let's just take a look at the
9 document. If you could, look at 21A-72 again
10 that we were just looking at.

11 A. Yes.

12 Q. 21A-72.

13 A. Yes.

14 Q. Okay. Now, how many cubic yards
15 is to be removed on that document at Station
16 7.6?

17 A. 190 yards.

18 Q. Okay. And how many cubic yards is
19 Station 8?

20 A. 140.

21 Q. Okay. And how many cubic yards is
22 Station 9?

23 A. 118.

24 Q. And if you add those three up, I

1 come to a total of 448 cubic yards. Does that
2 sound about right?

3 A. Sounds right.

4 Q. Okay. And there was a total of
5 44,000 cubic yards scheduled to be removed, is
6 that correct, based upon the 1975 document that
7 Mr. Gobelman used?

8 A. I believe that's right.

9 Q. Okay. So that's about one percent
10 of the total that was to be removed at Stations
11 7 to 9; is that correct?

12 A. Correct.

13 Q. Okay. So in order for Mr. Gobelman
14 to be right, he would need to show that this one
15 percent of unsuitable material located at Stations
16 7 to 9 was contained in that 32 percent that he
17 says IDOT didn't remove; is that right?

18 MR. MCGINLEY: Objection. This
19 is misleading.

20 HEARING OFFICER HALLORAN: I'm
21 sorry?

22 MR. MCGINLEY: Objection. This
23 is misleading.

24 HEARING OFFICER HALLORAN: I know

1 you're trying to hurry it, but could you
2 rephrase?

3 MS. BRICE: Sure.

4 BY MS. BRICE:

5 Q. One percent, correct?

6 What would be your conclusion
7 about what you would have to do in order for
8 that -- what you would have to determine in
9 order for that one percent to have been part
10 of the unsuitable material that was removed
11 based upon Mr. Gobelman's opinion?

12 A. I mean, you know, there's a
13 certain, I suppose, probability that that could
14 be calculated, but I think the underlying issue
15 to me is that there may have been a deduction
16 because less was removed, but that deduction
17 applied to the entire project and understanding
18 exactly where and for what the reasons those
19 deductions occurred.

20 You can't tell certainly
21 from this document and there aren't any notations
22 made on the as-built drawings as to any changes
23 to what had been proposed.

24 So again, it would be, in my

1 opinion, speculation that the materials from
2 this area of Greenwood Avenue, it would have
3 been materials that would have been subject to
4 this deduction. I just don't -- I don't know
5 how you can tell that off of this document.

6 Q. Okay. But you would agree with
7 me that those add up to one percent of the total,
8 right, approximately?

9 A. Approximately.

10 MR. MCGINLEY: Objection,
11 leading.

12 MR. BRICE: You led your experts
13 throughout.

14 BY MS. BRICE:

15 Q. Correct?

16 A. Yes.

17 Q. And Mr. Gobelman testified that
18 32 percent of it was not removed.

19 Do you recall that?

20 A. I do.

21 Q. And he testified that 67 percent
22 of it was actually removed.

23 Do you recall that?

24 A. I do.

1 Q. Thank you. You opined in your
2 expert report that IDOT's conduct was a violation
3 of Section 21 of the Illinois Environmental
4 Protection Act?

5 A. That's correct.

6 Q. Have you reviewed the Illinois
7 Environmental Protection Act that was enacted in
8 1970?

9 A. Yes.

10 Q. If you could, take a look at Exhibit
11 81, please.

12 A. Okay.

13 MR. MCGINLEY: Mr. Halloran, we
14 don't actually have a copy of Exhibit 81.

15 MS. BRICE: We sent it to you.

16 MS. O'LAUGHLIN: No. You only
17 sent Part 2, not the whole one. The whole
18 one was not sent. You sent the last --
19 because it starts at Page 33 in the email.

20 MS. CAISMAN: We sent an email
21 like the week before prior to that.

22 MS. BRICE: We sent two separate
23 emails.

24 MS. O'LAUGHLIN: We didn't receive

1 it.

2 MS. BRICE: We sent you the 66
3 regs, right? You remember receiving those?

4 MR. MCGINLEY: We recall receiving
5 something that was identified as regs from
6 1966, yes. Thank you.

7 BY MS. BRICE:

8 Q. Okay. So I have 81 -- starting at
9 81-33, Mr. Dorgan, there is something entitled,
10 "Illinois Revised Statutes."

11 A. I see that.

12 Q. 1971. Do you see that?

13 A. I do.

14 Q. Okay. And then there are sort of
15 three documents within this grouping. So if you
16 go to 81-5. Oh, I'm sorry. Don't even do that
17 because it's a little confusing. Let's go to
18 81-21.

19 HEARING OFFICER HALLORAN: Do
20 I have that?

21 MS. BRICE: Yes. We handed them
22 to you on the first day of hearing.

23 HEARING OFFICER HALLORAN: Yeah.
24 I'm sure I have them somewhere.

1 MS. BRICE: You know what, I
2 saw your assistant put them in the book.
3 You gave them to him on the first day.

4 HEARING OFFICER HALLORAN: Yeah.
5 This is the book that I have and I have
6 81-33.

7 MS. CAISMAN: Those are the ones
8 that we handed to you right before the
9 hearing started, but I also have another
10 copy.

11 HEARING OFFICER HALLORAN: You
12 have another copy?

13 MS. CAISMAN: Yes.

14 HEARING OFFICER HALLORAN: Thank
15 you.

16 BY MS. BRICE:

17 Q. Mr. Dorgan, so just let's try and
18 identify this for the record. 81-1 is a cover
19 page; correct?

20 A. That's correct.

21 Q. For regulations?

22 A. That's correct.

23 Q. All right. And then 81-5 is a
24 Chapter 8 Solid Waste cover page, correct?

1 A. That's correct.

2 Q. And then we jump over to 81-21
3 and it's talking about Chapter I, Solid Waste,
4 Part 1.

5 Do you see that?

6 A. I do.

7 Q. Then I would like to draw your
8 attention to Rule 102, "Repeals."

9 Do you see that?

10 A. I do.

11 Q. And you've read this before; have
12 you not?

13 A. Yes, I have.

14 Q. Okay. What is your understanding
15 of this document right here and what this repeal
16 is doing?

17 A. This document superseded the
18 regulations that had previously been in place,
19 that had been in place since March of 1966.

20 Q. Okay. And these regulations are
21 the 1973 regulations, correct?

22 A. That's correct.

23 Q. So then let's back up and look at
24 the 1966 regulations, which we were thankfully

1 able to find, and they are Exhibit 81-7 through
2 81-17 -- 81-18. I'm sorry. It's double-sided.

3 Do you see that?

4 A. I do.

5 Q. Okay. And this says, "Rules and
6 Regulations for Refuge Disposal Sites and
7 Facilities, April 1966."

8 Do you see that?

9 A. Exhibit 81-7?

10 Q. Correct.

11 A. Yes.

12 Q. And it says, "Chapter 7, Solid
13 Wastes"?

14 A. Yes.

15 Q. Thank you. And then turn over to
16 the statutes, which starts at 81-33. We just
17 talked about that. It goes from 81-33 through
18 81-44.

19 Do you see that?

20 A. Yes, I do.

21 Q. Thank you. Now, you've reviewed
22 these three documents, correct?

23 A. Yes.

24 Q. And what is your understanding

1 of -- let me back up. This case involves
2 allegations that IDOT violated Sections 21A, D
3 and E of the Act, right?

4 A. Yes.

5 MR. MCGINLEY: Mr. Halloran,
6 I'm going to object to this because
7 this could have brought out in their
8 case-in-chief. They're doing it as
9 rebuttal. I'm not sure why this is
10 coming in as rebuttal at this point.

11 HEARING OFFICER HALLORAN: And
12 Ms. Brice?

13 MS. BRICE: Because you've raised
14 it as a defense.

15 MR. MCGINLEY: But you struck
16 you it - I mean, you sought to strike
17 and that defense had been struck, but
18 it's also part of your case-in-chief.

19 MS. BRICE: I'm not sure that
20 it's been struck exactly. I mean, that
21 was a little bit unclear, but he offered
22 an opinion about the violation of the
23 Act and his initial opinion.

24 This is -- if any corollary

1 given about what Mr. Gobelman did and, you
2 know, we are just trying to rebut their
3 argument that came up at the last minute
4 about these being historic violations of
5 the Act.

6 HEARING OFFICER HALLORAN: Is
7 this the affirmative defense?

8 MS. BRICE: Yes.

9 HEARING OFFICER HALLORAN: And
10 the Board ruled it?

11 MS. BRICE: The Board ruled it
12 wasn't an affirmative defense, but that
13 it was -- struck it as an affirmative
14 defense, but argued it might be a defense,
15 I think. We were confused, honestly, as
16 to exactly what it was --

17 HEARING OFFICER HALLORAN: Yeah.
18 I'll allow a little leeway -- a little
19 latitude on this.

20 MS. BRICE: Thank you. I
21 appreciate it.

22 BY MS. BRICE:

23 Q. Are there corresponding sections
24 of the 1970 Act that relates to Sections 21A, D

1 and E as far as you know?

2 A. I believe so, yes.

3 Q. Okay. What is -- and if you can
4 turn to 81-39, please.

5 A. Sure.

6 Q. Are you there?

7 A. Yes.

8 Q. Okay. What is the corresponding
9 provision for Section 21A, the prohibition on
10 open dumping in the current Act?

11 A. I believe it's 21D in the current
12 Act.

13 Q. And what is the corresponding
14 provision for 21D of the current Act, the
15 provision requiring a permit?

16 MR. MCGINLEY: Objection,
17 leading.

18 HEARING OFFICER HALLORAN: We
19 could be here all day. Sustained.

20 BY MS. BRICE:

21 Q. Okay. Look at 21A, if you will,
22 here in Exhibit 81-31.

23 A. I see it.

24 Q. Can you please identify for me the

1 provisions that correspond with 21A, D and E of
2 the current Act?

3 A. Obviously, 21A of this Act, which
4 prohibits open dumping, I believe, and 21D.

5 Q. I think it's both. Okay. Well,
6 21A under the current Act is cause or allow open
7 dumping.

8 A. And that's --

9 Q. This is the old one.

10 A. Right. That's what I understand.

11 Q. Okay.

12 A. So you have the Act that was in
13 place at the time of this particular exhibit, you
14 have the Act that's in place today and there are
15 several original sections of Section 21 of the Act
16 that carry forward to the Act that's in place
17 today and certainly the open dumping and discussion
18 of requiring permits in order to manage the solid
19 waste disposal facility and the prohibition on
20 disposing of refuse in a manner that's not
21 consistent with the regulations are all similar
22 provisions that are in the current Act.

23 Q. Right. But the current Act is
24 Section 21 and this prior Act is 10-21, right?

1 A. Yes, although there's a notation
2 of Section 21 just after 10-21.

3 Q. Well, you're right. There is a
4 notation at Section 21. So just to clarify,
5 because I think it's been a little confusing,
6 this Act, the 1970 Act, has sections at 10-21; is
7 that correct?

8 A. That's correct.

9 Q. Okay. And sections in 10-21
10 correspond with Section 21 of the current Act?

11 A. That's correct.

12 Q. Okay. And you believe there are
13 corresponding provisions for A, B and D that you
14 just outlined?

15 A. Yes.

16 Q. In general --

17 HEARING OFFICER HALLORAN: I'm
18 sorry. Ms. Brice, how long do we have to
19 go? We're coming up on an hour.

20 MS. BRICE: We are really close,
21 really close. Five minutes.

22 HEARING OFFICER HALLORAN: Okay.
23 Sure. That would be great. Thank you.

24

1 BY MS. BRICE:

2 Q. In general, how do these 1970 Act
3 provisions differ at all from the current Act?

4 MR. MCGINLEY: Objection, calls
5 for speculation on the part of the witness.

6 BY MS. BRICE:

7 Q. To the extent that you know.

8 HEARING OFFICER HALLORAN: To
9 the extent that he knows, he can answer.

10 BY THE WITNESS:

11 A. I believe they translate certain
12 definitions such as refuse and solid waste that
13 were in earlier versions that take on new
14 definitions in later versions.

15 BY MS. BRICE:

16 Q. And is that the primary difference
17 as far as you are concerned?

18 A. I believe so.

19 Q. And so is it your opinion that --
20 what is your opinion about whether or not IDOT
21 violated Section 10-21 of the Act that was place
22 in 1970s?

23 MR. MCGINLEY: Objection. He
24 has never offered an opinion about this.

1 HEARING OFFICER HALLORAN: You
2 are going to have to speak up.

3 Lori can you please read
4 the question back, please?

5 (Whereupon, the requested
6 portion of the record was
7 read accordingly.)

8 BY MS. BRICE:

9 Q. You offered an opinion in your
10 original report about violations of Section 21
11 of the Illinois Environmental Protection Act;
12 correct?

13 A. That's correct.

14 Q. And you testified that IDOT violated
15 Section 21 of the Illinois Environmental Protection
16 Act?

17 A. That's correct.

18 Q. And I want to know if that opinion
19 is the same with respect to the historic version
20 of the Act that you were just referring to?

21 A. It is.

22 MR. MCGINLEY: Objection, calls
23 for speculation. There is no foundation
24 for the opinion. We don't know what the

1 basis -- I mean, with respect to his
2 original opinion about Section 21 violations
3 in his report, there was an articulated
4 basis.

5 We take issue with it, but
6 there was some degree articulated basis
7 for that opinion. Now, this is just
8 coming out.

9 HEARING OFFICER HALLORAN: I'll
10 allow it. I allowed leeway on your --
11 per my order in allowing Mr. Gobelman's
12 allegations of new opinions, I believe.
13 It's going to be wrapped up soon. So
14 overruled for those reasons.

15 You may answer, sir.

16 BY THE WITNESS:

17 A. It is.

18 BY MS. BRICE:

19 Q. Mr. Gobelman seems to think that
20 you offer an opinion that the mere presence of
21 concrete Transite pipe at the site is making the
22 remedy more expensive. Was that your opinion?

23 A. No.

24 Q. What was your opinion?

1 A. My opinion was that presence of
2 the crushed Transite pipe and the presence of
3 that Transite pipe and the other affects of
4 the crashing of that Transite pipe caused --
5 has led to a more expansive remedy than what
6 I believe would have been otherwise needed.

7 Q. Okay. Crushing of the Transite
8 pipes and then let's look at 617 of the report
9 quickly.

10 Do you see where it says,
11 "In the absence of buried and dispersed Transite
12 pipe on the site"?

13 A. I'm looking for that specific...

14 Q. I'm sorry. It's hard isn't it?
15 Let's just wrap it up. You just talked about the
16 act of crushing, right?

17 A. Yes.

18 Q. And then I believe I pointed out
19 to Mr. Gobelman that it was also the burial and
20 dispersion of the concrete Transite pipe. Is
21 that part of your opinion as well?

22 A. Yes, it is.

23 Q. And so what are you saying here in
24 this opinion about the scope of the remedy? What

1 is the actual opinion so that we are all clear?

2 A. As I think that I stated previously,
3 I believe that you have solid pieces of Transite
4 pipe that have been a focus of EPA's attention
5 relative to this remedy as a whole.

6 Of course, I've also previously
7 acknowledged that part of the remedy is being
8 driven by the presence of asbestos fibers.

9 I've acknowledged that, however,
10 I believe at least some, if not most, of the
11 asbestos fibers that has been detected may be
12 attributable to that crushing process, which has
13 been acknowledged in the record.

14 Q. How do you believe that other types
15 of asbestos-containing material -- non-Transite
16 pipe became buried on Site 3 and Site 6?

17 A. I don't really know other than at
18 some point, they were mixed in with the fill
19 materials that had been placed on the site.

20 Q. Placed on the on the site by who?

21 A. IDOT.

22 Q. Mr. Gobelman testified that the
23 contractor would have just increased the cost
24 of his bid to deal with concrete Transite pipe

1 he needed to remove.

2 Do you recall that?

3 A. I do.

4 Q. Do you agree with that?

5 A. No.

6 Q. Why not?

7 A. The contractor would have had
8 an incentive to utilize as much material as they
9 could in order to avoid the haul off and having
10 to be responsible for paying for that haul off
11 and if they didn't use the material, that would
12 just lead to more material that would have had
13 to have been brought on-site to make up for the
14 volume that wasn't used. So there would have
15 been two reasons why they would not have wanted
16 to haul that material off instead of using it
17 when they were authorized to use it.

18 Q. Mr. Gobelman also testified that
19 he was mistaken about a typo in a 1973 change
20 order that he relied upon as evidence for the
21 fact that the parking lot was covered with
22 asphalt left in place and then Detour Road A
23 was built on top of it. What's your reaction
24 to this?

1 A. Well, I think he properly recognized
2 that that evaluation of it being a typo probably
3 was not the correct interpretation and I believe
4 because of that, he did build -- sequence his
5 opinions off of that particular premise, which in
6 some case at some point was called into question,
7 I would assume.

8 Q. Okay. So there's a whole section
9 of his report that deals with that document,
10 right?

11 A. That's correct.

12 Q. So would you now take the position
13 that that section of his report is no longer
14 valid?

15 A. I certainly believe it's called
16 into question. Whether it's entirely invalid
17 or not, I'd have to look at it more closely.

18 MS. BRICE: Thank you. No
19 further questions.

20 HEARING OFFICER HALLORAN: Thank
21 you. Let's take a five-minute powder room
22 break. I'm staying here just so you know.
23 I'm not going anywhere. Thank you.

24

1 (Whereupon, after a short
2 break was had, the following
3 proceedings were held
4 accordingly.)

5 HEARING OFFICER HALLORAN: All
6 right. Is everyone ready?

7 It's approximately 3:06 and
8 I think it's IDOT's witness. Mr. Dorgan
9 is on the stand and this is rebuttal.

10 MR. MCGINLEY: I have no questions
11 for Mr. Dorgan.

12 HEARING OFFICER HALLORAN: Come
13 again? I heard that.

14 MR. MCGINLEY: This may be the
15 first time. In the interest of brevity,
16 I have no questions.

17 HEARING OFFICER HALLORAN: Thank
18 you, Mr. McGinley.

19 Mr. Dorgan, you may step
20 down. Thank you so much.

21 (Witness excused.)

22 MR. MCGINLEY: I hope that wasn't
23 too great a shock to your system.

24 HEARING OFFICER HALLORAN: Do you

1 want to move on to the exhibits that we
2 talked about this morning to try to get
3 that hammered away?

4 MS. BRICE: Sure.

5 HEARING OFFICER HALLORAN: All
6 right. I will go through IDOT's wish
7 list first.

8 I think their first -- the
9 first exhibits they wanted to move in is
10 Exhibit 4A and 4B. I believe it's
11 Mr. Dorgan's deposition transcripts.

12 MR. MCGINLEY: That's correct.

13 HEARING OFFICER HALLORAN: JM
14 objected basically on -- they elicit
15 testimony from the witness.

16 MR. MCGINLEY: Mr. Halloran, I
17 would note we were looking back on the
18 transcript from May 23rd and we did
19 actually asked questions about statements
20 that he had made in his prior deposition.
21 Did I call out actual portions of the
22 transcript? No. But we were asking
23 him about his testimony back in May
24 and --

1 MS. O'LAUGHLIN: Right.

2 MS. BRICE: Mr. Halloran, I
3 would say that this sort of goes to the
4 point of Mr. Stoddard's deposition.

5 I mean, if we're not allowed
6 to use Mr. Stoddard's deposition, I don't
7 know how they are allowed to use depositions
8 that they haven't previously used.

9 HEARING OFFICER HALLORAN: Well,
10 you know, it looks like Mr. Gobelman's --

11 MS. BRICE: His deposition was
12 used extensively.

13 HEARING OFFICER HALLORAN: Well,
14 regardless I'll take it upon Mr. McGinley's
15 representation that there were questions
16 asked about Mr. Dorgan's deposition testimony.

17 Again, we do have -- it's
18 already in evidence by JM, deposition of
19 Steven Gobelman, deposition of John Blaczek,
20 and Mr. Stumpner. So I'm going to allow
21 it in.

22 I don't see why I can't allow
23 it in. So 4A and 4B are moved into evidence
24 over objection.

1 4I is the title commitment.
2 JM objects. You know, that was part of
3 Mr. Fortuato's report.

4 MS. CAISMAN: No.

5 HEARING OFFICER HALLORAN: Part
6 of an exhibit to his deposition?

7 MR. MCGINLEY: Yes.

8 HEARING OFFICER HALLORAN: That
9 was turned over. Regardless, it is a
10 title commitment and I'm going to take
11 it under 101.626(a). I believe any
12 reasonable person would use it in the
13 course of a serious affairs. So 4I is
14 admitted over objection.

15 There's a few here. I don't
16 know if they are already into evidence by
17 JM, but Exhibits 7, 8, 19, 20, 21A, 21B,
18 25, 26, 29, 31, 32, 33, 34, and I know
19 35 is already in, 37, all of those are
20 admitted into evidence. I don't believe
21 there are any objections.

22 MS. O'LAUGHLIN: I think 36 as
23 well. Did you say 36?

24 HEARING OFFICER HALLORAN: That

1 was on your wish list?

2 MS. O'LAUGHLIN: I think so.

3 HEARING OFFICER HALLORAN: Okay.
4 Job completion notice dated February 18,
5 1976, any objection to that?

6 MS. BRICE: No.

7 HEARING OFFICER HALLORAN: Okay.
8 Thank you. Exhibit 36 is also admitted
9 and 37, right?

10 Exhibit 38, JM objected to.
11 It was illegible. I agreed. I took it
12 as an offer of proof. We'll see what the
13 Board wants to do with it. So that is
14 denied into evidence, but I will take it
15 as an offer of proof.

16 Exhibits 40, 41, 42, 43, 44,
17 46, 49, 50, 52, 53B, K, L, N, as in Nancy,
18 P, as in Peter, there's no objections to
19 those. Those will be admitted into
20 evidence.

21 Going back, and I think
22 you were going to talk about this during
23 lunch hour, Exhibits 54A and is it C?

24 MS. O'LAUGHLIN: I think it's

1 E, as in Ellen.

2 HEARING OFFICER HALLORAN: JM
3 objected because there is no testimony.
4 I guess those are aerial photos and
5 topographic maps.

6 MS. BRICE: I don't think we
7 really have a big problems with those.

8 HEARING OFFICER HALLORAN: Okay.
9 So 54A and B are admitted. It looks like
10 JM withdrew its objection.

11 54Q, R and S are admitted
12 without objection.

13 T, I don't know, Ms. Brice,
14 were you going to -- I'm not sure what T
15 is. Let me see.

16 MS. BRICE: I think if that's
17 the 1970 aerial photo, that's fine.

18 HEARING OFFICER HALLORAN: Okay.
19 Thank you. 54T is admitted without
20 objection.

21 Let me get a drink of water.
22 Exhibits 56, 57, 58, 59, 60, 62, 63, all
23 admitted without objection.

24 Exhibit 64, there was an

1 objection. There wasn't any testimony.
2 There was a modification letter dated
3 February 1, 2012.

4 MS. BRICE: We have no idea
5 what they want to do with that document
6 so we maintain our objection.

7 MR. MCGINLEY: We will withdraw
8 it.

9 MS. O'LAUGHLIN: We'll withdraw
10 it.

11 HEARING OFFICER HALLORAN: Okay.
12 Thank you. Exhibit 64 is withdrawn.

13 Exhibits 65, 66, 67, and 74
14 are all admitted without objection.

15 Exhibit 78, there is an
16 objection. No testimony elicited. That
17 is JM's response to 104(e) request dated
18 July 1, 1999.

19 MS. BRICE: Again, I don't know
20 why. They didn't ask a question about this.

21 MS. O'LAUGHLIN: I mean, it is
22 what it is. It's JM's response in this
23 matter dated July 1, 1999. I'm not sure
24 why they would object to it, but...

1 MS. BRICE: We don't know how
2 you're trying to use it. That's the issue.
3 I mean, if you used it, then we would have
4 an idea.

5 HEARING OFFICER HALLORAN: Was
6 this stipulated to as far as authenticity?

7 MS. BRICE: Yes.

8 HEARING OFFICER HALLORAN: You
9 know, I'm going to allow it in. It goes
10 to weight, not necessarily admissibility.
11 So the Board will weigh it accordingly
12 or at least I ask them to.

13 Exhibits 80, 84, 92, 93, 94,
14 102, 107, all admitted without objection.

15 Exhibits 108 and 109, there
16 are objections.

17 MS. O'LAUGHLIN: We will withdraw
18 our request on that. The topographic maps
19 are admitted with a cover email with
20 Mr. Gobelman. They are actually better.
21 We will withdraw as to 108 and 109.

22 HEARING OFFICER HALLORAN: All
23 right. Thank you. Exhibits 108 and 109
24 are withdrawn.

1 Exhibit 120 is admitted
2 without objection.

3 Exhibits 123 and 132, JM
4 objected, no testimony accompanied.

5 MS. BRICE: And there was no
6 stipulation on 123 as to foundation or
7 admissibility.

8 MS. O'LAUGHLIN: I'm sorry.
9 There is no stipulation as to 123?

10 MS. BRICE: Correct.

11 MS. O'LAUGHLIN: The email from
12 Johns Manville.

13 MS. BRICE: Okay. We'll
14 withdraw it.

15 HEARING OFFICER HALLORAN: Exhibit
16 123 is withdrawn. Thank you.

17 Exhibit 132, southwestern
18 site area, Sites 3 and 4 removal action
19 plan.

20 MR. MCGINLEY: We will withdraw
21 it.

22 MS. O'LAUGHLIN: Withdraw it.

23 HEARING OFFICER HALLORAN: Thank
24 you, Mr. McGinley. Withdrawn.

1 Exhibit 141 is admitted
2 without objection.

3 Exhibit 161, objection, no
4 testimony elicited, February 18, 2008,
5 email to Mr. Tracy to various individuals,
6 D. Clinton.

7 MR. MCGINLEY: We will withdraw
8 that.

9 HEARING OFFICER HALLORAN: Okay.
10 Thank you.

11 Exhibits 162 and 163, I
12 addressed earlier. That's admitted with
13 objection.

14 Exhibit 164 is admitted
15 without objection. I think JM already
16 has that in.

17 Exhibit 166, there is an
18 objection. It was hard to read. I just
19 looked at it. You know, I will let it
20 in for what it is. It's hard to read,
21 but not as hard as Exhibit 38.

22 MS. O'LAUGHLIN: You know, I'm
23 sorry, Mr. Halloran. We will withdraw
24 that. We looked at -- it's the same as

1 Exhibit 40, which is more legible. So
2 let's take 166 off the list.

3 HEARING OFFICER HALLORAN: Okay.
4 Exhibit 40 is in?

5 MS. BRICE: Yes.

6 MS. O'LAUGHLIN: I believe 40 is
7 in.

8 MS. CAISMAN: Yes, yes.

9 MS. O'LAUGHLIN: So we will go with
10 40 in lieu of 166.

11 HEARING OFFICER HALLORAN: So 166
12 is withdrawn.

13 Exhibit 167, untimely
14 produced, objection from JM. You know,
15 it's only a form letter. Again, I think
16 it is what it is. I don't see anything
17 wrong with it except possibly untimely
18 produced.

19 Anything further on that?

20 MS. BRICE: We don't know how
21 it's even relevant because it's some form
22 letter that was sort of thrown in at the
23 last minute and it's not addressed to the
24 people relating to this site or this

1 property.

2 I would expect if there
3 is actually letter involving this property
4 that it would have been produced. Instead,
5 we get a form letter and we haven't even
6 been able to ask if they actually looked
7 for one that had a name on it.

8 I mean, that's part of the
9 problem with the ones that were produced.
10 We were never able to do discovery on these
11 documents.

12 HEARING OFFICER HALLORAN: Anything
13 further?

14 MR. MCGINLEY: I recall that
15 they asked Mr. Blaczck about it and
16 Mr. Blaczck testified about statutory
17 authorities. I mean, the issue was
18 what Mr. Blaczck testified to was
19 statutory authorities that allow IDOT
20 to come onto property to undertake
21 certain kinds of surveying work, you
22 know, and it directly goes to the issue
23 that Johns Manville was trying to make
24 that, but for this right-of-way, when

1 this PESA was done, IDOT would not have
2 had the right to enter onto the property
3 and that's been, we think, addressed
4 through the testimony and this letter
5 simply amplifies how that statutory
6 authority would come into play.

7 MS. BRICE: Right, but that's
8 exactly why it should have been produced
9 with respect to all of our discovery
10 requests.

11 Clearly, this was within
12 the scope as well as a number of other
13 things that just kept being produced
14 late.

15 HEARING OFFICER HALLORAN: That
16 kept being what?

17 MS. BRICE: Produced late.

18 HEARING OFFICER HALLORAN: Well,
19 there were time constraints and JM was
20 pushing for this thing to move. So I'm
21 going to let it in. It's only a form
22 letter. It is what it is. The Board
23 will weigh it accordingly. It could be
24 relevant. I don't know.

1 Exhibit 200, I don't see an
2 objection. That is admitted.

3 Exhibit 202, that's a Keller
4 map and JM objected. Was that the one
5 that Mr. Gobelman marked up a little?

6 MS. BRICE: That's the one that
7 he was being questioned about and he said,
8 oh, this is the wrong one. Then on the
9 stand, they brought back a new document
10 that had different changes to it that
11 we had never seen before.

12 HEARING OFFICER HALLORAN: Well,
13 I think he was thoroughly crossed on that,
14 as I recall.

15 MS. BRICE: He was crossed on
16 164, which is the one that was not marked
17 up one.

18 HEARING OFFICER HALLORAN: On
19 your cross, you didn't mention Respondent's
20 202 at all?

21 MS. BRICE: I did not.

22 HEARING OFFICER HALLORAN: Okay.

23 MS. O'LAUGHLIN: In our direct
24 examination, we used Exhibit 202 to identify

1 the differences. They should have used 202
2 during their cross-examination because that
3 was the more updated version and Mr. Gobelman
4 stated how it was updated.

5 He testified extensively
6 about Exhibit 202 on direct examination.
7 Again, we identified how it was updated
8 from 164 and if this is excluded from
9 the record, his direct testimony will
10 be -- it will be a problem.

11 MS. BRICE: That's not the
12 intention. I thought actually didn't
13 he testify about 164 and then later
14 on, you brought out 202? So a lot of
15 his testimony was 164, which why I went
16 to 164 because we didn't have a copy
17 of 202. So the first full day -- the
18 first full part of his testimony was
19 about 164.

20 MS. O'LAUGHLIN: I think we
21 used 202 and we identified how it was
22 different and yesterday, during the
23 cross-examination, you used 164. The
24 modifications are small. I think we

1 should put it into the record and make
2 our arguments on them.

3 I don't think there is
4 any -- I mean, you know how they are
5 different, which is minor. I mean, we
6 used 202 or 164.

7 MS. BRICE: Okay. Why don't
8 we do this, if you're okay with this?
9 Why don't we stipulate to the fact that
10 my questions about 164 relate to 202
11 as well relating to 164.

12 MS. O'LAUGHLIN: Yes.

13 MS. BRICE: And we will leave
14 it at that.

15 MS. O'LAUGHLIN: Yes, yes.

16 MS. BRICE: Because I don't
17 think your answers would have change,
18 right, if I was asking you questions
19 about 202 instead 164?

20 MR. GOBELMAN: Am I under oath?

21 MS. BRICE: You're on the record.

22 MR. GOBELMAN: No, I don't think
23 they would.

24 HEARING OFFICER HALLORAN: Okay.

1 The record will so note. Thank you for
2 your agreement. Respondent's 202 is
3 admitted under are those conditions.

4 All right. We get to -- I
5 think I saw IDOT's, correct, your wish
6 list? You gave it to me before.

7 MR. MCGINLEY: Yes.

8 HEARING OFFICER HALLORAN: Okay.
9 Great. We get to JM. 4D, as in dog.

10 MS. BRICE: Right.

11 HEARING OFFICER HALLORAN: What
12 is that?

13 MS. BRICE: Mr. Clinton's
14 deposition. It was used with Mr. Gobelman.

15 MS. O'LAUGHLIN: Where are we?

16 HEARING OFFICER HALLORAN: 4D.
17 I think you were going to talk about this
18 during lunch?

19 MS. O'LAUGHLIN: When did you
20 identify 4D?

21 HEARING OFFICER HALLORAN: Right
22 before lunch.

23 MS. BRICE: We haven't gone
24 through the ones -- did you go through

1 the ones we wanted to --

2 MS. O'LAUGHLIN: You verbally
3 gave a list.

4 MS. CAISMAN: I gave a couple.
5 There just a couple after lunch.

6 HEARING OFFICER HALLORAN: So
7 4D is Mr. Clinton's deposition.

8 MS. BRICE: I would say it should
9 be admitted for the same reasons Mr. Dorgan's
10 was admitted, I mean, if it was used in
11 the testimony.

12 Obviously, Mr. Clinton's --
13 any other deposition that was used should
14 be admitted. Oh, and it was used with
15 Mr. Gobelman.

16 MR. MCGINLEY: Can counsel make
17 a representation about Mr. Clinton's
18 deposition having been used in their
19 case-in-chief?

20 MS. BRICE: We used it with
21 Mr. Gobelman. I don't -- I don't remember
22 if we used it in our case-in-chief. We
23 certainly used it with Mr. Gobelman in
24 our -- today or yesterday in our -- in

1 your case -- in our defense.

2 MS. O'LAUGHLIN: Sort of one
3 issue, and it's just a clarification
4 issue, with a list of trial exhibits
5 that were moved in evidence May 23rd
6 to May 25th that was filed and served
7 on us recently on June 14th and given
8 the fact that -- the hearing officer's
9 order regarding the exhibits came, you
10 know, just a couple of two days ago,
11 our question is have you required
12 that testimony be connected to an exhibit
13 that we have wished to move into evidence?
14 We're asking you whether you're list of
15 trial exhibits that were served on us
16 on June 14th, if those all have a
17 reference in the case put on by JM?

18 MS. CAISMAN: Yes. The exhibits
19 that are on our June 14th list were only
20 exhibits that we elicited testimony
21 about. The ones we're kind of talking
22 about now are the ones that we did in
23 the last -- elicited testimony about
24 in the last couple of days.

1 MS. O'LAUGHLIN: Okay. So
2 to be clear, and I think you just said --

3 MS. CAISMAN: Someone has
4 talked about every single one of these
5 documents.

6 MS. O'LAUGHLIN: On the document
7 that was filed on June 14th?

8 MS. CAISMAN: Yes.

9 MS. O'LAUGHLIN: Okay. Thank
10 you.

11 HEARING OFFICER HALLORAN: So
12 we're back to 4D.

13 MR. MCGINLEY: That's fine.

14 HEARING OFFICER HALLORAN: Thank
15 you. Admitted without objection.

16 JM Exhibit 25, I think that
17 was mutually agreed to. Is that --

18 MS. BRICE: Yes. Both sides
19 used that.

20 HEARING OFFICER HALLORAN: All
21 right. How about 25?

22 MS. O'LAUGHLIN: No objection.

23 HEARING OFFICER HALLORAN: Admitted
24 into evidence without objection.

1 Exhibit 12?

2 MS. BRICE: That was used with
3 Mr. Gobelman and with Mr. Stoddard, I
4 believe.

5 MR. MCGINLEY: No objection.

6 HEARING OFFICER HALLORAN: Okay.
7 Exhibit 13?

8 MS. BRICE: Same. Used with
9 Mr. Gobelman.

10 MR. MCGINLEY: We don't have any
11 objection.

12 HEARING OFFICER HALLORAN: Exhibits
13 75 and 76? Let's just take 75. I'm sorry.

14 MS. BRICE: Those were both used
15 with Mr. Gobelman.

16 MR. MCGINLEY: No objection to
17 both.

18 HEARING OFFICER HALLORAN: Both
19 admitted into evidence, Exhibits 75 and 76.

20 HEARING OFFICER HALLORAN: And
21 Ms. Caisman, you had a few extra that you
22 used this afternoon?

23 MS. CAISMAN: Yes. I think,
24 first, we mutually agreed that we were

1 going remove Exhibit 17.

2 MS. O'LAUGHLIN: Yes.

3 MS. CAISMAN: Which was, you
4 know, on our June 14th list.

5 HEARING OFFICER HALLORAN: Yes.
6 Let me -- I'm sorry. So Exhibit 17 is
7 withdrawn.

8 MS. CAISMAN: And then this
9 afternoon we used Exhibit 85.

10 HEARING OFFICER HALLORAN: What
11 is that?

12 MS. CAISMAN: That is another
13 copy of the 1984 grant document that was
14 publicly recorded with an attached exhibit.

15 MR. MCGINLEY: Admitted.

16 HEARING OFFICER HALLORAN: No
17 objection. Okay. JM Exhibit 85 is
18 admitted with no objection.

19 MS. CAISMAN: Exhibit 47.

20 HEARING OFFICER HALLORAN: What
21 is that?

22 MS. CAISMAN: That is the draft
23 disclosure of Mr. Stoddard.

24 MR. MCGINLEY: I think I would

1 object to that because it went outside
2 the scope of why he was brought forth
3 in our case.

4 HEARING OFFICER HALLORAN: Well,
5 fortunately or unfortunately, I let it in.
6 It was some of his testimony. So I will
7 allow it over objection.

8 MS. CAISMAN: We also had Exhibit
9 4H, which was Mr. Stoddard's deposition,
10 which we asked him about.

11 MR. MCGINLEY: We object to that
12 as well. They had more than ample chance
13 to examine Mr. Stoddard today. They didn't
14 really get into any issues. I mean, he
15 didn't have any contradictions between
16 his prior testimony.

17 MS. BRICE: We did impeach him
18 with his deposition.

19 HEARING OFFICER HALLORAN: Yeah.
20 And they're already -- and I think you
21 just got finished saying that you think
22 you asked questions regarding Mr. Dorgan's
23 testimony. I allowed that in. So over
24 objection, I will allow 4H in, Stoddard's

1 deposition.

2 MS. CAISMAN: 3G, IDOT's revised
3 responses to the third set of interrogatories.

4 MR. MCGINLEY: There was no
5 testimony allowed on that by the hearing
6 officer. So we would object to the
7 inclusion of that.

8 MS. CAISMAN: And if I may,
9 those were actually filed on the docket
10 in this case. So I think that would
11 fall onto your matter public record,
12 judicial notice.

13 MS. BRICE: I think that's part
14 of the case under the rules -- under the
15 administrative rules, any of the pleadings.

16 HEARING OFFICER HALLORAN: Yeah.
17 I'll take administrative notice. It is
18 in the record and it will just go to the
19 weight and not the admissibility.

20 MS. CAISMAN: Then I think we
21 just had Exhibit 81, which were the
22 copies of the historical regulations
23 of the Act.

24 MR. MCGINLEY: We can accept

1 those as being admitted.

2 HEARING OFFICER HALLORAN: Okay.

3 That's Exhibit 81.

4 MS. BRICE: Could we take one
5 minute to just look through the list to
6 make sure we're not missing anything?

7 HEARING OFFICER HALLORAN: So
8 Exhibit 81 is admitted.

9 Sure. Let's go off the
10 record.

11 (Whereupon, after a short
12 break was had, the following
13 proceedings were held
14 accordingly.)

15 HEARING OFFICER HALLORAN: All
16 right. Lori, we are back on the record.

17 We have been off record
18 discussing possible exhibits -- other
19 exhibits and the post-hearing briefing
20 schedule.

21 There are no more exhibits,
22 but we're going to -- the parties are going
23 to get together and then contact me regarding
24 blowups of exhibits. That will be sometime

1 next week, Tuesday or Wednesday. I assume
2 they will talk and figure something out and
3 then call me.

4 The post-hearing briefs --
5 the transcript, we calculated, will be
6 finished by July 5th. With that in mind,
7 JM's post-hearing brief is due to be
8 filed by August 12th.

9 IDOT's post-hearing brief
10 is due to be filed by September 16th.

11 JM's reply is due to be
12 filed by October 7th.

13 MR. MCGINLEY: I was just going
14 to say so the August 12th date will also
15 correspond to the date that IDOT will file
16 its brief in support of its affirmative
17 defenses?

18 HEARING OFFICER HALLORAN: I
19 hadn't mentioned that, but we were just
20 assuming, or I was, that you would file
21 it with your post-hearing brief and they
22 would file it and respond; am I correct?

23 MS. BRICE: Oh, I thought we
24 just talked about that. Sorry.

1 HEARING OFFICER HALLORAN: Am
2 I incorrect?

3 MS. CAISMAN: Then we can just
4 address their affirmative defenses in the
5 reply brief.

6 HEARING OFFICER HALLORAN: Right.
7 That was my understanding. That's why I
8 was going to give you more time, if needed.

9 MS. BRICE: I understand. Okay.
10 I misunderstood. I apologize.

11 HEARING OFFICER HALLORAN: Okay.

12 MS. BRICE: Okay. I think that
13 will work. That then just brings in my
14 head the question is there -- you know,
15 obviously there is a lot here and we're
16 going to try and streamline it as much
17 as we possibly can. Are there page limits
18 that apply to these types of briefs?

19 HEARING OFFICER HALLORAN: Fifty.
20 You can always file a motion if you think
21 you're going to exceed 50.

22 MS. BRICE: Right. Especially for
23 it to -- I think there's something like 14
24 affirmative defenses or something along

1 those lines. So obviously we might need
2 some extra pages. I apologize.

3 HEARING OFFICER HALLORAN: No,
4 no. You're thinking ahead.

5 So is there anything else
6 we need to talk about?

7 I do want to mention that
8 Member Burke has been here for all five
9 days of hearing. We have had various
10 interns and staff attorneys as well.

11 As far as I'm concerned,
12 this hearing is closed. There is no
13 more continuing on the record. Thank
14 you very much.

15 MS. O'LAUGHLIN: Thank you very
16 much for your time.

17 MR. MCGINLEY: Thank you.

18 MS. BRICE: Thank you for all
19 of your time and attention, Member Burke
20 and Mr. Halloran. We really appreciate
21 it. Thank you.

22 HEARING OFFICER HALLORAN: Thank
23 you.

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(Whereupon, the proceedings were
adjourned in the above-entitled
cause.)

1 STATE OF ILLINOIS)
 2) SS.
 3 COUNTY OF C O O K)
 4
 5

6 I, LORI ANN ASAUSKAS, CSR, RPR,
 7 do hereby state that I am a court reporter doing
 8 business in the City of Chicago, County of Cook,
 9 and State of Illinois; that I reported by means
 10 of machine shorthand the proceedings held in the
 11 foregoing cause, and that the foregoing is a true
 12 and correct transcript of my shorthand notes so
 13 taken as aforesaid.

14
 15
 16  

17 Lori Ann Asauskas, CSR, RPR.

18 Notary Public, Cook County, Illinois

19
 20
 21
 22
 23
 24

<p>A A.D 1:16 a.m 1:17 53:3 able 21:17 34:5 36:19 63:14 77:9 87:15 110:19 120:14 136:21 140:9 150:11 151:19 158:3 159:23 161:19,22 206:2 208:17 228:1 252:6,10 above-entitled 269:2 absence 237:11 abuts 85:4 208:21 abutting 121:24 134:3 accept 36:9 181:7,10 264:24 accepted 80:23 access 40:2,15 40:20,24 41:14 41:23 119:23 accommodate 218:24 accompanied 249:4 account 201:6 214:2 accurate 69:13 203:5 206:1 208:14 218:11 acknowledged 67:19 68:13 238:7,9,13 ACM 56:3,8,10 184:19 188:15 192:11 199:15 200:9 203:19 210:3 216:17 216:23 217:3</p>	<p>acquire 30:18 74:22 120:3,19 acquired 142:9 acquiring 120:17 acquisition 74:5 74:8,12 act 216:12 224:4 224:7 229:3,23 230:5,24 231:10,12,14 232:2,3,6,12 232:14,15,16 232:22,23,24 233:6,6,10 234:2,3,21 235:11,16,20 237:16 264:23 action 55:3,7,11 59:24 107:2 109:9 249:18 activities 40:17 41:24 42:3 59:13 actual 174:9 238:1 242:21 add 136:2 152:24 220:24 223:7 added 9:16 66:19 197:22 199:18 adding 91:5 addition 95:1 100:9,10,15 199:21 additional 49:7 49:10 75:1 84:3 100:12 113:1 131:7 132:7 197:19 Additionally 134:12 additions 197:18</p>	<p>address 10:10 24:7 27:9 43:4 94:23 144:23 267:4 addressed 21:8 89:19 250:12 251:23 253:3 addressee 47:20 addresses 27:3 77:20 adjacent 13:1 48:15 57:16,19 57:22 147:2 207:24 208:21 adjourned 269:2 adjust 194:19 administrative 34:8 37:16 102:20 109:16 264:15,17 admissibility 36:14 77:23 248:10 249:7 264:19 admissible 98:7 144:18 admission 4:19 92:18 93:7,13 93:16,20 94:6 152:7 admit 42:21 87:24 89:12,14 164:14 admitted 35:5 45:24 46:2,19 46:22 86:8,15 89:14 164:23 244:14,20 245:8,19 246:9 246:11,19,23 247:14 248:14 248:19 249:1 250:1,12,14 254:2 257:3 258:9,10,14</p>	<p>260:15,23 261:19 262:15 262:18 265:1,8 adopt 195:4 advance 40:14 40:17 advantage 153:7 adverse 39:5 54:3 115:5 169:20 AECOM 3:4 aerial 6:19,19 8:20 9:9 93:9 97:12,15,22 98:3,5,15 99:1 218:7 246:4,17 affairs 244:13 affect 9:5,6 79:3 122:3 166:4 affirmative 101:19 108:14 230:7,12,13 266:16 267:4 267:24 afield 133:18 138:11 144:10 147:24 aforementioned 141:14 aforesaid 270:13 afternoon 139:9 261:22 262:9 AG 179:6 AG's 127:8 140:22 177:21 agencies 36:3 ago 113:17 217:22 259:10 agree 57:17,23 59:1,19,23 64:10 135:12 138:10 156:6 195:19 196:4 208:19 209:15 210:11 218:19</p>	<p>223:6 239:4 agreed 86:8 196:5 219:24 245:11 260:17 261:24 agreement 40:2 40:20 41:1,14 41:18,23 106:9 180:17 257:2 agrees 40:11 ahead 44:3 51:10 101:2 106:20 149:6 268:4 airborne 67:16 align 200:12 aligned 217:6 allegations 229:2 236:12 alleged 19:24 allow 116:19 119:15,18 147:21 167:17 184:18 230:18 232:6 236:10 243:20,22 248:9 252:19 263:7,24 allowed 81:12 136:5,10 137:1 137:16 152:10 161:24 236:10 243:5,7 263:23 264:5 allowing 236:11 alongside 215:2 215:24 alternative 217:15,20 ambiguous 140:13 amend 92:16 amended 152:4 amount 65:17 209:5</p>
--	--	--	---	--

amounts 51:23 152:6	AOOC 103:16,23 106:21,23	56:6 67:6,10 67:12 68:7	67:20,22 68:11 187:19 188:5,5	associated 10:15 12:10 84:15
ample 263:12	apologies 139:8	75:4,8 118:3	188:8,14,14,14	assume 25:4 46:10 57:3
amplifies 253:5	apologize 19:22 64:8 125:10	125:1 172:13	189:9 192:7	68:10 108:9
Amstutz 103:11 120:6,24	179:14 267:10	190:12 205:5	197:20 203:22	121:3 205:22
122:20,24	268:2	207:14,24	204:5 207:2	220:1 240:7
123:1,3 126:17	apparently	216:17 218:10	210:20 238:8	266:1
126:19,22	58:15 65:8	218:22 219:4,6	238:11	assumed 137:7
158:19 186:10	appear 7:24	219:9 223:2	asbestos-conta...	assumes 120:7 167:9
190:16	152:20 199:23	249:18	61:16 67:8,14	167:9
Amy 3:6	200:11 210:19	areas 10:7 13:1	68:6 102:22	assuming
analyses 56:5	Appeared 2:14	40:15 67:15	103:14 188:1	159:15 172:12
and/or 56:8	2:21	198:22 207:21	189:10 190:2	183:3 205:22
165:24	appears 25:9	216:20	192:1 203:13	213:19 266:20
Andrews 3:5	122:13 197:20	argue 149:12,21	207:15,18,22	attached 127:5 160:9,24
aniline 67:11	199:14 201:24	178:4,7	214:1 216:5	161:13,17
Ann 1:12 270:6	applied 222:17	argued 230:14	238:15	262:14
270:17	apply 132:9,10	argument	aside 139:16	attachment
Anne 26:5	267:18	144:21 230:3	162:5,18	172:16,24
annotations	appreciate	argumentative	asked 6:9 10:22	172:16,24
95:6	176:6 178:9	155:10 169:18	17:23 18:1	attachments
annual 59:9	204:17 230:21	arguments	23:11,17 26:7	163:8 172:5
annually 59:8	268:20	44:12 46:12	31:3 61:11	attempt 108:19 108:19 109:3
answer 18:8,14	approach	256:2	66:5 68:14	attempting
18:21 110:19	205:18	arrived 59:20	76:12 84:2	134:7
111:20 120:14	appropriate	arrow 168:1	108:20 129:16	attention 24:16
157:11,24	36:4 152:14	169:4	131:13 133:11	39:12 40:6,7
158:3 162:16	approval 55:2	arrows 190:20	140:5,8 142:21	46:5,24 48:7
173:17 175:5	approximately	articulate 36:2	158:1 171:1,14	49:3 54:10
175:17 176:3	52:9,15 67:6	articulated	174:7,18 175:3	55:13 57:2
176:11 208:17	86:1 114:13	236:3,6	176:14 189:15	72:19 73:14,16
215:7 217:21	139:9 202:11	articulates 37:5	242:19 243:16	75:21 78:4,21
234:9 236:15	203:4,10 205:2	as-built 184:24	252:15 263:10	130:15 133:6
answered 23:17	211:6,13,19	185:22 186:3,7	263:22	227:8 238:4
24:6 68:15	212:5 213:8	209:19 222:22	asking 64:7 84:1	268:19
108:20 121:9	223:8,9 241:7	as-builts 185:6	108:16 120:11	attorney 2:15 5:15 127:8
129:17 131:13	April 80:6,16	185:15,21	121:7 147:13	176:22
142:21 158:1	228:7	189:22	172:20 242:22	attorneys
171:15	archived 75:2	Asauskas 1:12	256:18 259:14	127:18 129:20
answers 176:15	area 6:20,21,23	270:6,17	asks 172:2	268:10
256:17	8:18 9:7,17,17	asbestos 48:14	aspect 31:12,16	attributable
anticipate 215:9	13:11 26:8	56:8 57:14	aspects 42:10	238:12
anyway 33:17	27:2,3 40:24	58:8,16 59:3	asphalt 239:22	
85:18 101:2	48:15 54:24	59:15,16,20	assist 82:6	
		60:11 67:8,13	assistant 226:2	

attributed 218:13 August 80:13,14 218:15 266:8 266:14 authenticate 16:8,15,18,23 authenticating 71:7 authenticity 95:9 248:6 authorities 12:3 252:17,19 authority 253:6 authorization 22:11 authorized 239:17 available 35:23 36:2 49:13 82:22 96:11 Avenue 12:24 29:23,24 41:4 41:11 43:21 48:15 117:22 120:5 131:3 140:11 141:23 142:4,10 146:24 154:1,6 157:17 158:10 166:12,22 167:2,7 168:7 168:9 169:1,6 189:8 198:19 198:24 201:23 202:9,17,18,20 203:21 209:21 211:7 223:2 avoid 239:9 aware 49:1,6 67:22 69:6 107:22 109:17 126:20 154:15 154:16 157:13 169:5 171:12	171:20 181:24 187:12 194:21 B B 6:2 39:4 78:14 78:15,19 102:12 131:16 141:4 200:5,5 233:13 246:9 B3-15 214:8 B3-16 214:8 B3-22 216:11 B3-25 214:8 back 25:14 26:22,23 27:24 36:24 55:17 61:3 66:3 85:24 89:6 92:16 97:10 99:1 105:8 106:18 112:8 114:12 124:17 135:20 139:8 143:20 170:2 174:15,16 175:7 176:7 200:18 201:13 202:23 206:23 227:23 229:1 235:4 242:17 242:23 245:21 254:9 260:12 265:16 backdoor 161:22 backfill 201:3 background 66:21 117:9 backup 201:17 bad 25:13 134:17,24 212:4 base 197:18 200:20 based 6:18 7:23	8:19 26:23,24 28:16 33:24 34:2 36:10 46:12 84:2 106:21 122:21 123:2 124:2,6 128:1 129:10 130:9 157:1 158:5 175:8 182:19 221:6 222:11 basically 78:6 97:4 113:21 144:13 242:14 basis 34:16 35:21 236:1,4 236:6 Bate 194:9 Bates 192:20 193:4,13,22 195:3 196:2,19 bathroom 85:17 battle 14:3 BB 202:24 beach 57:15,24 58:8,9,21 59:3 59:17,21 60:6 60:10,12 beaches 58:22 beginning 55:23 151:7 behalf 2:14,21 40:13 belabor 34:19 152:22 belief 103:13 believe 8:5 17:3 18:3,8,21 22:10,15 30:15 54:17 55:8 56:24 58:11 62:3,15,17 66:14 69:10 80:18 82:20 111:8,14,20	112:2,12 118:11 119:17 121:8,23 124:10 125:23 127:24 128:1 134:13 139:11 175:23 180:24 184:16 185:15 186:12 188:13 194:2 196:21 199:13,19 208:4 209:13 215:15 216:11 218:2,22 221:8 231:2,11 232:4 233:12 234:11 234:18 236:12 237:6,18 238:3 238:10,14 240:3,15 242:10 244:11 244:20 251:6 261:4 benefit 166:1 better 50:8 192:21 193:2,3 193:11 248:20 beyond 145:17 177:11 bibliography 57:7 64:15 65:9,11,16,20 65:22 69:8,13 70:9,13,15 99:6 bid 184:24 185:2 185:7,23 238:24 bids 185:4,5,21 big 194:23 246:7 Bill 47:19 binder 47:2,10 binders 72:9 73:5 193:18 bit 20:7 74:7	133:18 201:18 218:11 229:21 black 172:11,12 193:18 Blaczek 252:15 252:16,18 Blaczek 243:19 blended 208:8 blowers 103:4 105:5 blowups 265:24 board 1:1 2:2,6 2:6,7 56:13,13 61:22 81:1,8 81:14 208:24 230:10,11 245:13 248:11 253:22 Bolander 31:14 31:15 bold 137:9 book 10:18 11:2 11:12,14,15,23 12:7 24:11 226:2,5 borings 14:22 16:8,24 62:20 191:12,23 borings 16:10 16:12,15 62:6 62:21 186:9,13 186:15,21 187:2,6,8,11 191:7 192:2 199:1,5 203:20 206:6,10,15,18 bottom 8:9 29:13 66:20 125:1,16 146:18,20 151:23 170:11 170:17,18 197:3 201:23 205:6,14 boundaries
--	--	--	---	--

57:20,20	96:19,22 98:1	226:16 229:12	brings 267:13	81:20 82:2
boundary	98:12,20 99:3	229:13,19	broken 217:16	85:8 87:22
190:14,14	99:7 101:15,22	230:8,11,20,22	brought 6:22	89:7 92:10,14
Bow 47:19,22	102:4,16 103:6	231:20 233:18	77:7 149:23	92:17 93:3,6
48:3	104:10,11,14	233:20 234:1,6	151:2 160:10	93:12 94:2,5
box 117:21	104:19,23	234:15 235:8	210:22 229:7	94:24 95:18
118:6 124:24	105:3,6 106:1	236:18 240:18	239:13 254:9	96:1,2,7 98:14
125:16,18,24	106:3 107:1	242:4 243:2,11	255:14 263:2	100:2,10,17
BRADLEY 1:11	108:3,5,20	245:6 246:6,13	Bruce 112:12	101:2,3,7,11
2:4	110:6,16	246:16 247:4	BRYAN 2:8	102:3 114:14
brake 56:13	113:11,12,15	247:19 248:1,7	build 240:4	114:15,22
62:13,13,16,17	114:1 136:2	249:5,10,13	built 103:11	115:10 116:11
62:19 199:15	137:7,22	251:5,20 253:7	239:23	116:12,20,21
breach 59:3	144:23 145:3	253:17 254:6	bulk 75:10	120:10,11,21
break 85:17,20	145:20,24	254:15,21	bumpers 48:17	121:6,7,12
138:17 139:4	146:6,10	255:11 256:7	48:19 49:4	129:19 131:22
192:19 207:1,8	148:24 149:3,7	256:13,16,21	102:24 103:1	133:23,24
240:22 241:2	149:11,18	257:10,13,23	bunch 61:15	135:14 138:14
265:12	150:5 151:9	258:8,20	138:15	138:21 139:11
Brent 3:6 102:5	152:24 155:15	260:18 261:2,8	bundled 193:23	139:15,19
brevity 241:15	155:24 159:8	261:14 263:17	burial 184:18	140:15,16
Brice 2:12 7:7	159:12 160:8	264:13 265:4	237:19	143:1,10,11,20
7:11,14 15:24	160:14,20	266:23 267:9	buried 103:15	143:21 144:1,5
16:1,3 19:5,16	161:15 163:3	267:12,22	217:10 237:11	146:4,15
19:21,22 20:5	163:18,21	268:18	238:16	147:12,13
20:13,16 22:24	164:10 173:15	brief 20:3 24:8	Burke 2:6 268:8	148:3 153:10
23:1,4,5 24:3,9	174:2,11	37:17 178:4,7	268:19	153:12,22
24:10 32:10,11	177:16 178:5	182:5 194:11	business 270:8	156:8,10,14,18
32:16,19 33:2	178:10,24	266:7,9,16,21	bypass 103:12	157:15 158:7
33:5 34:20	179:9,11,14	267:5		161:1,6,8,12
36:12,13 37:14	180:11,15,20	briefing 136:3	C	163:1,5,22
42:11,15,20	180:22 182:3	163:6 265:19	C 2:1 3:1 6:5	164:15 165:3
44:4 45:21	182:12,16,23	briefly 55:4	16:2 39:9 50:1	166:18 167:12
46:8 49:20	183:2,11 184:7	153:1 187:16	54:7 61:1 65:1	167:13,18
50:2 51:10,19	187:1 193:7,15	210:22	70:6 72:5 82:1	170:1,5,7
51:20 52:16,18	195:11,17	briefs 23:14	102:12,15	171:22 174:3
60:21 61:2,7	196:15 197:2	44:5 148:2	108:7 113:14	174:17 175:2
61:10 62:24	197:12 204:21	149:12,14	115:9 141:4	178:13,18
63:8,22 64:2,5	205:8,17,21	155:14 266:4	162:10 184:6	179:20 195:23
64:12,16 68:14	208:22 215:10	267:18	245:23 270:3	224:20 226:7
69:22,24 70:4	220:5,6,7	bring 20:2 104:3	Caisman 2:12	226:13 244:4
70:5,7,17	222:3,4 223:12	104:6 107:7,18	7:10 43:11	251:8 258:4
87:14,20 88:15	223:14 224:15	151:1 198:18	44:15,20 45:1	259:18 260:3,8
88:21 89:10,20	224:22 225:2,7	bringing 96:14	72:10,12,24	261:21,23
90:4 92:15	225:21 226:1	107:15	73:7 76:5	262:3,8,12,19

264:2,8,20 267:3 calculated 222:14 266:5 calculations 51:23 152:13 call 46:4 53:6 70:24 97:10 98:24 102:4 134:9 135:5,24 136:16 137:4 175:18 180:11 242:21 266:3 call. 176:12 called 6:3 10:18 12:7 38:3,9 39:5 54:3 62:7 72:3 81:11 102:13 115:5 137:8,12 145:18 150:3 152:19 182:1 184:4 210:7 240:6,15 calling 44:6 71:5 136:8 calls 114:16 157:8 215:5 234:4 235:22 Carr 155:4 Carrie 2:7 carry 232:16 case 18:6 29:21 34:16 37:8 76:8 77:3 82:10 84:24 87:7 88:4 90:18 97:1 109:14,20 117:12,18 133:19 134:1 136:1,9,12 137:8 139:21 145:5,21 146:3 150:8 152:3	153:16 157:3 161:18 171:13 173:5 183:4 184:9 185:14 217:24 229:1 240:6 259:1,17 263:3 264:10 264:14 case-in-chief 87:10 99:24 133:10 134:10 135:4,5 136:17 137:5,13 144:7 145:18 149:24 150:1 151:3 152:20 153:17 160:4,6,10 162:1 229:8,18 258:19,22 cases 35:24 162:5,7 cause 184:18 232:6 269:3 270:11 caused 237:4 CAVE 2:8 center 1:15 27:24 202:8,16 211:7,14 212:9 212:17 CERCLA 103:24 CERCLA's 106:21 certain 27:2 38:4 46:12 82:21 88:11 97:23 98:15 127:12 134:1 134:17 152:13 222:13 234:11 252:21 certainly 69:3 69:12 138:7 208:20 222:20	232:17 240:15 258:23 Certificate 4:21 certified 12:16 certifying 12:13 chain 170:18 chance 47:14 66:23 98:11 263:12 change 9:15 22:5 60:3 120:4 140:23 185:8 239:19 256:17 changes 59:8 60:4 97:3 185:8,9,12 186:4 222:22 254:10 Chapter 226:24 227:3 228:12 characterizati... 56:16 58:12 108:12 134:24 characterize 206:3 characterizes 68:5 checked 43:15 Chicago 1:15 2:3,10,17 270:8 chief 11:6,7,16 12:2 74:4,7,9 choice 14:4 151:4 chose 135:24 136:9 151:3 chrome 67:11 chunk 13:24 circumstances 144:22 cite 35:24 194:14,16 cited 57:6 70:12	78:16 83:7 84:4 99:5 citing 194:12 citizen's 5:6 city 40:4 41:19 41:22 42:6,9 80:5,9 141:12 141:12,22 142:9 147:6 148:7 154:2,8 154:11,23 157:6,14,16 165:9,24 166:10,19,24 270:8 civil 107:21,23 108:1 111:6 claimed 219:18 claiming 161:20 claims 153:18 clarification 34:8 70:8 100:21 123:11 149:4,8 259:3 clarified 48:22 80:16 clarify 81:4 82:17 130:18 131:9,23 139:15 160:21 163:3 181:4 233:4 clarifying 159:9 163:2,6 180:23 clarity 51:16 Clark 2:9 classified 121:17 123:14 clay 13:21 clear 86:14 132:13 136:15 164:9 184:23 238:1 260:2 clearly 177:16 209:19 253:11	Clinton 250:6 Clinton's 257:13 258:7,12,17 close 87:10 233:20,21 closed 268:12 closely 49:14 240:17 closing 149:2 coastal 58:6 collected 56:5 187:20 color 125:8 186:2 196:23 come 25:13 49:2 86:20 89:6 107:24 221:1 241:12 252:20 253:6 ComEd 122:11 comes 43:20 87:3 179:18 coming 178:21 229:10 233:19 236:8 comment 50:16 129:9 comments 178:20 commitment 75:19,23 76:11 76:14 77:7 78:7,9,10,13 79:1,5,24 80:17 82:3,7 82:11,12,16,23 83:5,7,11 84:1 84:2 133:14 144:15 179:7 244:1,10 commitments 74:20 83:11 Commonwealth 131:2,21 communicating
---	---	---	--	--

107:4	236:21 237:20	167:2 172:23	268:13	186:2 193:11
companies 52:4	238:24	175:10,13	contractor	224:14 226:10
74:24	condition 102:2	185:10 189:2	10:11 214:13	226:12 255:16
company 40:22	213:15	189:22 190:15	214:18,22	262:13
78:17 82:21	conditions 27:8	190:16,23	238:23 239:7	copying 192:18
83:4	55:10 65:19	198:14 203:24	contractors	192:24 193:6
compare 147:15	185:9 257:3	consultant 28:20	40:12 52:5	193:24
compile 82:22	conduct 224:2	28:22 103:17	185:3	cores 103:21
compiled 74:18	confirm 9:13	103:19	contracts 28:15	corner 125:1,17
Complainant	confirming	consultants 3:3	contradicting	169:1 205:6
1:4 2:14	64:21 109:14	28:4,11,13,14	18:10	corollary 229:24
complainant's	confused 64:5	40:12,23 74:17	contradictions	corporation 1:3
133:3	230:15	74:19	263:15	correct 16:9
complaint 152:4	confusing 66:17	contact 40:11,12	contradicts	17:16 20:22
complete 11:13	194:10 225:17	47:23 265:23	134:14	25:3,4 30:17
completed 51:8	233:5	contain 21:4	control 1:1 2:2,6	31:17 32:20
122:20 123:4	confusion 63:13	contained 13:5	43:21 44:1	33:1 40:4,5,21
146:24	connect 120:5	20:21 79:5	141:12,13	41:1,2,5,16,17
completely	connected	188:8 221:16	147:6 148:6,11	41:19,20 44:9
208:11	259:12	containing 67:7	154:2,8,11	46:7,8 48:4
completing	consent 34:9	contaminant	controversial	50:10,11 54:13
213:15	102:20	67:13	88:23	55:19 56:23
completion	considered 11:8	contaminants	conversation	57:4,8,9 58:2
245:4	171:24 189:21	67:10	105:13 129:6	58:10,17,23
components	202:2	contaminated	175:19,24	59:4,10,17,18
78:8	consistent 126:7	54:23	176:18,20,24	59:22 60:4,7
composed 78:11	126:10,11	Contamination	177:3,19	60:13,14,17
comprised 78:11	232:21	67:2	conversations	62:22,23 65:5
concept 153:15	constraints	contemplated	128:1,5,6,14	65:6,10,21
156:11	253:19	106:19	conveyed 80:5,9	66:7,13 67:21
concern 67:13	construct	contemporary	121:21	68:3,9,13
concerned 152:5	186:23 198:16	172:23	convoluted	69:16 73:12,13
234:17 268:11	constructed	content 128:13	162:11	75:19,20 79:6
concerning	190:23	contention	Cook 1:13 270:8	79:7 90:3 91:9
57:14 132:4	construction	59:12	270:18	105:10,14
conclude 203:18	12:2,4,10,14	contents 46:12	cooperation	109:20 110:5
concluded 123:1	27:14,17 40:17	76:19	134:18	111:3,10 113:6
158:20	59:14 120:16	context 136:13	coordination	113:18 115:13
Concluding	122:19,24	continue 80:19	41:21	115:14 116:3
4:20	123:7 126:16	168:19,22	copied 172:12	117:3 118:22
conclusion	126:17,18,21	continued 3:1	copies 193:2,3	119:10,21
222:6	131:8,11 132:1	5:7,9	196:23 264:22	120:1,12
concrete 13:24	132:8,14	continues	copy 14:10 28:5	121:15 122:4
14:1 50:9	146:23 158:19	141:14 168:14	29:6,7 95:12	122:11,12,15
214:13 217:11	166:1,11,21	continuing	95:14 124:12	122:20 123:8

124:13 125:15 125:22 126:1,6 126:14 127:6,7 127:14 129:1 130:10,20 132:11 141:9 142:15 143:24 145:19 154:12 156:21 157:1,5 157:20 158:6 165:15 168:10 168:17,21 169:22 170:20 170:21 171:6,8 171:13,24 172:1 173:5 177:7,8 183:7 184:9,10,20,21 188:22 191:18 191:19 193:1 199:12,19 200:7,21,22 201:7,8,12 202:9,10 203:6 204:7,10,11 206:6,7 209:8 209:9 210:1 212:19,20 213:4,5 214:16 214:17,24 215:14 216:16 221:6,11,12 222:5 223:15 224:5 226:19 226:20,22,24 227:1,21,22 228:10,22 233:7,8,11 235:12,13,17 240:3,11 242:12 249:10 257:5 266:22 270:12 correctly 128:4 correspond	195:12 202:21 232:1 233:10 266:15 correspondence 43:5 176:4,9 177:4 corresponding 230:23 231:8 231:13 233:13 corridor 27:1,6 cost 238:23 costs 166:1,11 166:21 167:1 counsel 36:7 46:11 152:18 258:16 countless 152:6 county 1:13 55:1 155:3 165:24 270:3,8,18 couple 34:4 51:24 55:24 60:22 100:12 148:24 162:6 184:23 214:4 258:4,5 259:10 259:24 course 59:14 69:15 238:6 244:13 courses 116:23 court 4:21 5:18 19:18 38:16,19 53:11 71:12 102:6 105:21 183:19 270:7 cover 127:3 226:18,24 248:19 covered 32:2 40:24 97:14 239:21 crashing 237:4 create 6:11 9:17 created 9:12	81:5 credibility 116:16,16 critical 55:3,6 cross 32:2 33:16 63:23 64:1 81:21 98:11 159:2 254:19 cross-examina... 4:6,8,13,15,17 8:23 36:20 55:17 66:4 135:23 136:6 136:11 137:2 137:17 255:2 255:23 cross-examine 98:22 136:21 159:24 161:24 cross-section 189:20 191:22 200:5,14 201:16 202:18 202:24 cross-sections 198:21 201:22 crossed 98:14 128:4,22 129:11 130:4 141:17,19,21 147:16 148:10 154:5,14 254:13,15 crossing 100:3 129:12 crushed 14:3 217:10,16 237:2 crushing 237:7 237:16 238:12 cryptic 89:15 CSR 1:12 270:6 270:17 cubic 67:6 219:22 220:14	220:18,21 221:1,5 culvert 215:17 215:18 216:14 216:18,21 218:14,24 219:5 current 11:15 31:9 231:10,11 231:14 232:2,6 232:22,23 233:10 234:3 currently 121:17 curving 205:11 cut 138:15,18 D D 4:1 6:5 50:1 54:2,2 61:1 70:6 72:2,2,2,5 102:15 113:14 115:4,4,4 141:2,4,6,7 161:2 184:3,3 184:6 229:2 230:24 232:1 233:13 250:6 dark 125:14,18 dash 212:10 date 7:16 48:24 177:4 266:14 266:15 dated 35:11 80:13,16 127:4 170:12,19 245:4 247:2,17 247:23 dates 158:5 day 1:16 55:18 121:14 141:15 150:2 177:19 225:22 226:3 231:19 255:17 days 33:13,14	179:5 182:20 259:10,24 268:9 deal 18:15 183:1 194:24 238:24 dealing 12:12 151:11 deals 240:9 debris 56:10 decision 152:21 decisions 120:18 dedicated 154:22 dedication 81:6 deduction 222:15,16 223:4 deductions 222:19 deed 74:24 80:6 80:9 94:21 95:7 deeds 95:5 178:15,17 179:19 deemed 55:5 defense 152:16 229:14,17 230:7,12,14,14 259:1 defenses 101:19 266:17 267:4 267:24 define 75:4 definitely 57:21 66:1 183:11 definition 11:13 definitions 11:15 234:12 234:14 definitively 142:16 degree 65:19 115:15 236:6 degrees 58:23
--	--	--	--	---

Delaware 1:2	150:17,22,23	detection 187:18	4:18 24:16	152:3,10,11
delegate 11:9	151:17 154:13	determination	48:6 50:19	153:2,4,6
delegates 12:3,3	155:16 172:10	54:21	51:22 73:16	252:10 253:9
delegating 12:17	173:4,19,23	determine 26:22	78:3,20 82:20	discuss 63:5
delineate 205:13	174:7 175:7	27:13 75:16	84:3 130:15	discussed 105:9
demarcated	242:11,20	222:8	133:5 145:4	106:8 128:7
117:21	243:4,6,11,16	determines 27:6	215:16 254:23	210:5 215:15
demonstrates	243:18,19	detour 24:18,23	255:6,9	218:15
207:20	244:6 257:14	186:24 187:5,6	directed 101:18	discussing 19:6
demonstrative	258:7,13,18	187:9,11	120:19 129:7	20:17 24:12
14:7 192:22	263:9,18 264:1	188:13 190:19	175:20 176:1,4	25:10 29:20
demonstratives	depositions	198:15,19	Directing 75:21	64:22 265:18
14:14	152:5 243:7	209:3,20,24	direction 169:12	discussion
demurred 77:9	depth 201:1	214:11,23	directly 37:12	113:21 114:9
denied 86:23	202:12	215:2,12,24	76:24 108:16	232:17
101:20 245:14	describe 13:17	216:7,15,22,23	112:20,22	dispense 34:5
deny 87:3	85:6 204:18	217:3,7,18	129:9 207:6	46:17 72:17
dep 196:13	212:21 217:2	219:1 239:22	252:22	dispersed
department 1:6	described 56:18	development	disagree 86:23	237:11
5:4 11:17	58:14,20 62:4	144:16	98:6 184:17	dispersion
department's	75:15 77:16	differ 199:10	disagreed	237:20
11:6	79:24 175:11	234:3	164:19	disposal 184:18
depending	191:11 192:9	difference	discharged	228:6 232:19
97:11 169:10	217:5	184:24 188:2	180:14	disposed 50:9
depends 36:6	describes 84:14	234:16	disclose 83:22	67:10,12 68:7
depict 14:21	description	differences	disclosed 49:7	disposing
16:11 188:20	13:20 78:13	255:1	76:7,15 96:12	232:20
199:5	79:19 83:15	different 11:18	145:9 178:19	dispute 56:16
depicted 16:10	84:9,10,12,14	12:6,8,16	179:7	200:8,16
200:9 203:14	84:17,18,24	16:14 28:16	disclosure 95:3	distinct 118:5
203:20 206:18	85:2,4,5	60:15 61:16	116:17 127:6,9	district 12:4
212:8,18 216:6	122:16	65:19 78:12	127:19 130:14	74:5 177:7,20
depicting 187:17	descriptions	85:6 98:3	138:1 140:20	districts 26:22
189:17 199:11	74:11,14 84:20	118:5 146:4	147:16 148:12	27:11,11
200:23 201:10	deserves 80:24	151:9 183:5	148:17,18,19	disturbance
204:4	design 120:18	191:3,24	150:24 154:4	218:11,13,22
depicts 187:18	210:14	197:14 199:21	158:9 161:2,9	disturbed 219:4
deposeth 6:4	designing 27:12	254:10 255:22	262:23	219:9
39:8 54:6 72:4	despite 128:15	256:5	disclosures	ditch 202:4
102:14 115:8	135:24	differs 84:11	82:10	211:24 212:2,8
184:5	destroyed 48:20	difficult 125:7	discovered	212:18,24
deposition 17:8	49:4	difficulty 125:10	56:17 78:17	213:2,3,7
58:6 76:13	detected 62:2	dig 119:15	discovery 76:16	214:10
92:19 123:15	188:6,15	digits 210:23	134:11 135:19	ditches 190:22
149:13 150:14	238:11	direct 4:12,14	135:20 151:21	211:2,21

213:10,11,18 214:2 215:2,12 215:16,23 216:6 docket 264:9 doctor 90:3 document 11:6 12:22 14:18 17:16,22 18:2 18:7 19:3,6,6,7 20:9,17,20 21:1,4,6,13,18 21:21 23:13 24:13,17 25:9 25:17,20 29:19 36:17,21,23 39:24 42:15,22 45:6 46:13 47:16 49:22 54:13,21 55:2 63:11,13,15 64:14 65:17 66:17 69:2,7 70:12 76:1,4 76:17,19 77:10 77:16 80:7,11 80:14,15,18 93:15,19 94:7 94:9,12,15 96:12,14 118:18,23 119:14 122:15 122:23 123:6 123:21,22 124:2,6,17 128:2 132:6 147:19 154:9 161:23 165:7,8 165:11,12,13 165:21 167:13 175:12 177:17 177:24 179:16 189:16 201:14 201:21 202:6 202:15 204:4,9	205:12 210:4 211:3 212:23 219:19,21 220:9,15 221:6 222:21 223:5 227:15,17 240:9 247:5 254:9 260:6 262:13 documentation 158:6 185:11 documents 20:7 26:7 30:24 36:1 65:7,23 71:7 75:2 76:9 77:2 78:16 82:15,18,19,21 83:4,7,9,16 84:4,13 85:3 95:2 99:18 123:14 154:22 154:24 155:2 160:9,24 170:22 185:3 225:15 228:22 252:11 260:5 dog 257:9 doing 35:22 40:23 41:12,15 41:22 86:11 135:22 136:12 159:22 227:16 229:8 270:7 Dorey 171:5 Dorgan 3:3 4:8 4:9,10,11,18 10:2 50:7,14 53:6,8,15 54:9 54:12 61:11 63:5 71:1 180:12 181:16 181:19,24 182:6 183:8,14 183:16,23 184:8 206:11	225:9 226:17 241:8,11,19 Dorgan's 16:19 50:6 64:14 196:13 206:18 242:11 243:16 258:9 263:22 dotted 201:9 double 182:10 182:18,20 double-sided 228:2 doubt 95:6 Dougherty 3:4 Douglas 3:3 Dr 89:4 90:5 draft 127:5 128:20 129:11 138:8 140:20 148:11 154:4 262:22 drafted 127:9 128:2 drafting 112:7 drainage 202:4 draw 26:8 201:14 203:7 227:7 drawing 169:4 169:10 203:9 207:5 213:4 drawings 184:24 185:1,2 185:7,22,24 186:3 202:22 209:19 211:22 222:22 drawn 200:20 203:2,3 215:12 dredge 67:8 drink 246:21 driven 103:20 238:8 dropped 45:9 due 57:24 59:9	136:18 266:7 266:10,11 dug 215:2 duly 6:3 39:7 54:5 72:3 102:13 115:8 184:4 dumping 231:10 232:4,7,17 duration 124:5 duties 115:24 E E 2:1,1 3:1,1 4:1 6:2,2,2,5,5,5 16:2,2 39:4,9 50:1,1,1 54:7 61:1,1,1 65:1,1 70:6,6,6,6 72:2 72:5,5 82:1 102:12,15,15 108:7 113:14 113:14,14 115:4,9 184:6 184:6 229:3 231:1 232:1 246:1 E393 118:6 126:4,5 171:8 172:6,8 175:22 176:2 earlier 64:11 111:5 114:19 122:16 126:15 144:14 146:7 149:2 183:14 188:16 234:13 250:12 easement 116:1 118:12 119:3 120:3 121:13 122:2 123:6,7 123:10,13,17 123:20 125:2 125:18,21	126:9,13 127:22 128:8 128:12,18 129:3,5,10,15 130:10,20 131:11 132:1,5 132:5,8 156:23 157:18 171:10 171:23 172:24 175:11,14 easements 115:20,21 131:8 132:15 190:17 easier 29:6 136:14 195:5 easily 67:16 east 57:24 80:3,7 80:7,11 117:22 131:3 166:12 167:2,6 168:2 168:10,13,19 168:22 169:15 198:6 206:24 207:3 209:7,12 east/west 169:6 169:11 eastern 197:22 198:2 205:3 Ebihara 3:4 4:6 4:7 38:3,9,15 38:18,23 39:11 39:20 42:21 46:4 50:3 51:21 52:19 87:16 88:16 89:4,23 90:5 economy 10:24 Edison 131:2,21 EECA 55:23 56:2,10 61:12 effect 123:17 effective 121:18 effects 207:22 effort 76:24
--	--	--	--	--

108:13 110:23 111:2 190:23 219:7 efforts 110:3,12 110:13,15 136:1 eight 33:10,12 33:16 153:14 207:9 either 62:12 103:8 191:6 214:9 216:12 elaborate 177:17 217:11 electron 56:4 elevation 13:7,8 13:10 200:20 203:11,17 elevations 202:20 elicit 100:18 242:14 elicited 92:19 93:8,14,18,22 94:7,14 116:8 160:3 177:12 247:16 250:4 259:20,23 eligible 92:23 Ellen 2:20 88:15 246:1 email 127:4 170:12,17,18 170:18 171:4 171:19 172:17 173:1 176:12 177:4 224:19 224:20 248:19 249:11 250:5 emails 176:7 224:23 embankment 9:20,22 186:23 202:5 211:4,11 211:17 217:18	embankments 10:6,7,15 211:2 214:15 emcginley@at... 2:18 employed 68:21 employees 31:10 31:15 enacted 224:7 encountered 10:12 185:9 188:8 192:1 enforcement 5:6 55:11 engineer 10:23 11:1,4,5,6,8,10 11:16,16,19,22 12:2,4,7,9,10 12:11,11,12 engineering 3:5 12:18 ensure 183:7 enter 150:17 253:2 entered 40:3,20 150:6 entertain 113:22 entire 11:6 84:10 109:16 128:13 153:2 202:18 218:1 219:10,11 222:17 entirely 62:4 70:16 219:4 240:16 entitled 146:3 225:9 environment 54:23 environmental 27:8 40:23 224:3,7 235:11 235:15 eolaughlin@a...	2:19 EPA 47:24 55:5 66:19 103:23 105:8,9,13 107:4,20 108:2 108:11,17,19 109:3,23 110:4 110:13,22 111:6,18 112:8 EPA's 104:1,20 105:19 106:4 108:14 110:21 113:17 238:4 Erdmann 26:5 error 192:18,24 193:6 194:1 especially 138:12 194:10 267:22 essence 12:3 15:2 essentially 57:24 establish 44:6 86:24 99:16 116:13 117:8 estate 115:17 evaluation 240:2 EVAN 2:19 event 5:13 162:13 194:17 eventually 6:24 everybody 5:2 85:24 204:17 evidence 32:9 33:23 34:12 35:3,5 39:7 42:16,22,23 43:10 44:17 45:14,16,23 46:2,22 50:18 50:22 51:1 54:5 63:2 67:19 72:14 77:3 80:23 87:7 88:12	89:17 90:17 94:18 99:19 100:4 104:3,6 107:18 115:7 120:8 121:3 136:5,22 137:1 150:18 163:13 164:23 167:10 184:13 239:20 243:18,23 244:16,20 245:14,20 259:5,13 260:24 261:19 evidently 162:21 exact 16:24 166:4 exactly 57:19 62:18 85:1,5 88:1 97:2 189:13 219:4 222:18 229:20 230:16 253:8 examination 4:4 4:7,9,11,12,14 4:16,18 254:24 255:6 examinations 73:12 examine 263:13 example 149:13 162:8 188:18 189:16 examples 214:5 216:9,10 excavated 18:17 excavation 12:24 13:7,19 14:2,18,21,23 14:24 15:3,9 15:11,13 16:21 27:17 40:18 exceed 267:21 excluded 94:18 255:8	exclusive 147:5 148:6 154:2,10 Excuse 19:20 32:6,7 211:14 excused 33:18 52:24 70:20 114:6 180:8 241:21 execute 106:9,10 106:20 exercise 51:8 90:14 97:17 133:16 135:7 138:3 155:20 exhibit 7:1,8,12 8:7,12,14 10:17 12:20 13:2 14:7,7,11 16:9 17:5,11 17:13 20:12 24:12 25:6,15 28:24 29:1,5 29:11 30:2 32:9 34:10,10 35:3,4,7,9,15 39:12,14,16,20 39:24 43:12 44:11 45:23 46:1,5,19,21 47:1,1,2,6,21 54:10 57:2,4,4 61:6 63:2,4,6,7 64:22 72:8,10 72:20 73:2,15 85:1 86:6 89:18 90:19,19 90:19,20,20,20 90:21,21,21,22 90:22,22,23,23 90:23,24,24,24 91:1,1,1,2,2,2 91:3,3,3,4,4,4 91:5,6,6,17,17 91:17,18,18,18 91:19,19,19,20
---	---	--	---	--

91:20,20,21,21	242:10 244:6	75:4 121:14	211:18	124:21 141:22
91:21,22,22,22	245:8,10	exists 95:14	extending 211:8	familiarity 69:4
91:23 92:2,2,3	246:24 247:12	expanded 56:6	extends 211:4,6	familiarize
92:3,3,4,4,4,5	247:15 249:1	expansive 237:5	extensively	47:14
92:5,22 93:13	249:15,17	expect 78:9	76:12 243:12	familiarized
93:17 94:6,10	250:1,3,14,17	187:10 201:15	255:5	68:23
94:13 95:12,14	250:21 251:1,4	252:2	extent 101:17	far 100:23 125:7
96:3,9 100:16	251:13 254:1,3	expectation	136:3 144:17	133:18 138:11
100:18 117:4,6	254:24 255:6	135:17	160:2 161:16	144:10 147:23
117:7,13 118:9	259:12 260:16	expected 130:24	234:7,9	162:12 168:3
118:14,17	261:1,7 262:1	135:22 158:18	Extern 3:5,6	184:14 211:4
119:14 122:7,9	262:6,9,14,17	expedite 159:10	extra 261:21	211:11,17
124:8,11,16	262:19 263:8	expensive	268:2	231:1 234:17
125:6 126:24	264:21 265:3,8	236:22		248:6 268:11
127:3,16	exhibits 4:19	experience	F	fashion 173:20
130:11 132:23	33:23 38:5	75:14	F 2:20	February 40:3
132:24 138:5,6	43:3,12,13	expert 10:5 57:8	facilities 119:19	49:1 171:5
139:1,16	44:7,16 51:7	64:15 65:9,16	228:7	245:4 247:3
140:17,18	51:14 86:13,21	76:7 82:9	facility 58:1	250:4
143:7,8,13	87:6 88:5,11	83:23,24	232:19	fee 131:1
154:4 158:12	88:20,22 89:4	115:12,17,20	facility's 67:4	feel 37:16 86:23
158:13,14	90:17 92:9	115:24 116:6	fact 24:16 76:16	104:2,5 146:13
159:7 160:20	93:21 94:1,17	116:14,15	83:12 109:8,14	feet 80:5 210:8
161:1,2,5,8,11	97:23 100:3	127:5 130:14	109:18,23	211:7,13,19,20
161:17 162:6	101:1 117:5	135:20 136:22	110:2 112:23	212:6 213:8
162:14 163:8	138:2 155:20	137:16 139:20	113:4 130:9	fibers 56:8
164:6,22 165:1	155:21 159:16	142:13,18	210:7 239:21	187:19 188:6
165:4,5 168:2	161:13,13	143:2 145:6,9	256:9 259:8	188:14 189:9
169:23 170:8	162:12,19	145:9 148:12	factors 134:20	190:2 192:7,8
170:10,14,16	183:1 192:19	153:5 158:9	facts 120:8	197:20 198:3
172:6,7,10	193:10 194:7,8	161:2 164:16	121:3 167:9	238:8,11
173:3 175:7	194:16 195:19	224:2	factual 159:5	fibrous 56:12
184:11 187:16	195:20 214:7	expertise 155:7	fair 58:11 63:14	62:1,3,5,7,11
190:6,7 191:13	242:1,9 244:17	experts 95:4	65:14 75:17	192:9,10
191:14,17,20	245:16,23	153:3 223:12	108:12 109:18	field 185:9
192:16,20,23	246:22 247:13	explain 187:16	110:3,11 209:4	Fifty 267:19
193:12,16	248:13,15,23	188:11,23	faith 134:16,17	figure 16:19,20
194:14 195:24	249:3 250:11	189:12 202:14	135:1	25:14 48:10,13
196:8,17,22,24	259:4,9,15,18	explicit 15:1	fall 264:11	56:9 86:12,14
197:9,16	259:20 261:12	expound 144:11	falls 167:6	88:1 124:17,18
199:10 204:2	261:19 265:18	expressed 136:7	familiar 39:23	124:20 126:4
212:14 215:17	265:19,21,24	expressway	54:12 57:3	170:6 187:15
219:16 224:10	exist 8:21	120:6,24	66:14 68:20	187:17,18,21
224:14 228:1,9	existed 7:22,24	146:23	73:11 75:18	187:23 188:4,6
231:22 232:13	existing 9:10	extend 211:12	77:5 109:19	188:10 189:4,6

189:7 190:11	filling 215:1	240:21	Fortuato's 244:3	184:3,3,3
190:12 191:1,1	final 32:11	five-year 65:3	fortunately	Games 90:11
191:5 192:16	130:13 148:19	68:24	263:5	general 2:15
196:17 197:2	finally 59:6	flex 56:13 61:22	Forty 166:14	9:23 78:11
197:14,15,16	158:17	flow 119:12	forward 195:6	88:4 197:13
197:17 199:8	find 29:18 31:3	focus 10:2 176:2	232:16	216:20 233:16
199:10,15,16	31:4 42:18	176:5 238:4	forwarded	234:2
199:22 200:2	66:22 73:2	focuses 191:5	171:4	General's
200:10,13,17	143:17 176:8	FOIA 111:17	found 30:24	176:22
200:19,21,21	178:2 228:1	112:2,7,16,18	56:22 62:14	generally 56:24
200:24 201:13	finding 153:5	112:20,24	67:21 68:12	60:18 78:7
202:24 203:1,2	fine 32:15 34:20	113:4,18 181:2	210:18 214:1	156:11 166:6
203:3,15,19	46:10,16 56:14	folks 31:14	216:6,23	199:13,23
206:12,19,20	57:1 63:11	follow 36:4	foundation 87:1	200:11 208:2
206:21 207:13	64:17 72:17	following 52:2	95:9 99:17	209:13 217:6
209:18 212:14	80:20 87:14,20	85:20 90:16	117:8 121:4	geoprobe 103:18
266:2	87:20 113:7	139:4 173:16	140:13 147:10	103:19
figured 51:16	155:15 156:13	173:17 175:4,4	148:15 167:9	getting 33:22
194:4	163:22 181:8	205:15 241:2	235:23 249:6	49:22 98:19
figures 187:14	182:21 246:17	265:12	foundationally	99:18 135:13
188:3 190:5	260:13	follows 6:4 39:8	73:23	143:13 155:10
191:2,3 196:23	finished 101:14	54:6 72:4	four 33:13,14	155:20 156:4
198:4 203:23	263:21 266:6	79:24 102:14	133:6 169:9	Giannelli 77:11
212:8,11 214:6	first 6:3 8:10	115:8 184:5	179:5 182:19	gist 9:24
215:12 216:7	39:7 45:7	foot 59:9	frankly 137:10	give 5:19 14:4
file 177:18	47:21 50:4	foregoing	free 37:16	14:10 29:5
266:15,20,22	54:5,17,18	270:11,11	Friday 170:15	38:20 53:12
267:20	55:17,24 72:3	forever 132:19	front 39:21	71:15 102:7
filed 45:10 82:4	73:20 75:22	132:21	66:18 73:15,18	107:5 127:1
100:16 130:14	79:9 90:11	forget 68:23	full 8:10 55:22	161:4 173:16
136:20 152:4	102:13 143:17	form 21:6,23	193:4 255:17	175:4 176:12
259:6 260:7	166:19 173:22	22:13 210:15	255:18	176:15 183:20
264:9 266:8,10	178:22 184:4	213:23 251:15	further 33:2,7	201:17 214:4
266:12	188:4 192:22	251:21 252:5	37:3 52:18	216:9 267:8
fill 6:11,16,16,21	193:12 194:3	253:21	60:20 62:24	given 80:23
8:4,18 188:19	225:22 226:3	formal 45:2,5	70:17,22 81:16	81:12 106:21
188:23 189:10	241:15 242:7,8	former 31:9,15	85:8 108:3	123:3 134:10
192:12 198:18	242:9 255:17	58:1 190:18	113:3,8 114:1	135:17 138:14
198:22 200:20	255:18 261:24	216:21	147:1 179:20	138:16 157:24
201:2,10,15	fit 11:10	forms 34:15	180:10 240:19	174:8 210:17
203:12,16,23	five 13:15 74:1	58:21	251:19 252:13	230:1 259:7
209:24 210:8	79:9,16 152:5	formulation	G	gives 119:23
210:11,15,19	179:5 233:21	69:10	G 3:3 6:2 54:2,2	giving 155:8
213:23 238:18	268:8	forth 200:19	54:2 161:8	179:10
filled 213:20,22	five-minute	263:2		Global 60:3

<p>go 14:17 25:15 26:23 27:11 33:22 38:4 44:2 51:10 55:22 73:6 85:18 86:6,12 86:17 87:13 89:23 90:14 92:16 97:16 101:2 106:20 114:8 133:16 139:1 149:6 155:19 168:4 174:16 176:7 183:12 184:22 200:1 201:13 202:23 206:23 225:16,17 233:19 242:6 251:9 257:24 264:18 265:9 Gobelman 3:5 4:4,5 5:14,22 16:5 90:10 92:24 97:10 100:3 176:21 177:21 184:17 189:15 191:15 197:17 203:3 203:14 208:10 209:10 210:5 210:23 214:12 217:9 218:6 219:18 221:7 221:13 223:17 230:1 236:19 237:19 238:22 239:18 243:19 248:20 254:5 255:3 256:20 256:22 257:14 258:15,21,23 261:3,9,15 Gobelman's 165:20 177:18</p>	<p>192:15,21 197:13 199:22 200:1 201:14 202:24 203:19 206:11,20,21 207:7 208:7 222:11 236:11 243:10 God 5:21 38:22 53:14 71:17 102:9 183:22 goes 36:24 77:22 104:20 116:15 134:19 141:4 228:17 243:3 248:9 252:22 gofer 30:16,21 going 13:9 27:14 27:16,18 28:1 28:7 36:16 37:15 45:16 51:3 52:1 74:21 76:6 81:2,10,16 86:2 88:8 91:24 92:1 94:23 98:24 106:9 107:7,7 133:9 134:9,12 135:13 136:8 137:12 138:11 139:16 144:10 144:16 147:15 148:13,21 150:10,12 153:6,8 156:10 159:21 162:21 163:7 164:21 165:1 168:19 168:22 173:18 175:6 177:10 177:10,15 178:6 179:4,8 180:11 181:24 182:5,6,10</p>	<p>184:12,23 190:5 194:11 194:13 195:5 195:21 200:18 201:24 229:6 235:2 236:13 240:23 243:20 244:10 245:21 245:22 246:14 248:9 253:21 257:17 262:1 265:22,22 266:13 267:8 267:16,21 gold 15:22 good 5:2 6:7,8 15:18 86:9 134:16 199:17 grade 120:4 198:19 210:14 grant 80:12,16 83:12 84:12,21 85:3 115:13 118:17,19,23 119:14,22 121:21 122:10 122:14,17 123:5,22 124:6 124:12,17 127:20 128:7 128:17 129:2 129:21 131:4 132:18 147:1,3 158:22 262:13 granted 123:20 132:15 grants 83:17 84:15,19 132:17 great 181:12 190:10 233:23 241:23 257:9 greater 65:18 green 168:13,13 Greenwood</p>	<p>12:24 29:23,24 41:4,11 43:21 48:15 117:22 120:4 131:3 140:11 141:7 141:23 142:4 142:10,17 146:24 147:4 153:24 154:6 157:17 158:10 166:11,22 167:2,7 168:6 168:8 169:1,6 186:10 189:8 189:18 198:15 198:19,23 199:12 200:6 200:15 201:23 202:9,17,18,20 203:5,21 204:9 204:13 206:24 207:3,19 209:4 209:12,21 211:7 219:21 223:2 grid 202:21 ground 48:17 Group 3:3 grouping 225:15 guess 50:21 88:24 96:7 246:4 guidelines 35:10 35:19 36:3 37:11 150:7 guy 30:18 guys 153:4 163:12 164:13</p>	<p>80:1,2 205:2,3 Halloran 1:11 2:4 4:3 5:1 7:2 7:5,13 15:17 15:20,23 19:13 19:20,23 20:11 22:23 23:2,19 23:22 24:1,4 32:4,8,13,17 33:4,8,15,19 33:24 34:22 35:2,12,16,20 36:11 37:2,13 37:21,24 38:6 38:11 39:1,13 39:17 42:11,13 42:17,24 43:8 44:2,8,13,22 45:15,19,22 46:6,14,18 47:3,7 49:24 50:20 51:2,5,9 51:18 52:17,20 53:1,5,7,17 61:5,8 63:1,8 63:20,24 64:3 64:9,19,23 68:16 69:21 70:3,18,21 71:2,10,19 72:23 76:5,21 77:19 79:10,13 80:21 81:7,17 81:22 85:9,16 85:23 86:10 87:2,17 88:7 88:13,19 89:8 89:13,22 90:6 91:7,10,14 92:6,12 93:1,4 93:10,24 94:3 94:22 95:16,19 95:23 96:6,17 97:6,20 98:10 98:18,23 99:12</p>
---	--	---	--	---

99:20 100:1,22	180:16,22	hammered	37:13,21,24	131:14 133:22
101:6,9,13,20	181:5,9,12,23	242:3	38:6,11 39:1	134:21 135:11
101:24 103:3	182:8,14,17,24	hand 5:16 37:10	39:13,17 42:13	135:19 137:3
104:9,13,16,22	183:10,15	38:17 53:9	42:17,24 43:8	137:20 138:4,9
105:1,4,23	186:17 194:5	71:13	44:2,8,13,22	138:19,22
106:11,15	194:20 195:8	handed 225:21	45:3,15,19,22	139:7,18
108:4,21 110:8	195:15 196:11	226:8	46:6,14,18	140:14 142:22
110:18 113:9	197:6,10	handled 59:16	47:3,7 49:24	143:9,15,19,22
114:3,7,11,17	205:19 208:16	112:10	50:20 51:2,5,9	144:9 145:1,14
116:10,18	215:6 220:4	happened 178:1	51:18 52:17,20	145:22 146:8
120:9,13 121:5	221:20,24	happens 151:5	53:1,7,17	146:11 147:11
121:10 129:18	224:13 225:19	happy 150:16	55:18 61:5,8	147:20 148:22
131:14 133:8	225:23 226:4	160:21	63:1,20,24	149:5,10,15
133:22 134:21	226:11,14	hard 103:5	64:3,9,19,23	150:19 151:6
135:11 137:3	229:5,11 230:6	106:2 179:13	68:16 69:21	152:13,23
137:20 138:4,9	230:9,17	237:14 250:18	70:3,18,21	153:9,19 156:5
138:14,19,22	231:18 233:17	250:20,21	71:2,10,19	156:12,16
139:7,18	233:22 234:8	harder 95:13	72:23 76:21	157:10 158:2
140:14 142:22	235:1 236:9	hashed 88:5	77:19 79:10,13	159:11 160:5
143:9,12,15,19	240:20 241:5	126:1,2,5	80:21 81:7,17	161:10 162:4
143:22 144:9	241:12,17,24	205:5	81:22 85:9,16	162:17 163:11
145:1,14,22	242:5,13,16	haul 239:9,10,16	85:23 86:10	163:16,19
146:8,11	243:2,9,13	head 267:14	87:2,17 88:7	164:3,7,12,20
147:11,20	244:5,8,24	heading 79:20	88:13,19 89:8	166:14 167:11
148:22 149:5	245:3,7 246:2	79:21 125:5,21	89:13,22 90:6	167:16 169:19
149:10,15	246:8,18	headlined 40:9	91:7,10,14	170:3 171:16
150:5,19 151:6	247:11 248:5,8	health 28:9	92:6,12 93:1,4	173:24 174:4
153:9,19	248:22 249:15	54:22 55:10	93:10,24 94:3	174:13,23
155:11 156:5	249:23 250:9	hear 103:5	94:17,22 95:16	178:3,8,11,16
156:12,16	250:23 251:3	104:4 105:2,22	95:19,23 96:6	179:2,12,15,21
157:10 158:2	251:11 252:12	heard 142:23	96:17 97:6,18	180:2,6,9,16
159:8,11 160:5	253:15,18	165:23 217:19	97:20 98:10,18	181:5,9,12,23
161:10 162:4	254:12,18,22	241:13	98:23 99:12,20	182:8,14,17,24
162:17 163:11	256:24 257:8	hearing 1:11 4:3	100:1,22 101:6	183:10,15
163:16,19	257:11,16,21	4:20 5:1,7 7:2	101:9,13,20,24	186:17 194:5
164:3,7,12,20	258:6 260:11	7:5,13 15:17	103:3 104:9,13	194:20 195:8
166:14 167:11	260:14,20,23	15:20,23 19:13	104:16,22	195:15 196:7
167:16 169:19	261:6,12,18,20	19:20,23 20:11	105:1,4,23	196:11 197:6
170:3 171:16	262:5,10,16,20	22:23 23:2,19	106:11,15	197:10 205:19
173:24 174:4	263:4,19	23:22 24:1,4	108:4,21 110:8	208:16 215:6
174:13,23	264:16 265:2,7	32:4,8,13,17	110:18 113:9	220:4 221:20
177:9 178:3,8	265:15 266:18	33:4,8,15,19	114:3,7,11,17	221:24 225:19
178:11,16	267:1,6,11,19	33:24 34:22	116:10,18	225:22,23
179:2,12,15,21	268:3,20,22	35:2,12,16,20	120:9,13 121:5	226:4,9,11,14
180:2,6,9,13	hammer 148:1	36:8,11 37:2	121:10 129:18	229:11 230:6,9

230:17 231:18	highly 95:6	Hunger 90:10	130:19 131:5	57:15,23 58:8
233:17,22	highway 27:3	hurry 147:22	131:24 134:2,9	58:22 59:3,17
234:8 235:1	35:9,10,18	222:1	134:15 140:5	59:20 60:9,12
236:9 240:20	74:10,16,18	Hydro 216:11	147:1 150:20	65:4 80:13
241:5,12,17,24	80:12 84:19,21	I	155:5 157:2,3	115:7 123:20
242:5,13 243:9	115:13 118:18	ice 58:21,21 60:7	157:18 158:22	168:5 224:3,6
243:13 244:5,8	118:19,24	idea 36:18	164:24 171:2	225:10 235:11
244:24 245:3,7	119:5,7,8,16	113:17 215:22	175:9 182:21	235:15 270:1,9
246:2,8,18	119:19,24	247:4 248:4	184:17 189:2	270:18
247:11 248:5,8	121:21 122:1	identified 27:15	189:22 190:15	Illinois-Chicago
248:22 249:15	122:11 123:23	58:7 59:7	190:17 192:13	57:14
249:23 250:9	124:13 127:20	125:5 155:21	194:16 196:1	imagine 83:1,6
251:3,11	128:8,17	188:1 191:7,8	197:4 198:10	immediate 55:9
252:12 253:15	129:21 131:4	197:21 198:3	199:6,9 200:2	immediately
253:18 254:12	132:17,20	199:16 207:21	201:11 203:24	57:15,19
254:18,22	147:2,3 150:6	225:5 255:7,21	207:17 208:3	207:24
256:24 257:8	158:23	identifies 79:1	213:14 217:10	imminent 54:21
257:11,16,21	highways 11:7	identify 27:20	219:19 221:17	impact 78:18
258:6 259:8	12:2 37:7	61:15 226:18	229:2 234:20	impacts 134:4
260:11,14,20	83:13 147:7	231:24 254:24	235:14 238:21	impeach 173:21
260:23 261:6	154:12	257:20	252:19 253:1	263:17
261:12,18,20	historic 230:4	IDOT 3:4 31:9	266:15	impeaching 19:2
262:5,10,16,20	235:19	31:13 33:20	IDOT's 5:15	19:4
263:4,19 264:5	historical 6:19	35:18 37:17	35:23 37:11	impeachment
264:16 265:2,7	26:7 28:6 66:6	43:16 44:18,23	63:6 95:4	20:2
265:15 266:18	66:12 264:22	45:23 46:1,21	101:4,11 103:8	implemented
267:1,6,11,19	history 48:18	59:13 73:24	121:13 122:2	185:6
268:3,9,12,22	49:3 67:1	74:3 75:23	123:24 124:5	important
hearings 43:17	hold 37:21 51:11	76:17 89:18	127:8,18	185:13 212:13
hearsay 104:8	91:7,8 93:11	94:20 98:24	129:20 133:2	improper
104:15	143:15 153:10	99:14,23 102:2	134:2,5,16	152:17
held 85:21 139:5	holder 119:4	103:24 105:19	146:20 158:19	inappropriate
241:3 265:13	honestly 135:16	108:11 109:4	162:7 164:5,13	96:15
270:10	230:15	109:10 110:5	172:2 177:6	incentive 239:8
help 5:21 38:22	hope 21:17	110:14 113:18	194:8 224:2	include 24:18
53:14 71:17	164:8 241:22	115:12,24	241:8 242:6	48:18 119:8,11
74:13 81:4	hour 151:8	118:11,19,24	257:5 264:2	217:23 218:3
102:9 149:8	182:7,15	119:4,15,18,23	266:9	included 16:20
169:8 183:22	233:19 245:23	120:2,22	ILCS 39:6 54:4	56:11 64:14
helpful 176:10	hours 33:10,12	121:22 122:11	115:6	65:9,11 70:13
201:18	33:16 40:14	124:19 126:21	illegible 245:11	70:15 118:20
Hi 5:1 102:17	97:21	127:21 128:8	Illinois 1:1,6,14	138:1 199:14
highlighted	How's 88:12	128:12,17	1:15 2:2,3,6,10	215:1
118:7 172:7,8	Huff 3:5	129:2,22 130:7	2:16,17 5:4	includes 199:1
172:13	human 55:10		39:7 54:5 55:2	including 54:24

67:11 83:17 217:17 inclusion 264:7 inconsistency 20:1 147:24 incorrect 128:24 129:13 267:2 increased 238:23 indicated 56:7 107:8 181:21 indicates 122:14 178:1 202:6 219:22 indicating 206:9 individual 188:5 individuals 250:5 infers 147:24 information 30:19 31:10 48:18 49:2,7 49:10,13 69:3 75:15 78:8 82:23 106:21 107:10,12 108:2,10 111:18 112:15 113:20,22 143:4 175:9 200:12,16 201:18 informational 75:6 initial 42:8 73:22 128:20 191:2,4 203:8 229:23 initially 133:13 134:24 176:5 inside 219:9 insisted 153:5 insofar 152:2 inspection 56:3 install 119:18	215:16 installation 218:24 installed 202:5 215:19,23 instance 86:22 intent 122:16 160:4 196:24 intention 164:6 255:12 interest 10:23 120:23 124:5 131:1 134:2 135:16 156:23 157:4,7,18 241:15 interested 205:10 internal 74:19 interns 268:10 interpret 13:18 interpretation 77:6 240:3 interrogatories 133:4 143:20 152:8 153:13 264:3 interrogatory 133:12 134:13 134:15 146:19 146:21 intersection 171:2 175:16 186:24 198:15 198:17 209:3 intimately 109:19 Introduction 4:3 invalid 240:16 invasive 40:15 investigate 28:2 107:21 investigated 27:14,22 investigating	28:8 investigation 41:24 42:3 50:7 56:6 191:7 197:21 investigations 28:5 187:20,24 188:16 192:2 investigators 107:21,23 108:1 111:6 involved 26:12 26:15 31:12,16 56:2 110:2 111:2 112:6 involvement 103:8 involves 229:1 involving 252:3 ISGS 25:21 26:4 26:6,11,13 issue 36:15 37:7 37:12 43:23 49:11 59:7 81:4 84:24 107:11 108:18 109:3 110:4,13 113:17 117:18 131:19 144:6 146:3 155:12 171:13 222:14 236:5 248:2 252:17,22 259:3,4 issued 31:17 55:12 108:11 109:10 113:4 issues 43:20 57:14 77:17 86:20 99:18 136:18 139:16 160:16 184:23 263:14 issuing 107:9 113:22	item 48:8,10 78:22,23 79:9 79:16 items 57:7 J J 2:12,19 39:4 54:2 184:3 James 1:14 January 80:10 80:15 Jennifer 2:6 JM 40:11 47:21 47:22 48:9 51:24 92:9 100:1 102:3,4 103:7,23 106:4 114:16 163:12 164:21 195:23 242:13 243:18 244:2,17 245:10 246:2 246:10 249:3 250:15 251:14 253:19 254:4 257:9 259:17 260:16 262:17 JM's 86:13 103:13 194:7 247:17,22 266:7,11 JM/IDOT 34:10 35:4 job 29:15 120:17 245:4 John 243:19 Johns 1:2 3:6 5:3 6:9,24 8:23 9:1 34:16 36:6 40:3,22 43:6 43:23 49:10,13 49:14 52:4 57:16 58:1 65:4 66:7 68:2 68:22 71:8	72:21 75:23 77:1,13 102:19 102:21 108:9 108:12 109:2 110:12 111:7 111:12,17,18 112:10,15 190:18 195:9 195:19 249:12 252:23 Jonathan 3:5 Jr 3:3 judicial 34:13 35:8 36:5,10 150:9 264:12 JULIE 40:13 July 17:16 52:5 247:18,23 266:6 jump 90:15 227:2 June 1:16 5:2,8 80:17 94:20 139:10 259:7 259:16,19 260:7 262:4 jurisdiction 35:10,18 37:6 37:9 139:21 140:1,6,8,10 141:11,13,23 142:4,9,17 144:6 145:4,7 145:10 146:2 150:13 153:15 154:16 155:5,8 156:9,19 157:17 177:14 jurisdictional 150:7 156:24 160:15 161:3 K K 72:2 115:4 245:17 270:3
--	---	--	--	---

keep 22:24 103:4 105:24 106:12 168:12 Keller 254:3 kept 14:9 253:13 253:16 kind 19:15 69:4 87:23 88:3 94:8 164:17 169:1 198:12 259:21 kinds 252:21 knew 103:10,11 know 5:10 6:20 7:9 10:23 11:14 12:9 14:9 18:16 19:14 23:12 25:11,17 26:10 26:13 27:20 29:8,9 31:8,13 36:15,16,19,22 37:14 42:18 45:2 47:13 50:4 52:3 62:11,12 63:10 70:14 73:18 77:4 81:11 83:3 87:3 89:1 89:16 94:20 96:19 97:4 98:2,8,19 99:7 99:13 100:5 103:7 109:24 124:18 128:9 129:5,7,8,10 135:7 137:22 138:23 142:3,8 142:14 143:14 144:16 145:16 146:13 148:14 149:23 154:18 154:21 156:6 159:4 160:14 160:21 161:16	162:10 166:4 168:2 169:12 176:11 177:3 177:13 178:5 181:20,20 182:10,18 186:3 187:6,8 194:6 196:2 201:16 202:15 211:2 213:21 216:1 217:13 221:24 222:12 223:4 226:1 230:2 231:1 234:7 235:18 235:24 238:17 240:22 243:7 243:10 244:2 244:16,18 246:13 247:19 248:1,9 250:19 250:22 251:14 251:20 252:22 253:24 256:4 259:10 262:4 267:14 knowledge 76:18 82:5 96:13 107:20 112:23 113:1,2 113:3 147:17 known 80:8 108:1 knows 234:9 L L 6:2 54:2 184:3 245:17 labeled 162:5 lack 95:3 lacks 140:13 147:10 148:15 167:9 lake 55:1 59:7,8 59:10 60:4	155:3 land 74:5,8 79:23 147:2 landfill 67:5,10 67:12,15 68:7 language 128:10 132:3 148:9,10 153:23 154:5 large 213:10 219:12 larger 27:3 218:23 219:2,3 219:5 late 253:14,17 latitude 230:19 launch 181:16 LAUREN 2:12 lauren.caisma... 2:11 law 115:15,18 115:21 116:2 lawsuit 77:18 lay 92:11 layer 189:20 lead 67:11 239:12 leading 223:11 231:17 learn 107:24 leave 90:12 256:13 led 69:4 185:3 223:12 237:5 leeway 230:18 236:10 left 14:17 24:17 59:15 150:10 162:24 178:14 181:17 205:6 205:12,13 239:22 legal 74:11,13 78:12 79:19 83:14 84:9,10 84:11,14,17,18	84:20 85:2,4,5 116:22 117:1 122:16 legible 95:14 251:1 length 145:4 length-wise 202:19 lesser 65:18 let's 14:10 16:4 17:8 26:23 40:7 85:18 99:10,13 114:7 138:24 155:13 183:12,15,17 190:4 192:15 192:16 198:6 199:8 200:1 202:23 212:13 214:11 219:24 220:8 225:17 226:17 227:23 237:8,15 240:21 251:2 261:13 265:9 letter 47:20 48:9 48:24 50:16 109:10 110:5 110:14 247:2 251:15,22 252:3,5 253:4 253:22 letting 148:23 148:24 156:1 level 6:17 8:4 59:7,8 60:4 levels 59:9 LFR 12:23 14:18,21 15:9 16:21 17:5,16 19:3,12 liable 102:22 lieu 251:10 light 56:3 liking 24:7	153:8 limit 175:12 limitations 124:4 131:7 132:8 limited 56:11 81:20,22 132:15 135:9 152:11 172:23 217:21 limits 190:15 267:17 line 6:20 12:24 17:13,18,19,21 25:21 80:8 168:13,13 173:15 175:3 200:19,23 201:10,15 202:8,17 203:2 203:8 205:4 206:10,17 208:2 211:7,14 212:9,10,18,22 liner 62:19 liners 62:13,14 lines 18:15,16 56:13 79:9 136:19 188:19 190:20 202:21 268:1 linking 205:4 list 7:8,12 43:13 44:16,20 45:7 45:8,9,12,13 76:9 86:6,16 91:6 92:13 100:16,18 101:4,12 162:15,21 242:7 245:1 251:2 257:6 258:3 259:4,14 259:19 262:4 265:5
---	--	---	---	--

<p>listed 65:16,20 65:23 68:1 100:15 197:3 literal 58:14 little 20:6 66:17 74:6 96:8 133:17 189:13 194:10 201:18 225:17 229:21 230:18,18 233:5 254:5 LLP 2:8 locate 29:3 31:9 located 16:16 40:16 67:15 131:2,18 147:4 190:3 203:20 203:23 213:1 216:14 221:15 location 13:6 14:22 15:8,10 16:24 19:8 41:8 132:6 190:17,19,22 198:12 200:9 201:7 203:4 locations 16:8 41:6,7 62:17 187:23 188:5,7 188:13 189:19 191:6,23 197:20,22 198:10 210:9 214:8,10 216:19 217:17 Lockner 124:22 126:21 lodge 63:9 logs 191:12 long 121:24 132:19,21 182:13 233:18 longer 240:13 look 7:21 17:8 61:3 66:23</p>	<p>75:8 81:1,9 82:21 83:16,18 92:7,16 95:21 96:20 97:9 99:11,11,13 107:9 146:16 170:17 177:5 188:18 190:4,6 190:7 192:15 196:17 198:6 204:8,12 206:14,24 207:6,7 211:1 219:8,15 220:8 220:9 224:10 227:23 231:21 237:8 240:17 265:5 looked 65:15 75:16 83:4,6 83:12 104:17 250:19,24 252:6 looking 7:23 16:5 26:9 44:15 65:18 74:21 111:6 117:9,14 127:16 130:13 130:16 140:24 141:6 146:20 169:13,14 175:22 202:19 214:6 220:10 237:13 242:17 looks 27:5 191:1 194:7 205:11 243:10 246:9 Lori 1:12 5:16 38:13 53:10 114:11 174:16 235:3 265:16 270:6,17 lot 6:10,12,17 7:20,22,24</p>	<p>8:20,24 9:8,11 9:18 12:6,15 103:2 190:18 239:21 255:14 267:15 loud 105:5 low 6:20 lower 103:21 205:3 luck 14:3 lunch 86:12 87:24 88:1 99:14 138:17 145:16 146:9 151:8,12 156:6 162:24 245:23 257:18,22 258:5 lying 80:4,7,11 M M 6:2,5 16:2 39:9 50:1 54:7 61:1 65:1 70:6 72:5 82:1 102:15 108:7 113:14 115:9 184:6 machine 270:10 maintain 116:1 119:5 247:6 maintained 18:17 20:21 158:22 maintaining 119:9,11 158:21 maintenance 158:9 majority 74:17 making 63:18 90:8 132:4 236:21 manage 219:6 232:18</p>	<p>management 66:6,12,15 68:21 manner 232:20 Mansfield 71:8 Manville 1:2 3:6 5:3 6:9,24 8:23 9:1 34:16 40:4 40:22 43:24 49:10,13,14 52:4 57:16 58:1 65:4 66:7 68:3,22 72:22 75:24 77:1,14 102:19,21 108:10 109:2 111:7,12,17,19 112:11,16 190:18 195:10 195:19 249:12 252:23 Manville's 36:7 43:6 108:12 110:13 map 17:1 26:8 96:21 124:17 125:11 254:4 Mapes 11:19 maps 6:19 75:7 93:23 97:13,16 97:22 98:15 99:2 193:24 246:5 248:18 March 35:11,18 127:4 170:15 227:19 mark 3:4 16:11 184:12 marked 16:19 66:20 118:6 185:8 194:7 254:5,16 markings 95:5 95:10 marks 194:9</p>	<p>mass 51:4 match 85:1 205:4 material 6:21 9:16 14:5 48:20 49:5 50:8 68:12 69:14 102:22 103:14 187:3 188:1,20,24 189:10,20,23 189:24 190:3 192:1,12 198:22 199:11 200:20 201:2,4 201:11 202:7 203:13,14,23 207:15,18,22 209:24 210:6,8 210:8,11,13,19 213:23 214:1 214:16,19 216:6 219:20 219:23 221:15 222:10 238:15 239:8,11,12,16 materials 12:11 12:13 56:12,17 56:22 61:16 74:15 189:11 202:1 203:16 217:18 223:1,3 238:19 matrix 188:7 matter 1:2 5:3 34:8 109:21 134:19 247:23 264:11 Matthew 171:5 McGINLEY 2:19 33:21 34:2,21,24 35:6,13,14,17 35:21 37:4,20 37:23 38:2,8</p>
---	---	---	--	---

39:10,14,16,19	171:14 173:18	173:21 177:14	mischaracteri...	101:18 149:17
43:2,19 44:10	174:6,22,24	181:20 191:10	110:17 220:3	153:20 162:7
45:17,18 46:3	177:9 179:23	195:2,3,18,19	misabeled	164:14 184:13
46:9,16,23	179:24 180:4	208:19 222:12	64:10	242:1,9 253:20
47:4,5,9 49:18	180:13 181:6,7	229:16,20	misleading	259:13
50:21,23 51:3	181:11,15	236:1 243:5	221:19,23	moved 34:12
51:6,13 52:19	183:6 195:1,9	247:21 248:3	misreading	43:10 44:16,21
53:5,18,19	197:5 204:19	252:8,17 256:4	206:1	44:23 51:11,15
54:8 60:19	204:22 208:15	256:5 258:10	misrepresenta...	72:13 88:11
61:11 63:3,4	215:4 220:2	263:14	134:18	89:16 90:17
63:14 64:13,24	221:18,22	meaning 183:3	missed 144:1	101:5,10
65:2 68:18	223:10 224:13	means 58:15	missing 265:6	135:19 163:12
69:18 70:22,23	225:4 229:5,15	270:9	mistaken 21:5	243:23 259:5
71:4,22 72:6	231:16 234:4	meant 11:4	239:19	movement 58:16
72:11,16,18,21	234:23 235:22	meet 12:17	misunderstood	moves 45:23
73:4,9 76:20	241:10,14,18	Member 2:6,7	267:10	moving 34:23
76:22,23 78:1	241:22 242:12	268:8,19	Mit 25:11	45:13 50:24
78:2 79:11,12	242:16 244:7	MEMBERS 2:6	mixed 238:18	51:4 53:2
79:17 80:22	247:7 249:20	memorandum	modification	multiple 28:15
81:3,14,19	249:24 250:7	54:20 55:11	247:2	mutually 101:4
85:11,12 86:2	252:14 257:7	mention 76:13	modifications	260:17 261:24
86:4 87:9,12	258:16 260:13	254:19 268:7	255:24	
90:2,8 99:9	261:5,10,16	mentioned	moment 25:8	N
108:6,8 109:1	262:15,24	94:20 111:5	47:12 127:2	N 2:1 3:1 4:1 6:2
110:10 111:1	263:11 264:4	266:19	205:24 210:22	6:2,5,5 7:2,4
113:7 116:4	264:24 266:13	mere 236:20	217:22	16:2,2 39:9,9
120:7 121:2	268:17	meridian 80:4	momentarily	50:1,1 54:2,7,7
127:4 129:16	McGinley's	Michigan 59:8	146:12	61:1,1 65:1,1
131:12 133:8	243:14	microscopy 56:3	money 51:24	70:6,6 72:5,5
134:23 137:18	McLAUGHLIN	56:4	52:3	82:1,1 102:12
137:24 138:6	163:14	mid 205:13	month 68:19	102:15,15
138:10 140:12	mean 9:7 24:3	million 67:6	77:11	108:7,7 113:14
142:20 143:12	25:1 34:3,15	mind 162:9	months 134:11	113:14 115:9,9
143:16,18,23	34:17 36:5	210:9 266:6	151:21	184:3,6,6
143:24 144:3	42:20 51:13	minor 256:5	morning 5:2 6:7	245:17
144:12 147:9	70:10 73:7	minute 37:22	6:8 242:2	name 135:21
148:13 149:21	87:15 96:22,23	94:1 113:17	motion 37:1	203:8 252:7
150:23 152:1	98:6 107:3,7	114:8 143:16	43:12 45:2,5	named 135:3
153:21 155:9	133:11,15	230:3 251:23	87:24 88:4	150:1
155:18 156:3,7	135:12 137:10	265:5	89:2 92:1	Nancy 7:3,4
157:8,23 160:1	144:13 146:1	minutes 85:14	136:20 267:20	245:17
160:7,12,19	150:24 151:22	86:3 116:19	move 35:1 44:18	narrative 68:4
162:14,23	155:19 160:14	233:21	45:16 50:18	nature 74:2
163:24 164:5,8	162:15 169:10	mischaracterize	87:6 88:5,11	106:22 134:2
167:8 169:17	169:11 173:20	110:7	90:16 100:4	135:16 144:4

near 58:21,22 60:6 214:1 215:12 216:6 necessarily 27:4 196:8 206:3 248:10 necessary 75:16 119:5 121:22 122:5 152:15 166:21 181:19 183:9 need 8:4 23:12 27:14,21 28:2 34:17 35:24 36:19 44:12 75:9 81:16 86:16,24 88:15 95:20 97:16 99:3 136:21 146:13 153:3,4 158:21 183:17 196:4,12 209:24 210:24 221:14 268:1,6 needed 6:11,16 25:3 30:19 120:2,23 136:16 201:3 210:12 215:16 215:18 218:23 219:6 237:6 239:1 267:8 negotiations 103:23 never 29:9 63:16 97:2 100:24 108:2,17,18 112:18 116:22 123:13 133:10 133:11 143:2 147:6 177:22 177:23 234:24 252:10 254:11 new 27:19 119:18 234:13	236:12 254:9 non-time 55:3,6 non-Transite 238:15 normally 74:24 north 2:9 41:10 80:1,3,5 168:1 169:4,24 199:2 200:6,15 202:8 202:12 203:5 203:20 206:14 206:15 207:7 207:18,23 north/south 169:6,11 northern 197:23 198:2 213:1 northwest 80:1 80:2 notary 1:12 270:18 notation 233:1,4 notations 222:21 note 29:12 72:13 78:19 95:1 100:23 152:2 242:17 257:1 noted 7:14 37:15 99:21 101:21 102:1 181:13 211:21 notes 43:14 89:16 270:12 notice 34:13 35:8 36:5,10 37:16 77:22 80:22 81:13,15 104:20 107:4 150:9 245:4 264:12,17 noticed 192:18 notification 42:2 notified 40:16 noting 63:19 notion 37:9	November 218:16 number 25:24 30:11 40:13 48:10,24 118:20 133:6 141:1 146:17 153:24 160:24 161:5 189:15 194:2 195:3 196:2,5,9,19 197:18 253:12 numbering 195:4,21 numbers 49:23 50:18 51:24 88:2 192:20 193:4,13,22 194:9,14,15 195:24 196:8,9 O O 6:2,5 16:2,2 39:9,9 50:1 54:2,2,7,7 61:1 65:1,1 70:6 72:2,5 82:1,1 102:15 108:7,7 113:14 115:4,9 115:9 184:3,3 184:6 270:3,3 o'clock 1:17 138:24 181:21 O'Laughlin 2:20 5:15 6:6 7:4,9,15 15:15 15:19,22 19:1 19:11 23:16,21 23:24 32:1,6 33:6,7,13 45:4 69:20,23 70:1 86:18 87:5,11 88:10,17,24 90:1,13 91:9 91:12,15 92:8	95:21 97:8 99:5,10,15 100:7,8,14,20 104:7 155:17 156:2 160:11 160:17 161:4,7 163:9 164:1 181:6 192:17 193:9,17,21 194:18,23 195:14,18 196:3,18 197:8 224:16,24 243:1 244:22 245:2,24 247:9 247:21 248:17 249:8,11,22 250:22 251:6,9 254:23 255:20 256:12,15 257:15,19 258:2 259:2 260:1,6,9,22 262:2 268:15 oath 114:19 139:14 173:9 174:8 256:20 object 42:19 43:17 72:15 76:6 92:17 93:6,12,16,20 94:5,10,13 95:9 96:23 97:5 133:9 134:23 143:13 146:13 148:14 163:9,14 173:19 177:10 178:21 229:6 247:24 263:1 263:11 264:6 objected 34:11 43:4,14 71:8 72:22 95:11,15 96:3 153:1	178:19 242:14 245:10 246:3 249:4 254:4 objection 19:1 23:16 32:1 36:7 37:14 45:20,24 46:20 63:9 89:3,15 89:21 92:21 96:5,16 104:7 104:15 110:6 116:4 120:7 121:2 129:16 131:12 140:12 142:20 143:23 144:4,11 147:9 155:9 157:8,23 167:8 169:17 171:14 208:15 215:4 220:2 221:18,22 223:10 231:16 234:4,23 235:22 243:24 244:14 245:5 246:10,12,20 246:23 247:1,6 247:14,16 248:14 249:2 250:2,3,13,15 250:18 251:14 254:2 260:15 260:22,24 261:5,11,16 262:17,18 263:7,24 objections 43:6 43:9 46:11 77:13 89:2 94:16 97:9 244:21 245:18 248:16 objects 92:9 244:2 obligation
--	---	--	---	---

210:12	140:22 155:3	98:23 99:12,20	186:17 194:5	104:19 105:3
obligations	176:22 177:21	100:1,22 101:6	194:20 195:8	106:13 169:7
134:5	officer 1:11 4:3	101:9,13,20,24	195:15 196:11	225:16 254:8
obliterate	4:20 5:1 7:2,5	103:3 104:9,13	197:6,10	258:14 266:23
214:22	7:13 15:17,20	104:16,22	205:19 208:16	okay 6:15 7:20
obliteration	15:23 19:13,20	105:1,4,23	215:6 220:4	8:2,8,15,16,22
24:18,23	19:23 20:11	106:11,15	221:20,24	10:17,19,21
observed 62:5	22:23 23:2,19	108:4,21 110:8	225:19,23	11:11 12:19,21
67:23,24	23:22 24:1,4	110:18 113:9	226:4,11,14	13:4,12 14:12
observing 19:3	32:4,8,13,17	114:3,7,11,17	229:11 230:6,9	14:13,16 16:6
obtain 28:13	33:4,8,15,19	116:10,18	230:17 231:18	16:20,23 17:3
49:9 154:24	33:24 34:22	120:9,13 121:5	233:17,22	17:8,15,18,20
obtained 28:11	35:2,12,16,20	121:10 129:18	234:8 235:1	18:4,18 20:4,6
155:2	36:9,11 37:2	131:14 133:22	236:9 240:20	20:15,24 21:14
obviously 10:11	37:13,21,24	134:21 135:11	241:5,12,17,24	21:22 22:1,3
98:22 195:10	38:6,11 39:1	137:3,20 138:4	242:5,13 243:9	22:12,17 24:9
202:16 232:3	39:13,17 42:13	138:9,19,22	243:13 244:5,8	24:21 25:1,7
258:12 267:15	42:17,24 43:8	139:7,18	244:24 245:3,7	25:16,19,24
268:1	44:2,8,13,22	140:14 142:22	246:2,8,18	26:3,15 28:10
occupies 219:12	45:15,19,22	143:9,15,19,22	247:11 248:5,8	28:17 29:12
occur 27:2	46:6,14,18	144:9 145:1,14	248:22 249:15	30:3,14,20
occurred 14:23	47:3,7 49:24	145:22 146:8	249:23 250:9	31:8,24 32:13
185:12 222:19	50:20 51:2,5,9	146:11 147:11	251:3,11	34:21,22 35:2
occurrence	51:18 52:17,20	147:20 148:22	252:12 253:15	35:6,16,20
48:13 189:9	53:1,7,17 61:5	149:5,10,15	253:18 254:12	36:11 37:2,13
190:2 192:6	61:8 63:1,20	150:19 151:6	254:18,22	37:20,23,24
204:5	63:24 64:3,9	153:9,19 156:5	256:24 257:8	38:15 40:2
October 218:15	64:19,23 68:16	156:12,16	257:11,16,21	41:3,12 44:22
266:12	69:21 70:3,18	157:10 158:2	258:6 260:11	45:22 46:18
off-specification	70:21 71:2,10	159:11 160:5	260:14,20,23	47:11,15,16,19
67:7	71:19 72:23	161:10 162:4	261:6,12,18,20	48:1 49:15,17
offer 19:8 140:5	76:21 77:19	162:17 163:11	262:5,10,16,20	50:12 51:5,9
140:8 236:20	79:10,13 80:21	163:16,19	263:4,19 264:6	51:18,21 52:10
245:12,15	81:7,17,22	164:3,7,12,20	264:16 265:2,7	52:23 53:7,17
offered 110:21	85:9,16,23	166:14 167:11	265:15 266:18	54:11 55:4,15
115:11 116:5	86:10 87:2,17	167:16 169:19	267:1,6,11,19	56:14,21 57:1
122:21 145:6	88:7,13,19	170:3 171:16	268:3,22	58:19 59:6,19
217:20 229:21	89:8,13,22	173:24 174:4	officer's 259:8	59:24 60:6,19
234:24 235:9	90:6 91:7,10	174:13,23	official 37:15	62:10,13,20
offering 18:5,9	91:14 92:6,12	178:3,8,11,16	77:21 80:22	63:8,20 64:19
18:19 19:17	93:1,4,10,24	179:2,12,15,21	81:13,15	65:14 66:3,9
21:7 98:8	94:3,17,22	180:2,6,9,16	193:10	66:24 67:17
117:1 140:4	95:16,19,23	181:5,9,12,23	offshore 58:16	68:1 69:12,21
office 2:15 9:1	96:6,17 97:6	182:8,14,17,24	oh 8:13 25:12	70:1,3,14
27:24 127:9	97:20 98:10,18	183:10,15	93:1 101:13	72:16 73:14,21

76:3,21 78:20	191:16 192:3	239:13	238:1	77:23 108:21
79:8 82:9 83:3	192:10 193:7	once 26:21,21	opinions 17:4	120:14 131:14
83:18 84:9	193:15 195:8	47:13 51:17	18:20 21:7	146:14 169:20
85:16 86:17	196:16 197:10	66:22 73:17	69:10 98:2	171:17 208:17
88:8,10,14	197:11 198:1	146:23 158:18	116:17 117:2	215:7 236:14
93:10,11 94:4	199:17,20	192:18	128:16 140:5	overruling
94:23 95:23	200:1,18	ones 16:18 44:21	155:8 158:8	104:24
96:6 99:20	201:13 203:7	88:6 98:16	236:12 240:5	overviewing
100:20 101:6,9	203:12 204:4,8	100:11,12,15	opted 135:4	28:22
101:14 104:9	204:12,15	153:3 185:20	order 28:18,20	owned 131:21
105:4,12,16	205:9 206:4,8	193:4,20	34:1,3,9 74:13	owner 154:11
107:2,11,14	206:17,23	195:24 196:1	75:16 76:24	175:9
109:23 111:16	207:6,11,16	198:1 226:7	77:12,20 96:9	ownership
111:24 113:7	208:5 209:15	252:9 257:24	102:20 221:13	37:10 131:17
114:1 116:10	209:22 210:16	258:1 259:21	222:7,9 232:18	131:19 156:20
117:16 118:1	211:8 212:4,12	259:22	236:11 239:9	172:2 176:18
118:11,14	212:17,21	open 231:10	239:20 259:9	owns 171:2
119:3 121:5	213:6,13,17,21	232:4,6,17	ordered 74:20	175:16
122:7,23 123:9	213:24 215:11	operated 67:5	75:9	P
123:16,19	215:15,22	operates 123:17	orders 22:6	P 2:1,1 3:1,1
124:11,15,21	216:17 217:21	operator 103:24	28:15	245:18
125:14,20	218:3 219:2,13	operators	organize 22:13	P.E 3:5
126:4 127:1,15	219:17 220:6	105:20	orient 169:8	page 8:8,9,9,10
128:6,15	220:14,18,21	opined 218:9	original 10:1	8:11,11,13,14
130:23 132:7	221:4,9,13	224:1	95:7 175:14	13:3,12 17:9
133:1 138:21	223:6 224:12	opinion 6:11,15	185:7 197:17	22:3,9 47:21
138:22 140:18	225:8,14	8:3,17 9:5,6,14	213:15 214:7	48:7,9 56:19
140:19,23	227:14,20	9:19 18:6 19:9	232:15 235:10	57:11 66:18,19
141:5,6,10	228:5 231:3,8	21:16,18,20	236:2	66:20 73:17
150:9,19	231:21 232:5	22:14 23:10	originally 20:21	75:22 78:4,22
151:11 153:9	232:11 233:9	98:8 121:19	45:11 80:9	79:11 122:14
156:16 158:14	233:12,22	129:4,14	127:9,19	122:18 124:16
161:10 163:11	237:7 240:8	139:21 140:8	129:20 140:10	146:18,20
164:7,10	245:3,7 246:8	140:10 158:6	142:3 145:6	165:12,17
165:18 166:9	246:18 247:11	185:14 192:12	outlined 184:16	168:19 170:11
167:23 168:4,8	249:13 250:9	210:10,16	233:14	170:14,18
168:12,19,22	251:3 254:22	213:17 217:10	outside 15:3	173:6 187:22
169:8 170:8,10	256:7,8,24	219:19 222:11	23:20 29:24	187:22 191:1
175:6 176:17	257:8 260:1,9	223:1 229:22	32:2,5,7 63:22	194:9,14,15
177:6 178:10	261:6 262:17	229:23 234:19	116:7 144:3	195:24 196:9
183:12 184:11	265:2 267:9,11	234:20,24	263:1	204:20 211:16
184:22 187:5	267:12	235:9,18,24	overall 110:13	224:19 226:19
187:21 188:17	old 32:23 178:15	236:2,7,20,22	overpass 120:5	226:24 267:17
189:5,12	232:9	236:24 237:1	146:24	pages 4:2 8:6
190:10 191:9	on-site 42:10	237:21,24	overruled 32:18	

96:10 192:22	29:20 78:24	percent 56:9	7:17,21,23 8:3	189:11 192:12
193:12 194:8	79:1 80:2 83:1	166:10,15,15	8:24 9:9 13:15	201:11 203:24
268:2	83:10 90:18	166:17,20	15:6,7,9 218:7	207:17 210:9
paid 51:24 52:4	95:7 96:24	167:1 219:13	photographs	238:19,20
paragraph	110:12 120:17	219:24 221:9	6:20 93:9	placing 58:8
29:14 40:8	120:24 130:4	221:15,16	97:12,15	plan 68:24
54:18 55:22,23	148:5 149:24	222:5,9 223:7	photos 97:22	185:10 204:24
56:1 61:12	151:2 153:16	223:18,21	98:3,5,15	205:1,3,6
67:3 166:9	166:24 179:6	Perfect 206:4	246:4	249:19
parcel 74:21	187:20 190:15	permanent	pick 212:12	planning 182:12
79:4,24 84:11	190:23 197:21	118:12 119:3	picks 202:4	plans 74:5,8,9
84:16,17,23,23	204:5,13	120:3 121:13	picture 8:24	74:14 120:17
84:24 85:2	205:24 206:5,9	123:6,10,13,17	13:17	126:16,17,19
117:9,10,11,17	213:1 219:12	123:19 125:2	piece 13:20,23	126:21 186:7
117:18,20	222:9 224:17	125:17 126:9	13:24 14:1	210:7
118:2,6,12,21	227:4 229:18	128:8 129:2,5	62:17 156:23	plat 75:17
119:1,4,15,19	234:5 237:21	129:10,15,22	176:9	plats 74:4,7,9,10
119:23 120:3	238:7 244:2,5	130:7,10 132:5	pieces 12:7,8	74:14,16,18
120:23 121:13	252:8 255:18	157:18	103:20 238:3	75:5,12
122:1,2 123:10	264:13	permit 231:15	pin 52:1	plausible 217:20
123:12,23	part-west 80:1	permits 232:18	pipe 13:21,23	play 253:6
124:1,5 125:4	particular 28:2	Pershing 80:8	48:16 56:11	pleadings
125:11 126:5,8	65:24 69:3	117:23	191:6,8,10	264:15
126:12 129:3	70:11 75:3	person 28:11	192:4 201:7	please 13:13
130:8 131:10	76:10 95:5	177:1,2 244:12	214:14 217:11	20:9 21:9
131:17,20	119:1 125:6	personal 76:18	217:15 236:21	22:24 24:12
132:2,9,19	132:6 154:19	96:13 147:17	237:2,3,4,12	25:6,15,15
157:4,7,19	154:23 191:5	personally	237:20 238:4	29:1 30:2
167:6 171:7,12	218:10 219:7	105:13	238:16,24	32:21 37:22
171:20,21	232:13 240:5	PESA 26:1,13	pipes 10:12	38:4,10,12,16
175:22 176:19	particularly	26:16,21,23,24	50:10 103:1	39:12,15 40:7
parcels 79:2	61:21,24 205:9	27:5 28:6,12	237:8	40:8,10 42:1
85:6 118:20	parties 53:2	28:18 253:1	pit 13:9 216:10	45:18 46:5
123:6,7	180:17 194:14	Peter 245:18	216:11,12	47:1 48:7,12
park 57:15,21	265:22	Petitioner 5:4	pits 56:5,10	53:6,8 54:10
57:24 58:3,9	parts 30:7,10	phases 42:9	191:8	54:15,19 55:14
59:4,17,21	58:3 204:9	phone 128:5,6	place 40:18 42:4	55:21 56:1
60:12	party's 127:22	128:14 175:17	59:22 60:1,16	57:2,10 61:4,7
parking 6:10,12	131:6	175:24 176:17	109:19 111:22	66:16 67:3
6:17,23 7:20	pass 87:4	176:20,24	178:22 185:10	72:20 73:15,16
7:22,24 8:20	paying 239:10	177:2	227:18,19	76:3 78:4,21
8:24 9:8,11,17	PCB 1:5 5:5	phonetic 171:5	232:13,14,16	79:8,22 93:11
48:16 103:2	peat 189:20	photo 8:20 9:4,5	234:21 239:22	113:24 114:12
190:18 239:21	people 12:16	9:9 246:17	placed 16:24	130:22 140:15
part 22:15 27:12	179:17 251:24	photograph	102:24 189:1	143:16 144:23

157:11 180:12 186:18 187:16 188:10 189:4 190:7,10 191:1 192:16 196:16 199:9 202:14 203:7 217:12 219:16 220:5 224:11 231:4 231:24 235:3,4 PLM 56:4 plus 166:12,22 167:3,7,21 168:16,20 201:24 point 6:21 9:7 24:21 26:6,10 27:23 43:2,16 86:5 96:19 98:13 101:23 106:8 107:8 113:13 135:2,7 144:18 155:10 156:4 158:1 159:19 160:18 160:23 176:1 177:15 180:14 196:21 199:17 212:13 217:14 217:20 229:10 238:18 240:6 243:4 pointed 237:18 pointing 22:8 points 60:10 polarized 56:3 policies 36:2 37:5 POLLUTION 1:1 2:2,6 portion 40:9 52:12 57:11,12 58:4,10 68:24 83:14,19 84:10 172:9 174:20	205:12 235:6 portions 21:12 22:22 23:6 83:17,19 242:21 posed 54:23 172:16 175:15 position 74:2,4 104:20 106:5 107:5 240:12 possible 87:16 265:18 possibly 105:20 176:8 181:18 216:3 251:17 267:17 post-hearing 20:3 23:14 24:8 148:1 149:12,14 155:13 163:6 178:4,7 194:11 265:19 266:4,7 266:9,21 potential 109:6 110:22 powder 240:21 power 12:24 practice 66:13 practices 66:6 66:15 68:21 precious 97:18 precisely 183:6 predominant 190:1 premise 164:17 240:5 preparation 49:16 74:10 prepare 28:9 74:13 prepared 14:13 124:18 126:21 140:21 142:2,7 142:12,13,18	154:15 184:8 185:4 191:14 191:17 200:14 preparing 69:15 75:11 82:6,9 82:15 83:11 presence 56:7 191:24 236:20 237:1,2 238:8 present 2:6 3:2 42:6 61:19,23 141:15 217:16 presentation 152:15 presented 133:13 200:13 presenting 77:14 200:17 pretty 86:14 preventing 159:23 previous 9:13 154:17 159:13 187:20,24 217:6 previously 15:10 17:4 32:3 55:16 95:11 103:22 114:21 115:7 177:12 180:23 227:18 238:2,6 243:8 primarily 67:7 212:24 primary 31:1,6 47:23 67:12 234:16 principal 80:4 prior 108:16 224:21 232:24 242:20 263:16 probability 222:13 probably 112:3 138:15 175:20	195:6 199:17 240:2 problem 36:14 89:11 98:21 152:19 195:17 252:9 255:10 problems 169:15 246:7 procedural 101:22 procedurally 101:16 136:11 proceed 38:14 39:2 51:10,19 53:18 64:4 71:11,21 77:24 104:22 114:20 146:12 175:1 197:11 proceeding 34:15 proceedings 1:10 85:21 139:5 241:3 265:13 269:1 270:10 process 27:13 33:22 56:12 59:20 62:1,4 62:11 74:12 75:1,11 83:2 83:11 136:18 238:12 processes 58:6 58:13,20 produce 195:2,2 produced 63:11 63:16 75:23 94:19 96:4 172:11 185:24 251:14,18 252:4,9 253:8 253:13,17 producing 59:2 product 68:2,8	production 95:2 152:8 products 67:7 professional 10:4 profile 188:12 188:15,17 189:8,14 209:23 programming 27:1,12 120:18 progress 53:4 90:9 prohibition 231:9 232:19 prohibits 232:4 project 9:23 10:13 11:20 25:10,12 27:1 27:17,18 28:2 29:20 31:20 42:10 47:24 59:14 103:11 120:24 122:20 123:1,4 126:17 126:19,22 158:19 185:5 185:19 186:10 189:2 190:16 203:24 222:17 projected 202:22 projects 28:16 promise 182:3 proof 245:12,15 proper 144:21 149:22 properly 28:8 240:1 properties 27:7 27:13,15 28:1 28:7 175:11,14 property 27:16 57:20 74:22 78:13,18 79:4
--	---	---	---	--

84:15,16 119:5 127:22 128:19 129:22 131:2,6 131:20 134:3 156:20,23 157:4,7 252:1 252:3,20 253:2 proposed 55:2 222:23 propounded 152:6 prosecutor 100:24 Protection 224:4 224:7 235:11 235:15 protruding 13:21 provide 28:3,5 143:4 provided 26:22 27:10 128:8,11 128:17 139:20 217:24 provides 127:21 131:5 providing 13:7 provision 231:9 231:14,15 provisions 232:1 232:22 233:13 234:3 proximal 57:18 214:9 216:13 proximate 13:10 proximity 217:3 public 1:12 36:3 54:22 77:21 78:16 80:12 83:13 84:19,21 115:13 118:18 119:9 121:21 122:10 124:13 127:20 128:7 128:17 129:21	131:4 132:17 147:2,3 158:22 264:11 270:18 publicly 35:22 36:1 82:4,22 96:11 124:12 262:14 pull 14:6 72:8 208:24 pulled 192:24 punitive 106:22 purportedly 128:15 purpose 54:16 54:20 71:6 77:15 115:12 119:16,20 122:15 131:6 133:20 135:8 191:20,22 purposes 27:15 28:9 75:6 80:6 80:10 116:14 117:9 118:20 118:24 119:6,7 119:8,24 122:1 123:23 132:20 135:9 138:11 186:22 195:5 pursuant 39:5 41:14,23 54:3 115:5 pushing 253:20 put 14:4 22:6 34:17 50:24 74:15 82:23 83:4 134:15 146:2 151:15 151:18 154:17 189:14 226:2 256:1 259:17 putting 79:3 151:16 Q	quadrant 14:17 quadrants 169:9 quarter 80:1,2 question 16:14 17:23 18:4,5 18:12,18 24:6 32:12 42:12 48:23 49:21 50:13 52:10 89:1 104:18 108:23 111:12 117:16 130:21 146:1 149:4 153:20 154:3 159:9 171:3,20 172:16,20 173:16,22 174:1,10,12,14 174:17 175:4,6 175:15,23 176:6 180:23 181:1,16 205:16 235:4 240:6,16 247:20 259:11 267:14 questioned 69:5 254:7 questions 6:10 33:3 52:2 60:20,22 62:24 63:10,15 64:7 64:17 70:17 73:23 85:8 102:18 108:3 109:6 110:22 113:8,23 114:2 149:1 153:11 156:9 176:14 180:1,5 181:18 182:21 183:3,8 189:15 240:19 241:10,16 242:19 243:15 256:10,18	263:22 quick 49:21,22 102:18 113:12 134:21 quickly 156:11 156:12 187:15 190:5 194:6 204:1 237:9 quitclaim 94:21 178:17 179:19 quite 218:11 R R 2:1 3:1 6:5,5 16:2,2 39:4,9 50:1,1 54:2,2,7 61:1,1 65:1,1 70:6,6,6 72:2,5 82:1 102:12,12 102:15 108:7 113:14,14 115:4,9 162:11 184:3,3,6 246:11 railroad 167:24 167:24 raise 5:16 6:17 6:23 8:4 9:17 38:17 53:9 71:12 98:13 198:18 raised 9:8 43:24 48:23 77:13,18 103:23 133:10 136:19 144:6 153:16 229:13 ramp 13:1 Randolph 1:15 2:2 Range 80:3 Ray 112:13 re-recorded 80:14 122:24 Re-redirect 4:11 reach 140:9	reaching 60:12 reaction 105:19 239:23 read 10:24 21:12 22:22 23:6 30:9,10 40:10 47:12 48:11 50:6 54:17 55:24 67:2 75:18 79:9 83:17,20 84:3,4,11 92:24 95:13 125:7 130:23 147:14 153:23 174:14,21 227:11 235:3,7 250:18,20 reading 23:10 125:10 132:16 reads 141:10 146:23 158:17 ready 85:24 241:6 real 115:17 127:22 128:19 131:2,6 194:6 really 64:1 65:13 98:24 155:11 164:16 176:10 178:15 205:13 233:20 233:21 238:17 246:7 263:14 268:20 reason 43:18 56:15 89:5 93:17 106:20 129:12 200:8 200:16 reasonable 179:16 217:9 244:12 reasons 184:16 222:18 236:14
--	---	--	---	--

239:15 258:9	48:12 63:19	reference 9:22	regret 152:21	23:7,13,15
rebut 10:1 134:8	67:20 75:1,5	26:3,6 62:15	regs 225:3,5	159:14,15,17
135:8 145:12	77:21 78:16	62:16 156:15	regulations	159:20 161:21
146:3 150:11	85:18 86:1	199:14 259:17	226:21 227:18	163:7
230:2	90:18 95:1	referenced 26:5	227:20,21,24	remaining
rebuts 135:15	96:15 101:16	69:7 70:9	228:6 232:21	178:23
rebuttal 10:1	101:21 109:16	216:20	264:22	Remarks 4:20
86:11 87:8,13	114:8,10,12	references 25:21	reimburse	remedy 236:22
102:3 133:20	139:2,9 148:20	196:6 202:20	165:24 166:20	237:5,24 238:5
135:6,23	148:23 152:2	referred 10:5	166:24	238:7
136:13 138:11	174:20 181:13	11:23 12:12	reimbursing	remember 30:22
151:10 180:10	193:1 195:13	29:2 62:18	166:10	61:22 65:13
183:4 184:8,15	195:16 198:21	79:23 83:14	relabeled 193:14	93:2 97:21
190:5 217:8,9	202:15 204:18	123:13 196:7	relate 256:10	215:20 218:17
229:9,10 241:9	212:22 216:2	referring 9:21	related 88:22	225:3 258:21
rebutting 18:20	226:18 235:6	10:6 12:1	118:24	removal 24:18
18:22 19:12,14	238:13 255:9	18:14 29:1	relates 76:23	24:23 55:3,7
135:10 144:7	256:1,21 257:1	50:13 82:19	119:24 154:9	201:2 249:18
164:18	264:11,18	84:22 97:24	230:24	remove 164:10
recall 6:13 9:2	265:10,16,17	111:9 118:3	relating 183:3	164:22 221:17
16:17 17:6	268:13	141:2 176:24	251:24 256:11	239:1 262:1
20:17 24:12	record's 183:18	235:20	relation 153:17	removed 48:20
30:12 42:8	recordations	refers 29:22	212:22	49:4 189:23
55:16 61:19	79:2	131:17,18	relationship	198:23 201:5
62:1 66:1,3,9	recorded 80:6	reflect 185:8,18	192:11	202:2 219:20
66:11 67:17,23	80:10,13,16	Refuge 228:6	relative 238:5	219:24 220:15
69:1 86:19,24	95:8 124:12	refuse 232:20	relay 113:24	221:5,10
99:16 112:14	262:14	234:12	release 87:16	222:10,16
128:13 140:7	recorder's 155:3	regard 86:21	relevance 77:17	223:18,22
165:12 166:3,6	Recross-Exam...	92:2	87:1 99:17	removing
175:18 223:19	4:5,10	regarding 6:16	relevant 29:19	210:12 219:22
223:23 225:4	rectangular	8:3,17 12:9	185:16 251:21	rendered 23:9
239:2 252:14	117:21	21:20 23:10	253:24	148:16
254:14	red 118:6 186:3	47:24 48:10,19	reliance 95:3,4	rendering
receive 224:24	186:4 190:20	49:3,11 93:14	relied 65:8,12,21	167:24 185:14
receiving 225:3	212:10,18,22	93:18,22 94:7	69:14 155:7	renew 92:21
225:4	redirect 4:4,7,9	94:11 111:18	239:20	94:16 96:5,8
recognized 27:8	4:16 5:15	139:21 140:5	rely 74:15 75:5	96:16
240:1	23:20 32:5,7	259:9 263:22	98:9 99:4	reopened 135:19
recollect 208:11	183:4	265:23	150:16 160:1	reopening 153:1
reconsider 87:4	redirecting	regardless	161:19 162:22	repeal 227:15
record 5:8,9	180:24	172:15 243:14	165:1 179:17	Repeals 227:8
7:12 28:7 30:9	refer 8:2 9:20	244:9	185:20	repeat 108:23
30:10 34:14	131:19 195:24	regards 18:9	relying 21:5,19	130:21
35:23 43:7	196:1	154:13	21:22 22:12,18	repeatedly

135:18 rephrase 110:9 140:15 220:4 222:2 replaced 189:24 202:3 217:19 replacement 184:19 reply 37:18 134:22 266:11 267:5 report 8:3,7,11 8:13,19 9:20 10:1,1,10 12:23 19:12 22:15 26:1,16 26:21,24 27:9 27:10,19 28:6 50:6 57:8,13 58:5,10 64:15 65:3,10,16,24 66:20 69:7,15 70:10,11 83:23 83:24 84:6 116:15 136:22 137:16 142:13 142:19 144:17 154:14 159:14 159:16 160:9 161:18,21 164:18 184:9 184:15 190:5 191:3,4 214:7 217:8,14,22 224:2 235:10 236:3 237:8 240:9,13 244:3 reported 270:9 reporter 5:18 19:18 38:16,19 53:11 71:12 102:6 105:21 183:19 270:7 Reporter's 4:21 reports 26:13,13	49:16 represent 57:12 128:4 207:14 representation 57:17 69:14 159:13 164:13 164:24 181:8 181:10 190:21 243:15 258:17 representations 134:1 137:11 representatives 42:5,9 represented 44:5 164:21 203:22 207:4 representing 190:1 213:3 represents 187:23 188:4 189:7,9 190:12 191:24 209:14 request 49:8 87:3 107:10,12 108:11,18 109:4 110:21 112:2,7,16,19 112:21,24 113:5,18,23 247:17 248:18 requested 78:14 174:19 235:5 requests 111:17 152:7,7 253:10 require 27:16,19 required 27:4 186:23 213:14 259:11 requirement 12:18 requiring 231:15 232:18 research 75:1 78:17 83:2 reservation	101:18 reserve 86:19 92:15 reserved 96:19 resident 11:19 11:22 12:9 resolution 92:23 165:6 respect 18:6 26:18,20 28:12 28:18 31:10 37:6 43:20 51:23 52:5,10 52:12 55:6 79:4 94:9,14 105:7,16 110:4 132:18 136:20 148:17 153:13 159:12 199:11 200:6 207:17 217:3 235:19 236:1 253:9 respond 37:17 37:18 104:14 109:7,8 162:13 266:22 responded 171:7 172:3,17,19 181:3 Respondent 1:7 2:21 5:5 respondent's 133:2 254:19 257:2 responding 30:15 31:10 50:12,15 104:17 134:17 154:19 172:8 response 30:4 30:11 31:18,19 49:8 76:16 104:1 105:2,18 106:4 146:21 146:22 153:24	172:23 175:13 247:17,22 responses 133:3 133:12 134:13 134:16 264:3 responsibilities 11:9 12:8 134:5 responsibility 12:17 31:2,6 responsible 58:7 59:2 74:10 158:20 239:10 rest 99:14,21 214:12 restate 105:17 rested 101:17 restoration 25:2 restore 201:4 213:14,18 restoring 210:13 restrictions 123:24 rests 99:23 102:2 result 75:13 152:23 results 12:23 210:17 reverse 179:4,17 review 65:24 76:9 82:10 83:8 120:16 126:16,18 reviewed 18:2 65:8,12,21,23 69:2 82:14 84:19 109:15 126:15 224:6 228:21 reviewing 76:14 revised 133:3 225:10 264:2 revision 148:18 revisions 127:12	revisit 179:3,3 ridiculous 156:4 right 11:24 14:14 16:13 17:17,19,22 20:20 22:8 24:23 30:5 31:1,18 32:24 38:17 43:1,9 44:23 50:22 51:19 53:9 58:13 60:1 62:8 64:2 69:18 71:11,13 82:24 84:13 85:24 86:19 90:13 92:7 96:22,22 97:7 98:1,20 99:16 102:1,2 108:24 109:9,11 112:10 114:18 118:19 125:1 127:21,23 128:18 131:5 133:22 137:10 139:8 141:8 145:23,24 156:20 157:19 160:8 163:1,19 165:7,21 170:13 178:6 183:5,8,10 184:12 193:9 193:19 195:11 197:5 199:18 200:6 204:6 205:23 206:9 206:15 209:5 214:4,20,21 215:3,13 216:15 218:7 219:8 220:1 221:2,3,8,14 221:17 223:8
---	---	---	--	--

227:15 229:3 232:10,23,24 233:3 237:16 240:10 241:6 242:6 243:1 245:9 248:23 253:2,7 256:18 257:4,10,21 260:21 265:16 267:6,22 right-hand 125:1,17 right-of-way 27:19 43:23 44:1 75:3,4 117:11 120:17 121:14,16 123:12 156:22 171:24 172:3,4 172:17,18,21 175:16 197:23 199:6 252:24 right-of-ways 208:3 rights 129:22 130:8 156:24 157:13 rise 43:5 road 12:13 80:8 121:17,20,24 168:5,6,8,11 169:16 186:24 187:5,7,9,11 188:13 198:15 198:19 205:11 205:23 206:3 209:3,20,24 214:12,14,23 215:2,12,24 216:7,15,22,22 216:24 217:4,7 217:18 219:1 239:22 roads 103:12 147:2,5 148:6	154:1,10,23 190:19 roadways 134:3 role 26:18,20 30:15 110:15 Roman 54:16 roofing 56:12 room 1:14 5:9 5:10,11 240:21 roughly 213:9 Route 168:5 ROW 171:2 RPR 1:12 270:6 270:17 Rule 39:6 54:4 115:6 227:8 ruled 151:7 178:24 230:10 230:11 rules 39:7 54:5 115:7 136:23 137:17 228:5 264:14,15 ruling 88:9 94:20 97:11 138:16 145:15 179:4,10,17 run 86:6 runs 169:5,6 S S 2:1 3:1 6:2 16:2,2 39:4,9,9 54:2,7,7 65:1,1 72:2 82:1,1 91:14,15 108:7 108:7 115:4,9 115:9 184:3 246:11 safety 28:9 119:9 saith 6:4 39:8 54:6 72:4 102:14 115:8 184:5	sake 51:15 96:14 183:18 Sam 91:15 sample 13:9 191:23 214:8 samples 56:5 103:18 187:19 sampling 210:17 Sand 80:8 117:22 131:3 141:8,24 142:5 142:10,18 147:4 154:1,6 157:17 158:10 169:2,5 sat 50:5 150:2 satisfy 77:1,12 saw 226:2 257:5 saying 31:21 66:4 77:15 97:17 101:1 131:10,24 150:12 159:18 162:18 169:15 182:19 237:23 263:21 says 7:18 14:18 29:8 59:11 67:1 80:17 125:1,17,21 167:21 176:12 177:18 186:3 197:2,3 221:17 228:5,12 237:10 scale 14:4 schedule 78:12 78:14,15,19 265:20 scheduled 221:5 schedules 78:12 Schick 31:1 scope 23:20 63:23 112:14 115:12 116:7	135:8 144:4 145:17 177:11 186:22 237:24 253:12 263:2 Scratch 91:23 seat 53:8 second 16:5 22:9 55:22 65:3 68:24 79:1 113:18 152:4 166:23 section 39:6 54:4 66:21 67:1 80:3 115:6 127:16 130:1,19 131:16 134:19 140:24 141:1,7 158:14,17 224:3 231:9 232:15,24 233:2,4,10 234:21 235:10 235:15 236:2 240:8,13 sections 229:2 230:23,24 232:15 233:6,9 see 11:10 13:15 18:23 21:10,24 24:19 25:22 29:16 44:18 56:9 61:13,17 75:8 78:8,9 89:5 117:6,20 117:24 124:24 125:3,4,11 129:23 130:3 132:3 141:1,2 141:16,17 147:8 148:4 153:21 158:24 165:19 166:12 166:17 167:4 167:20,21	168:1,5,6,9,20 168:24 169:3 176:8 193:5,10 193:21 197:16 198:8 199:3,21 200:3 204:15 205:10 206:5 206:15 209:23 212:15 213:10 225:11,12 227:5,9 228:3 228:8,19 231:23 237:10 243:22 245:12 246:15 251:16 254:1 seeing 165:12 seek 34:13 49:9 155:22 seeking 34:24 seemingly 173:20 seen 18:3 47:16 58:10 66:11 76:1 101:1 112:18,20,22 124:20 147:19 162:12 165:7 165:11,13,14 167:14 185:23 186:2,4,6,9 254:11 select 192:2 selected 90:11 send 27:23 sense 86:5 sent 28:17,19 170:22 171:19 172:7 173:1,1 224:15,17,18 224:18,20,22 225:2 sentence 8:10 54:18 141:10 146:22 148:4
---	---	---	---	--

sentences 56:1	191:22 192:3,6	152:1 253:5	238:16,19,20	47:1,4,5 91:23
separate 22:5	192:8 204:16	single 260:4	249:18 251:24	92:7 95:17
156:19 208:11	205:23 221:14	sir 39:21 41:9	sites 9:22 10:3,6	96:1,8 104:4
208:20 224:22	showed 8:23	47:20,22 52:21	10:7,8 27:7	105:24 106:1
separating	9:10 172:6	75:24 79:12	48:22 55:1,18	106:14,16
123:6	showing 13:6	106:11 112:4	56:18 59:15	108:24 117:16
September	15:2 26:8	236:15	62:22 102:23	129:24 133:7
24:22 266:10	189:6,13	sit 22:17 138:18	103:15 107:21	143:10,18
sequence 240:4	201:21	140:3	111:11,14,15	144:1 149:6
series 98:5	shown 189:22	site 13:1,11 15:4	111:19 184:19	160:6 164:4
serious 244:13	202:17 212:2,9	15:11,13 19:10	208:20 228:6	170:4,5 173:6
served 259:6,15	212:10,24	19:10 25:3	249:18	173:7 179:9,11
set 133:3 139:16	shows 188:6,13	27:6 29:24,24	sitting 21:15	180:3 186:18
185:7 195:3	189:20 190:14	41:10,11,12,15	50:5 56:15	197:11 200:18
208:5 264:3	190:16,17	41:15 42:7	situated 131:20	204:19 205:17
sets 191:23	192:8 201:23	48:14,16,17,21	situation 77:20	206:21 208:8
setting 144:20	202:1,17	49:5 52:6,11	six 30:11	212:4 221:21
seven 33:9,11,16	209:19	52:13 54:24,24	Sixty 219:14	225:16 228:2
79:9 184:16	sic 206:18	55:3,10 56:6	Sixty-seven	233:18 237:14
207:9	side 41:4,10	56:23,23 57:16	89:14	249:8 250:23
Seventeen 161:6	198:3 199:2,12	58:1 59:13,13	slightly 16:14	261:13 262:6
162:20	200:6,15 202:8	59:22,22 60:1	sludge 62:7 67:8	266:24
shaded 125:14	202:12 203:5	60:1,16,16	67:14,20,22	sort 10:5 12:4
125:18	203:21 206:15	61:20,20,23,23	68:6,11 192:9	13:10 14:4
shape 21:6,23	206:24 207:3,7	62:2,2,6,14,14	192:10	87:24 89:12
22:13	207:18,23	63:17,17 65:4	small 103:19	196:3 205:10
shared 108:2	208:5	67:14,18,18,21	125:9 255:24	205:14 208:8,8
sheet 42:18	sides 21:1	67:21,23,24	soda 14:3	225:14 243:3
168:23 186:6	260:18	68:12 103:2,8	soil 13:22 56:5,9	251:22 259:2
Sheridan 168:5	Sidwell 193:23	103:9 107:23	186:9 187:19	sought 108:10
168:6,8,10	sign 106:22	111:7,10,10	207:14	108:17 112:15
169:16	signed 102:19	189:11 190:13	soils 54:23	229:16
shock 241:23	103:16	190:13,14,14	solid 188:7	sound 221:2
shoe 62:16	Significantly	197:23,24	226:24 227:3	sounds 24:5
shoes 199:15	219:3	198:2,3,7	228:12 232:18	88:14 89:23
shore 58:17,21	silting 13:21	199:2 204:5,17	234:12 238:3	221:3
58:22 60:7	similar 95:13	204:24 205:1,2	somebody 145:8	sources 60:11
short 85:19	122:13 154:5	205:5,14,24	somewhat 18:15	south 41:4 80:4
139:3 241:1	189:7 191:2	207:23 208:1,8	soon 51:7	80:11 117:22
265:11	195:4 232:21	208:10,11,21	236:13	131:3 199:12
shorthand	simple 18:5	208:21 211:9	sorry 8:13 10:9	202:8,12
270:10,12	131:1	213:1,11,14	15:5 18:12	206:24 207:3
shortly 40:19	simply 34:12	214:12,14	21:9,15 25:13	211:5,12,14,18
shoulder 13:8	43:4 71:5	217:17 236:21	25:17 35:13	southwest 13:1
show 172:14	77:15 133:13	237:12 238:16	38:7 39:14	southwestern

54:24 249:17	192:16	stating 130:19	77:4,14 78:3	striped 125:24
space 48:17	started 226:9	Station 166:12	81:4 82:3	struck 229:15
speak 31:14	starting 79:19	167:3,6 168:9	96:10 114:16	229:17,20
37:11 176:21	175:3 201:23	168:16,20	114:18 115:11	230:13
176:23 186:18	225:8	169:15 201:24	116:5,9 117:7	study 55:23 56:2
197:16 235:2	starts 61:12	202:1,4 209:8	130:24 133:11	60:10 61:12
speaking 78:7	127:3 141:3	209:12,21	133:19 134:8	stuff 22:11 31:3
speaks 81:8	224:19 228:16	211:5,12,15,18	135:3,5,21	31:4 139:1
spec 10:18 11:2	state 1:13 2:16	211:24 212:3,4	138:12 139:13	Stumpner
11:12,14,15,23	37:7 57:15,21	212:5,7 213:7	139:20 144:13	133:24 144:5
12:7	57:24 58:3,9	220:15,19,22	145:5,13,23,23	144:20 145:3
specific 76:8	59:3,17,21	stationing 168:3	148:16 149:22	145:12,18
88:6 128:9	60:10,12 80:13	169:23	150:2 151:16	151:10,13,18
129:6 237:13	84:7 123:20	Stations 166:22	152:19 157:11	153:15 243:20
specifically 8:10	147:7 154:11	189:16,17	158:18 173:4	Stumpner's
18:22 67:23	158:20 165:8	209:23 210:6	173:21 174:18	135:15 139:24
70:12 111:9	165:24 166:2	219:20 221:10	177:13,20	sub-exhibits
133:5 140:7	166:10,20	221:15	180:1,5,7,14	162:19
146:22 148:5	167:1 270:1,7	status 103:24	180:19,20,21	subdivision 75:5
199:16 200:16	270:9	statutes 225:10	182:2,9 261:3	subject 25:21
216:1	state's 5:11	228:16	262:23 263:13	65:19 99:15
specified 131:7	stated 8:19	statutory 252:16	Stoddard's	111:11 223:3
speculation	10:14 20:3	252:19 253:5	138:1 149:13	subjects 36:4
157:9 215:5	22:2 122:18	stay 156:14	150:14,20	submitted
223:1 234:5	126:15 128:21	210:21	159:14 160:2	111:16,17
235:23	135:18 149:2	staying 240:22	161:17 243:4,6	185:5
spend 151:20	154:18 157:24	step 33:9,10	263:9,24	subsequent 49:2
spending 66:1	209:10 238:2	38:12 52:21	stop 174:14	109:10
spent 65:17	255:4	241:19	stopping 181:22	substantial
spirit 152:9	statement 17:24	steps 31:9,13	strategy 152:13	54:22
spoke 155:4	59:1 82:17	sterile 5:12	streamline	suggest 68:8
sporadic 48:14	105:19 108:15	Steven 3:5	267:16	198:22 207:11
spread 48:21	127:6,10 129:8	170:12,19	street 1:15 2:2,9	207:16
49:5 50:9	129:13 130:14	243:19	2:16 35:11	suggested
spreading	131:18,24	stick 16:4	80:6,8,10	138:20
184:18	132:4 138:2	sticking 14:1	117:23 131:4	suggestion 87:19
SS 270:2	140:21 147:15	stipulate 256:9	141:8,24 142:5	87:22
staff 268:10	148:12,17,19	stipulated 248:6	142:10 147:4	suggests 217:14
stand 5:14 38:3	148:19 150:24	stipulation	154:1,6 157:17	Suite 2:3,9,17
38:9 44:11	154:12,20,20	91:24 94:8	158:10 169:5	summary 56:16
97:4 121:11	statements	249:6,9	streets 80:12	superimposed
241:9 254:9	148:15 242:19	Stoddard 4:12	141:14 148:11	197:19
stands 121:17	states 9:16	4:13,17 70:24	154:7	superseded
star 15:22	130:24	71:3,6,18 72:7	strike 208:9	227:17
start 34:4 79:21	statewide 28:4	73:11 76:6	210:3 229:16	supplement 84:6

supplemented 143:2	68:17 104:13 105:1 110:9	99:10,11,13 103:18 109:9	25:11 29:14 58:5	255:13
supplied 109:5	129:18 138:13	138:17 146:16	Tatsuji 3:4	testimony 5:19
support 266:16	231:19	163:18,21	tax 75:6	16:16 19:4
supported 219:19	sustaining 104:23	182:6,13 188:18 190:6	technical 30:16 30:21	34:17 38:20
suppose 111:7 222:13	swapped 145:7	196:16 203:1	telephone 40:13	48:11 51:22
supposed 79:2 81:10	swear 5:16,18 38:13,19 53:10	220:8 224:10	tell 7:21 21:17	53:12 71:14
sure 5:11 22:6 23:1,4 36:13	53:11 71:14 102:7 183:16	234:13 236:5	66:22 74:6	92:18 93:8,14
42:20 44:4	183:19	240:12,21	76:3 99:8	93:18,21 94:6
49:24 51:21	swore 173:11	243:14 244:10	105:8 171:1	94:11,14
57:19 62:5,18	sworn 5:23 6:4 38:24 39:8	245:14 251:2	173:11 187:3	100:19 102:7
64:2,4 68:4	53:16 54:6	261:13 264:17	190:11 199:9	110:7,17 111:8
69:4,24 70:16	71:23 72:4	265:4	211:4 222:20	112:4,19
81:9 85:15	102:10,14	taken 1:11 45:12 77:2 80:22	223:5	113:16 116:8
86:7 94:21	114:18,21	111:22 116:22	TEM 56:4	122:21 123:3
100:7 108:24	115:8 134:15	186:10 270:13	temporary 123:7 125:21	134:14 135:15
109:16 112:13	183:13,24	talk 19:7 20:6 22:21 133:14	126:12 127:21	136:5,23,24
116:20 125:7	184:5	145:10 187:14	128:12,18	137:15,19
132:12 133:15	system 67:5,9 195:4 241:23	196:12 245:22	130:20 131:8	140:1 150:2,8
133:20 135:12	Systems 35:11	257:17 266:2	131:11 132:1,5	150:14,15,21
159:11 160:22	T T 6:2,5,5 16:2	268:6	132:8,14	150:21,22
179:11 182:23	39:4,4,9 50:1,1	talked 15:7 55:18 67:18	171:10,23	154:18 155:21
183:11 196:13	54:7 61:1,1	98:4 128:5,16	175:10,13	156:1 160:2,3
205:15 206:2	65:1 70:6,6	145:3 151:13	ten 48:10,24 138:23	165:21 166:3,7
209:2 219:4	72:2,2,5,5 82:1	177:14,21,22	tenure 157:1	172:22 177:11
222:3 225:24	102:12,12,15	177:23 218:6	term 9:21 10:23 11:1 30:16,22	183:20 208:7
229:9,19 231:5	102:15 108:7	228:17 237:15	172:21	209:11,14
233:23 242:4	113:14,14	242:2 260:4	test 13:9 56:5,10 105:20 191:7	217:6,24 218:1
246:14 247:23	115:4,4,9	266:24	216:10,11,12	218:4,17 220:3
265:6,9	184:6,6 246:13	talking 15:10 17:15,22 19:21	testified 16:7 17:3 50:4	242:15,23
surface 6:24 13:8,10 14:3	246:14	29:13 51:22	172:21	243:16 246:3
48:17 67:15	tables 155:23	88:2 97:1,21	test 13:9 56:5,10 105:20 191:7	247:1,16 249:4
survey 75:17	tactics 137:6,9	117:11 118:2	216:10,11,12	250:4 253:4
surveying 74:19 252:21	take 37:15 47:12 54:13 75:8,13	141:7 146:7	testified 16:7 17:3 50:4	255:9,15,18
SUSAN 2:12	77:21 81:1,9	160:12,23	66:10 68:19	258:11 259:12
susan.brice@... 2:11	92:7 95:21	171:7 179:10	82:20 89:5	259:20,23
suspect 191:8,9	96:20 97:8	193:20 206:11	144:13,15	263:6,16,23
sustained 20:4		210:23 227:3	223:17,21	264:5
		259:21	235:14 238:22	text 48:11
		talks 13:20	239:18 252:16	thank 5:17 7:5 8:15 9:19
			252:18 255:5	12:19 15:17,19
			testify 130:24 158:18 165:23	15:20 17:21
				23:2 24:15
				25:6 30:1
				32:18 33:4,8

33:17 37:19	249:16,23	161:21 164:18	55:9	131:1 133:14
38:1 39:17	250:10 257:1	174:8,9 178:24	three 10:9 66:21	144:14 179:7
40:19 41:7	260:9,14	179:5,16	93:9 151:20	244:1,10
42:1 46:17	268:13,15,17	180:15 186:14	192:22 193:12	titles 75:8
47:7 49:17,19	268:18,21,22	186:20 192:23	194:3,3 210:8	today 5:2 22:17
50:17 52:16,17	thankfully	193:24 210:24	220:24 225:15	56:15 60:2
52:20,21,23	227:24	211:15 212:13	228:22	89:2 114:19
53:2,19 55:4	Thanks 25:20	215:17 217:5	thrown 86:15	140:3,4 144:14
56:14 57:1	60:21 103:5	218:15 222:14	251:22	150:15 232:14
58:4 60:20	theory 103:17	230:15 232:5	tie 209:20	232:17 258:24
61:8 63:1,21	thickness 56:8	233:5 236:19	time 6:21 9:7	263:13
64:20,24 67:17	thing 49:22	238:2 240:1	19:19 24:21	told 107:6 110:1
69:18 70:1,5	62:10 145:16	241:8 242:8	26:11 31:22	182:3
70:18 71:1,19	153:2 162:11	244:22 245:2	32:22 47:24	top 14:17 67:5
71:22 72:23	253:20	245:21,24	48:2 50:15,19	78:22 130:2
78:1 79:13,22	things 24:17	246:6,16	55:11 65:18	170:14 204:8
81:17,19,23	27:20 30:19	250:15 251:15	66:2,10 82:13	204:13 205:1,6
85:9 90:4,6,13	65:20 151:14	253:3 254:13	83:24 85:17	205:12,13
93:4 94:3,23	159:20 212:23	255:20,24	97:18 103:7,13	206:9 239:23
95:24 100:20	253:13	256:3,17,22	103:16 106:6	topic 146:1,5
101:21 102:1	think 5:13 9:9	257:5,17 260:2	106:19 107:9	153:11 178:14
106:16 108:4	16:13 19:14,24	260:16 261:23	107:16 111:13	178:23 194:6
113:8,9 114:3	20:1 21:8,12	262:24 263:20	132:15,21	topographic
114:5,15,22	22:19 23:9,10	263:21 264:10	142:1,6,13,18	6:18 97:12,15
139:1 142:23	24:5 34:4 42:2	264:13,20	147:21 154:14	97:22 98:15
143:17 156:17	42:15,22 43:9	267:12,20,23	159:6 162:3	99:2 246:5
165:1 174:23	50:3 62:7	thinking 86:11	171:19 173:2	248:18
178:11 179:21	63:13 64:16	160:20 268:4	175:21 181:17	topographical
180:6,7,17,19	73:7 76:18	third 48:9 80:4	232:13 241:15	93:22
180:20 181:13	77:20 81:8	127:22 131:6	253:19 267:8	total 20:1 221:1
181:13 188:9	85:12 87:5,22	133:3 264:3	268:16,19	221:4,10 223:7
189:3 190:4,24	88:3,8,21	thirdly 179:8	timely 94:19	totally 183:5
196:14 199:20	89:10,19 90:3	Thompson 1:14	96:4 178:19	touched 50:3
202:23 204:22	95:13 96:11	thorium 67:11	times 23:17	Township 80:3
208:6 210:3	97:9 106:18	thoroughly	tire 102:24	tracks 167:24
213:6 214:11	113:16 116:12	254:13	103:1	Tracy 3:6 4:14
218:6 219:15	125:24 135:1	thought 43:15	title 73:12 74:20	4:15,16 102:5
224:1 225:6	135:15 138:10	44:4 64:6 86:4	74:23 75:18,22	102:17 104:18
226:14 228:15	144:10 145:13	97:14 106:13	76:10,14 77:7	108:9 110:12
228:21 230:20	145:15,17	134:9 136:7,16	78:6,9,10,13	114:5 180:24
233:23 240:18	147:23 149:8	151:7 152:14	78:17,24 79:3	182:2,4 250:5
240:20,23	149:16,20	172:19 174:5	79:5 80:17	traffic 119:11
241:17,20	152:16 155:11	182:1,9 255:12	82:3,7,11,12	transcript 1:10
245:8 246:19	159:9,21	266:23	82:16,21,23	43:15 242:18
247:12 248:23	160:15 161:15	threat 54:22	83:4,5,10,11	242:22 266:5

270:12 transcripts 92:20 242:11 transfer 160:15 161:3 Transite 13:21 48:16 50:10 56:11 191:6,8 191:10 192:4 214:13 217:11 217:15 236:21 237:2,3,4,7,11 237:20 238:3 238:24 translate 234:11 transmission 56:4 transportation 1:6 5:5 58:15 traveling 168:12 treated 68:2 123:9 126:8,12 208:10 treatment 67:4,9 trial 44:16 50:5 137:6,9,9 259:4,15 triangle 218:10 219:10,11 trickles 12:5 tried 30:18 31:4 77:5 true 29:10 31:23 60:9 119:2 154:20 157:21 170:23 270:11 truth 5:20,20,20 38:21,21,22 53:13,13,14 71:15,16,16 102:8,8,9 151:23 173:11 173:13 183:21 183:21,22 try 31:9 50:18	89:12 143:17 159:22 196:9 226:17 242:2 267:16 trying 20:24 22:22 23:7,14 25:12 29:3,18 36:17 43:7 52:1 116:13 136:13 151:23 169:23 170:6 173:20 178:2 183:7 188:20 196:24 205:13 222:1 230:2 248:2 252:23 tube 103:19 Tuesday 195:7 266:1 turn 7:1 8:6 12:20 13:2 20:9 24:11 28:3,24 30:1 39:12 40:6,7 46:24 48:8 54:9 55:13 57:2,10 66:16 66:19 72:19 73:14 117:4 118:14 122:7 124:8,15 126:24 127:15 130:11 132:23 140:17,19,22 143:7 155:23 158:12 159:7 165:4,16 167:14,19 169:11 170:2,8 173:3 187:15 188:9 189:3 190:24 191:13 199:8 201:19 204:1 208:23 214:11 228:15	231:4 turned 179:6 244:9 turning 10:17 10:20 13:12 166:23 Twelve 101:7 twice 17:4 two 21:1 22:5 35:7 78:11 85:6 141:3 178:15 179:19 188:3 191:23 196:6 204:9,24 205:4 207:20 224:22 239:15 259:10 type 125:9 193:11 types 56:22 61:16 74:15 115:24 191:24 192:11 238:14 267:18 typo 20:21 21:4 239:19 240:2 U U 39:4 54:2 184:3 Uh-huh 149:10 UIC 60:10 ultimately 10:11 67:9 68:7 106:10,22 202:3 unable 92:23 uncalled 135:1 unclear 92:8 229:21 underlying 34:14 82:15,18 197:18 222:14 underneath 54:18	understand 18:13 21:1 22:22 23:7,15 25:12 30:14 36:20 37:19 44:9 55:9 117:10,17,19 118:1 120:2,22 137:9 148:20 162:8 169:24 232:10 267:9 understanding 14:20 15:6 40:21 49:12 50:8 55:5 89:24 102:21 107:3,14,17 109:12,13 120:12 121:1,8 121:9 122:22 123:2,16 124:3 126:8,11 129:14 132:16 157:2 167:5 175:21 186:22 213:13,16 222:17 227:14 228:24 267:7 understood 23:12 97:2 123:5 183:2 undertake 252:20 unfamiliar 66:5 unfortunately 263:5 unit 26:12 27:24 University 57:13 unknown 60:11 unsuitable 187:3 189:21 189:23 198:22 201:2,4 202:2 202:7 210:6,13 219:20,23	221:15 222:10 untimely 95:2 251:13,17 updated 255:3,4 255:7 use 9:21 36:16 74:17,20,23,24 75:2,11 97:18 98:17,21 107:22 118:19 123:23,24 127:21 128:18 131:5 138:7,8 147:1 149:13 150:24 151:19 155:16 164:6 195:21 197:1 209:1 212:14 214:13,15 239:11,17 243:6,7 244:12 248:2 uses 37:17 usually 182:18 utilities 27:21 40:9,11,16 utility 18:15,16 202:5 utilize 239:8 utilized 6:22,23 22:10,16 48:16 V V 6:2 vaccination 5:11 vacuum 36:24 vague 140:12 208:15 Vaguely 20:19 valid 240:14 valuable 214:16 variable 56:7 various 217:16 250:5 268:9 vary 59:8
---	--	--	---	--

<p>varying 58:22 verbally 107:6 258:2 version 125:8 130:14 192:21 235:19 255:3 versions 234:13 234:14 versus 5:4 37:10 vest 129:22 vested 130:8 131:1 view 205:1,6 viewing 13:20 views 205:1 violated 229:2 234:21 235:14 violation 224:2 229:22 violations 230:4 235:10 236:2 Visible 56:10 visual 56:2 187:24 188:15 voice 22:24 105:24 106:12 voices 103:4 volume 239:14 vs 1:5</p> <p style="text-align: center;">W</p> <p>wait 69:20,20,23 69:23 87:8 93:24 104:14 wall 14:2 56:12 wallboard 61:19 want 53:2 63:10 64:17 69:13 71:5 80:19 86:7,14 87:6,7 87:21 92:10 97:18 100:4,5 100:23 105:2 108:24 113:23 117:8 123:11</p>	<p>124:15 130:15 130:18 131:9 131:23 132:12 133:5 138:16 144:11 150:20 151:19 163:3 173:22 194:21 195:1 235:18 242:1 247:5 268:7 wanted 96:20 127:19,24 155:21 214:14 214:19 239:15 242:9 258:1 wanting 162:7 wants 245:13 warming 60:3 Warren 170:12 170:19 173:1 175:15 176:1 Washington 2:16 wasn't 63:11 66:14 70:9,12 94:21 133:9 144:19 145:8 150:4 181:24 230:12 239:14 241:22 247:1 waste 56:12 62:1 62:3,4,5,11 66:6,12,15 68:2,8,20 214:19 226:24 227:3 232:19 234:12 Wastes 228:13 wastewater 67:4 67:9 watching 138:17 water 59:8,9 246:21 Waukegan 40:4 41:19,22 42:6</p>	<p>42:9 55:1 65:4 80:5,9 141:12 141:22 142:9 147:6 148:7 154:2,8,11,17 154:23 157:6 157:14,16 Waukegan's 141:13 wave 59:24 waves 58:14,17 way 18:20 21:6 21:23 22:13 59:16 79:3 87:10 121:16 136:14 159:15 168:2 181:3,3 187:7 189:14 191:11 195:22 we'll 44:10 51:11 88:10,11 95:21 196:4 245:12 247:9 249:13 we're 17:21 19:2 28:1 34:20,24 42:21 76:6 77:14 85:24 86:9 87:14,20 87:20 88:2 90:8 91:5,24 98:24 117:9 118:2,3 130:1 134:7 135:12 136:5,10,12,13 137:18 139:2 143:19 144:10 146:3 150:10 151:22 161:23 163:1,5,22,24 164:1 182:22 190:5 193:20 233:19 243:5 259:14,21 260:12 265:6</p>	<p>265:22 267:15 we've 14:16 42:9 51:10 53:4 67:18 77:5 133:11 136:15 177:12,13 Weaver 3:3 website 35:23 Wednesday 266:1 week 195:7 224:21 266:1 weigh 248:11 253:23 weight 77:22 80:24 248:10 264:19 welcome 180:21 welfare 54:22 went 10:14 20:7 31:4 82:15 133:18 138:3 162:24 255:15 263:1 weren't 50:13 66:10 140:4 154:1 west 1:15 2:2,16 15:3 25:10,11 29:14 52:12 80:2 167:23 168:2 207:23 208:20 211:7 211:13 western 29:22 29:23 190:13 205:2 white 47:2,10 172:11,13 wide 211:24 213:6,11 215:23 widened 80:12 width 212:5 213:3 214:2</p>	<p>willing 36:9 winter 58:23,23 wish 242:6 245:1 257:5 wished 259:13 withdraw 92:1 174:22 247:7,9 248:17,21 249:14,20,22 250:7,23 withdrawn 247:12 248:24 249:16,24 251:12 262:7 withdrew 246:10 witness 5:23 6:3 10:5 20:14 33:11,14,18 38:24 39:5 44:6 49:19 52:23,24 53:16 54:3 64:21 70:20 71:3,23 72:3 73:1 76:7 76:16 77:9 79:15 85:13 86:20 96:15 102:10,13 106:13,17 108:22 110:20 114:6,14,21 115:5,12 116:6 120:15 131:15 135:3,21 136:21 137:2 137:15,23 139:12 147:18 150:1 151:20 157:12 158:4 166:16 169:21 171:18 180:8 183:24 184:4 186:19 193:16 193:19 196:20</p>
--	---	--	--	---

204:23 208:18 215:8 234:5,10 236:16 241:8 241:21 242:15 witness's 220:3 witnesses 77:8 word 32:14 181:1 words 30:20 166:5 work 12:10 28:11,15,18,20 28:22 40:15,17 40:23 41:3,13 41:15,23 42:3 42:6 50:14 73:23 120:23 158:19 177:6 186:23 198:10 198:12 209:5,7 209:11,20 213:15 218:14 252:21 267:13 worked 48:3 49:14 73:24 195:22 working 50:19 109:20 194:22 worried 162:2 wouldn't 46:10 57:17 58:9 110:11 115:23 150:20 155:19 187:2 214:13 wrap 237:15 wrapped 147:22 236:13 write 204:16 written 18:10 26:14,21 129:11,21 136:4,23,24 wrong 29:1 170:16 181:1 251:17 254:8	wrote 127:18 128:3,16 X X 4:1 6:5 16:2 39:9 50:1 54:7 61:1 65:1 70:6 72:5 82:1 102:15 108:7 113:14 115:9 184:6 Y Y 102:12 yards 67:6 219:23 220:14 220:17,18,21 221:1,5 yeah 14:15 24:1 24:24 45:1,4 49:6 69:1 86:10 94:24 98:12 101:24 104:16 105:5 113:19 146:10 148:22 156:5 163:22 164:1 178:18 179:2 181:23 194:18 195:14,16 225:23 226:4 230:17 263:19 264:16 year 7:18 28:15 years 32:23 73:24 74:1 98:5 100:24 109:21 yellow 118:7 172:13 Yep 48:5 yesterday 5:8,8 6:9 8:22 10:22 16:7,16 20:4,8 20:18 21:8,11	22:2,21 23:6 24:13 30:9 92:24 100:13 100:19 165:21 255:22 258:24 Z Zalewski 2:7 Zayez 3:6 zone 190:3 o 0.25 56:9 001446 47:22 001448 48:9 012082 199:9 012083 200:2 012084 197:4 0393 84:23 85:2 117:10,17,20 118:2,12,21 119:4,15,19,23 120:3,23 121:14 122:1,2 123:9,12,23 124:1,5 125:4 125:11 126:8 126:12 129:3 130:8 131:10 131:17,20 132:4,9,10,19 157:4,7,19 167:6 171:13 171:21 172:6 176:2,19 06A 216:11 1 1 66:18 74:5 111:14,15 177:7,20 192:16 196:17 197:2,16 227:4 247:3,18,23 1-A 84:11,16,18 85:1	1:00 138:23,24 1:08 139:9 10 8:14 211:15 211:18 213:7 10-21 232:24 233:2,6,9 234:21 10:00 53:3 10:45 86:1 100 1:15 2:2 166:15,17,20 101 4:13 101.626 179:8 101.626(a) 244:11 102 4:14 63:6 64:22 91:20 227:8 248:14 104(e) 30:4,10 30:15 31:11,17 108:18 109:3 109:10 110:4 110:14 111:12 181:2 247:17 105,000 52:15 107 4:14 91:20 248:14 108 4:15 91:20 93:21 94:1 248:15,21,23 109 91:21 93:21 94:1 248:15,21 248:23 11 216:10 11-500 2:3 11-by-17 196:23 11:15 114:13 11:40 145:15 112 4:15 113 4:16 114 4:16 115 4:17 118 220:23 12 40:3 80:3,14 170:9,10,14	261:1 120 47:1,6 50:22 51:12 89:7,9 89:18 91:21 249:1 123 91:21 94:6 249:3,6,9,16 12th 266:8,14 13 101:7 166:12 167:3,6,21 168:20 209:23 261:7 132 91:22 94:10 249:3,17 133 91:22,23 92:2 14 209:23 267:23 14-3 1:5 5:5 140 220:20 140-1 165:12 141 91:22 92:3 250:1 14th 259:7,16,19 260:7 262:4 15 4:4 22:11 80:3 117:4,6,7 118:9 209:23 15-1 117:13 150-acre 67:5 1517501 80:14 157222 80:11 16 4:5 80:15 184:11 190:6 216:12 16-17 190:7 16-18 212:14 160 47:1 161 2:9 92:3 94:13 250:3 162 92:3 94:17 179:18,18 250:11 163 92:4 94:17 179:18,18
---	--	--	--	--

250:11	227:24 228:7	170:19 244:17	168:16	52:6 55:1
164 14:8,11 16:9	1970 224:8	200 92:5 254:1	2288725 80:19	56:23 59:13,22
92:4 96:23	230:24 233:6	2000 31:17,18	23 5:8 100:11	60:1,16 61:20
191:14 192:16	234:2 246:17	31:19,23 32:23	2308 25:21 26:4	61:23 62:2,14
193:7 194:2	1970s 157:22	112:3,4,8	26:11	62:22 63:17
196:17,19,24	234:22	2006 35:11,18	234 17:9,12	66:20 67:6,18
197:14 250:14	1971 80:13,14	37:11	239 4:18	67:21,24 80:13
254:16 255:8	83:13 84:12	2007 106:6	23rd 44:17 66:4	102:23 103:2,8
255:13,15,16	85:2 118:17	2008 17:16 40:3	242:18 259:5	111:10,14,15
255:19,23	119:14 122:13	250:4	24 5:2	166:9 173:15
256:6,10,11,19	225:12	2010 49:1	241 4:19	175:3 184:19
1649408 80:15	1972 218:7,16	2012 247:3	24th 1:16 139:10	187:21,23
166 92:4 95:12	1973 227:21	2013 26:11 52:5	25 31:22 32:22	188:6 190:13
95:17,20	239:19	2015 170:13,19	90:22 100:11	190:14 200:2
250:17 251:2	1974 24:22	176:22	101:3,4,10	201:13 202:24
251:10,11	31:20 32:23	2016 1:16 5:3,8	171:5 211:6	203:19 204:17
167 92:5 96:3	80:15,17 83:13	127:5 170:15	212:6 244:18	204:24 205:14
251:13	84:12 85:3	171:5	260:16,21	205:24 208:1
16th 266:10	122:16	202 14:7,9,11	25th 44:17	208:11,21
17 17:13,18	1975 221:6	16:9 92:5	170:15 259:6	211:9 213:1,14
100:23 130:11	1976 245:5	96:18 97:3	26 90:22 211:6	214:12,14
138:6 161:11	1984 80:16,18	254:3,20,24	244:18	238:16 249:18
162:14 164:6	83:13 84:12	255:1,6,14,17	264 4:19,20	3:06 241:7
164:22 165:1	85:3 122:10,19	255:21 256:6	269 4:20	30 211:13
186:6 262:1,6	123:5,22 124:6	256:10,19	27 100:23	31 90:23 127:4
17-3 130:15	124:12 262:13	257:2	270 4:21,21	166:23 168:9
17D 161:7	1991 161:3	20th 172:24	28 117:5	215:17 244:18
18 17:19,21 80:6	1998 103:18	21 224:3 232:15	286 73:17,19,20	31-1 21:1
162:6 245:4	1999 247:18,23	232:24 233:2,4	96:10	31-2 21:2
250:4	1A 79:24	233:10 235:10	289 73:19	312 2:4,10,18
180 4:17	1A-3 165:18	235:15 236:2	29 90:22 176:22	32 20:10,12
1800 2:17	1S-2 206:6	21A 90:21 229:2	244:18	90:23 221:16
184 4:18		230:24 231:9	29,300 219:23	223:18 244:18
1895 80:7 95:7	2	231:21 232:1,3	2B 127:16 130:1	32-1 22:3
19 10:17 80:10	2 111:14,15	232:6 244:17	130:16	32-2 22:4,12
90:20 162:6	187:15 191:1	21A-23 208:24	2D 140:24	326 96:10
244:17	199:8,10,22	21A-72 201:19	2E 158:15,17	33 4:5 25:13
19-12 10:20	200:19 203:3	210:21,24		90:23 224:19
190 220:17	212:14 224:17	211:3 220:9,12	3	244:18
1915 80:10 95:8	2-025 1:14	21B 90:21	3 9:22 10:3,6,7,8	33C 134:19
1954 7:19,22 8:1	2-25 5:10	244:17	10:16 13:11	34 24:12 90:24
8:2	2:00 181:21	21D 231:11,14	15:13 19:10	244:18
1965 92:22	20 90:21 166:12	232:4	25:3 29:24	35 25:6 29:2
1966 165:6	167:3,7,21	21st 94:20	41:10,15 48:7	90:24 219:16
225:6 227:19	168:20 170:13	22 166:22	48:14,17 49:1	244:19

350 166:22	118:17 119:15	90:19 96:10	64:4 9:23 10:3,9	65 4:10 54:10
36 90:24 133:6	245:16	244:1,13	10:16 15:4,11	91:17 247:13
244:22,23	42 91:2 211:19	4I-286 75:22	19:10 29:24	65-1 54:16
245:8	213:8 245:16	4I-289 78:4,21	41:11,12,15	65-3 55:14 56:19
37 244:19 245:9	421 168:5	79:12	48:16,22 52:11	61:3,7
38 91:1 92:22	43 91:2 122:8	4L 72:20 73:2	52:13 55:1	66 80:5 91:17
93:2 245:10	245:16		56:23 59:13,22	225:2 247:13
250:21	43-9 122:14	5	60:1,16 61:20	67 46:5,19,21
39 4:6	4300 2:9	5 4:3,3 48:22	61:23 62:2,6	51:11 89:9
391,000 52:9	44 35:9,15 91:2	55:1,19 56:18	62:14,22 63:17	91:17 219:24
3G 132:23,24	211:19 245:16	78:22,23 189:4	67:18,21,23	223:21 247:13
143:7,10,13	44,000 219:22	5/2-1102 39:6	68:12 80:16	69 2:16 4:10
146:16 153:24	221:5	54:4 115:6	102:23 103:9	6S 188:18
264:2	448 221:1	50 4:7 91:3	111:10 184:19	
3G-3 146:17	45 80:3	168:16 245:17	190:13,14	7
3G-4 146:21	46 72:8,10 91:3	267:21	197:23,24	7 8:6,9 90:20
3G-6 133:7	245:17	51 31:22 32:23	198:2,3,7	189:16,17
	47 126:24 127:3	52 91:4 245:17	199:2 204:5	201:24 209:8
4	140:17,18	53 4:7 162:8	205:1,2,5	209:12,21
4 10:7,8 39:6	141:4 154:4	53B 91:4 245:17	207:23 208:10	210:6 219:21
40:8 48:22	158:12 262:19	53K 91:4	208:21 238:16	221:11,16
54:4 55:1,18	47-2 127:16	53L 91:5	6-25 187:16	228:12 244:17
56:18 115:6	141:3	53N 7:1 91:6	214:7	7.6 220:16
175:7 188:10	47-3 130:2	53P 91:6,8	6-26 187:22	70 4:11
189:7 249:18	140:22 158:14	54 4:8 8:20 9:11	214:8	71 4:11 11:13
4/5 56:6	49 4:6 39:12,16	91:11	6-27 188:10	72 4:12 40:14
4:30 181:22	39:20,24 43:12	54A 91:6 93:7	60 4:8 30:2	73 211:1
182:22	44:18 45:23	245:23 246:9	91:16 201:24	735 39:6 54:4
40 91:1 95:14,17	46:1 51:11	54E 91:12 93:7	246:22	115:6
159:7 165:4	89:7,9,14 91:3	54Q 91:12	602-5079 2:10	74 12:20 17:5
166:10 167:1	245:17	246:11	60601 2:3	91:17 247:13
169:15 170:2	49-2 40:8	54R 91:12	60601-3315 2:10	74-4 13:3,5
211:19 213:8,8	4A 90:19 92:18	54S 91:13	60602 2:17	74-8 13:13
245:16 251:1,4	242:10 243:23	54T 91:16 93:7	61 4:9 9:10,11	75 101:7 261:13
251:6,10	4B 90:19 92:18	246:19	611(c) 39:6 54:4	261:13,19
40-12 168:4	242:10 243:23	56 25:15 91:16	115:6	76 101:8 261:13
169:14	4C 17:11,13	117:5 246:22	61658 80:7	261:19
40-13 167:19	4D 101:3 257:9	57 91:16 246:22	617 237:8	78 91:18 93:17
168:14,20,24	257:16,20	58 91:16 246:22	62 34:10 35:3,4	247:15
40-14 168:24	258:7 260:12	585 203:11	91:16 246:22	7S 198:7,13
169:23	4H 173:3 263:9	59 91:16 246:22	63 91:16 246:22	199:18
40-2 165:14	263:24	5S 188:18	63-86 204:2,21	7th 266:12
40-3 165:16	4H-36 173:4	5th 266:6	64 4:9 91:16	
166:9	4I 73:8,10,15,17		93:13 246:24	8
41 91:1 118:15	73:19 85:1	6	247:12	8 8:6,7,9,10,11

8:11,13 17:16	211:12 212:4,5		
48:10,13 52:5	212:7 219:21		
80:17 90:20	220:22 221:11		
189:16,17	221:16		
191:17 211:5	9-31 5:9		
212:1,3 220:19	9-A 56:9		
226:24 244:17	9:00 1:16		
80 57:3,4 91:18	90 29:4 192:20		
248:13	192:23 193:12		
80-15 57:11 58:5	193:16 197:9,9		
800 40:14	197:14		
81 4:12 224:11	90-1 196:22		
224:14 225:8	197:1		
264:21 265:3,8	90-2 196:22		
81-1 226:18	90-3 196:22		
81-17 228:2	197:16		
81-18 228:2	92 28:24 29:5,11		
81-21 225:18	91:19 248:13		
227:2	93 91:19 248:13		
81-31 231:22	94 91:19 248:13		
81-33 225:9			
226:6 228:16			
228:17			
81-39 231:4			
81-44 228:18			
81-5 225:16			
226:23			
81-7 228:1,9			
814-3153 2:18			
814-8917 2:4			
82 4:13			
84 91:18 191:13			
191:21 197:14			
197:15 199:11			
199:16 203:2			
248:13			
85 124:8,9,11,16			
262:9,17			
892-0123 40:14			
8S 198:7,13			
199:18 206:6			
9			
9 189:16,17			
202:1,4 210:7			