

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
JOHNS MANVILLE, a Delaware)	
Corporation,)	
Complainant,)	PCB No. 14-3
)	
v.)	
)	
ILLINOIS DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Respondent.)	

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on October 28, 2021, I caused to be filed with the Clerk of the Pollution Control Board of the State of Illinois, Complainant Johns Manville's Reply Brief, a copy of which is attached hereto and herewith served upon you via e-mail.

JOHNS MANVILLE

By: /s/ Susan E. Brice

Dated: October 28, 2021

Susan E. Brice
Kristen L. Gale
NIJMAN FRANZETTI LLP
10 South LaSalle Street, Suite 3600
Chicago, IL 60603
(312) 493-0103
sb@nijmanfranzetti.com
kg@nijmanfranzetti.com

SERVICE LIST

Matthew D. Dougherty
Assistant Chief Counsel
Illinois Department of Transportation
Office of the Chief Counsel, Room 313
2300 South Dirksen Parkway
Springfield, IL 62764
E-mail: Matthew.Dougherty@illinois.gov

Ellen O'Laughlin
Office of Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
E-mail: Ellen.OLaughlin@ilag.gov

Chris Grant
Office of Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
E-mail: Chris.Grant@ilag.gov

Gabrielle Sigel
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654
E-mail: gsigel@jenner.com

Illinois Pollution Control Board
Brad Halloran, Hearing Officer
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601
E-mail: Brad.Halloran@illinois.gov

Illinois Pollution Control Board
Don Brown, Clerk of the Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601
E-mail: Don.Brown@illinois.gov

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a true copy of the foregoing Complainant Johns Manville's Reply Brief was filed on October 28, 2021 with the following:

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

and that true copies were emailed on October 28, 2021 to the parties listed on the foregoing Service List.

/s/ Susan E. Brice

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JOHNS MANVILLE, a Delaware corporation,)	
)	
Complainant,)	
v.)	PCB No. 14-3
)	(Citizen Suit)
ILLINOIS DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Respondent.)	

JOHN MANSVILLE REPLY BRIEF

INTRODUCTION

The Illinois Department of Transportation’s (“IDOT”) Response Brief on Damages (“IDOT Br.”) is perplexing. Most of the Brief is spent arguing that JM (not IDOT) is liable, an issue that not only contradicts the Board’s Dec. 15, 2016 Interim Order (“*Interim Order*”), but also contravenes the Board’s express holding that JM’s liability is irrelevant to this case since no claim was filed against JM. As previously ordered by the Board, the “*only one found to have violated the Act is IDOT*. The December 2016 order did not find that ‘JM, ComEd, or anyone else violated the Act. ... Furthermore, no complaint has even been brought before the Board alleging that anyone else violated the Act.’” *See* Board Order dated December 21, 2017, p. 4 (emphasis added). IDOT refuses to accept this ruling, making the legally astounding argument that “[t]he Board should see that the sole culpable party is JM” and should disregard JM’s “absurd arguments[] that IDOT is the only party found by the Board to have violated the Act.” *Id.* The Board cannot simply rewrite the pleadings to include a Counterclaim because IDOT failed to plead one or change its prior determinations based on those pleadings. The law of the case doctrine precludes such an outcome. The entirety of this proceeding is solely to determine what costs JM incurred because

of IDOT's improper acts. As such, the Board should disregard the entirety of IDOT's arguments that stray beyond this limited issue.¹

Despite IDOT's incessant efforts to re-litigate issues, IDOT hypocritically claims that JM "improper[ly]" attempts to re-argue liability and that "JM should not be allowed to again try again to convince the Board of the same arguments the Board has already rejected." IDOT Br., p. 19. But JM is not asking for a do-over on liability. JM is introducing new factual evidence regarding the location of the Waukegan Water Line and contamination within the south side of Site 6 not available at the first Hearing. This evidence is intended to inform the Board as to the cleanup work JM performed as a result of IDOT's violations and the costs associated with such work "attributable to IDOT." See Board Order dated December 21, 2017, p. 1, 3. Interestingly, IDOT does not balk at the new evidence regarding the Waukegan Water Line location, but does take issue with the extent of contamination on the south side of Site 6.

IDOT's legal arguments, including the defense of sovereign immunity, lack merit and/or are misapplied. Most importantly, IDOT's arguments about joint and several liability vs. proportionate share liability ring hollow. Consistent with the Board's ruling that proportionate share liability does not apply to this matter, IDOT should be ordered to pay JM all of its response costs, namely \$5,579,794. But if the Board finds that IDOT is not liable for all response costs under the law, in the alternative, IDOT should be ordered to pay JM \$3,274,917, which represents the amount of response costs "attributable to IDOT" based upon the proximate causation standard set forth in the default proportionate share liability rules and the Board Order in this case entered on December 15, 2016 ("*Interim Order.*") 415 ILCS 5/58.9(a)(1); 35 Ill. Admin. Code Section 741.135; JM Opening Brief ("JM Br."), p. 10.

¹ For example, IDOT argues that U.S. EPA failed to include IDOT as a party in its CERCLA action "after it had made information requests and evaluated whether IDOT had any role in contaminating the area." IDOT Br., p. 2. IDOT cites to nothing in the record to support this irrelevant point.

Unlike JM's expert, IDOT's expert, Mr. Gobelman, failed to follow this proximate causation standard. Oct. 26, 2020 Tr., pp. 216:2-8; 236:15-237:4; 240:3-19. Rather, he, who the Board overruled on multiple points by the Board in the *Interim Order* (Oct. 28, 2020 Tr., pp. 69:10-73:2,² adopts a myopic view of liability, trying to allocate costs based upon the areas directly beneath borings identified by the Board at the first Hearing and failing to comprehend what actually caused JM to incur costs in all of the remediation areas. Moreover, his Task Bucket Attributions are based upon a flawed Base Map and erroneous calculations. While these errors were pointed out and acknowledged by Mr. Gobelman in many instances on cross-examination, IDOT surprisingly sticks with Mr. Gobelman's inaccurate Task Bucket Attributions in its Brief as if the cross-examination of Mr. Gobelman and Rebuttal by Mr. Dorgan did not occur.

IDOT also makes the ridiculous claim that JM merely wants to "shift its corporate responsibility to IDOT and Illinois taxpayers pay for its pollution." IDOT Br., p. 2. IDOT seems to have forgotten that the purpose of the Act is that the "adverse effects upon the environment are fully considered and borne by those who cause them." 415 ILCS 4/2(b). No free passes are bestowed on the State. IDOT cannot act with impunity, cry foul on behalf of the taxpayer and then dodge liability – as the Board found in its *Interim Order*, IDOT must be held accountable for its violations of the Illinois Environmental Protection Act (the "Act").

And the only entity in this litigation found to have caused any contamination is IDOT itself. Indeed, the Board found that every Section 33 factor weighed against IDOT. IDOT must face reality, take responsibility, and stop hiding behind its legal fabrications and Mr. Gobelman's gross distortion of the facts and inaccurate Task Bucket Attributions.

² Attachment A is the Corrected Oct. 28, 2020 Transcript received on or about, March 8, 2021 from the hearing officer. It does not appear to be on the IPCB case activity for this matter (PCB 14-03). It is attached here for the Board's reference.

I. THE BOARD HAS JURISDICTION OVER THIS MATTER AND AUTHORITY TO GRANT THE REQUESTED RELIEF.

A. IDOT'S ARGUMENT IS BARRED BY THE LAW OF THE CASE DOCTRINE.

The law of the case doctrine “posits that when a court decides upon a rule of law, that decision should continue to govern the same issues in subsequent stages in the same case.” *Pepper v. United States*, 562 U.S. 476, 506 (2011). The Board has similarly stated that the law of the case doctrine provides that “a rule established as controlling in a particular case will continue to be the law of the case in the absence of error or a change of facts.” *Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron USA, Inc. and Texaco, Inc.*, PCB 09-66, 2011 Ill. ENV LEXIS 245, *76, (July 7, 2011). The doctrine applies to both issues of law and issues of fact and it “protects settled expectations of the parties, ensures uniformity of decisions, maintains consistency during the course of a single case, effectuates proper administration of justice, and brings litigation to an end.” *Bjork v. Draper*, 404 Ill. App. 3d 493, 501 (2d Dist. 2010).

1. THE BOARD HAS DECIDED IT HAS AUTHORITY TO ORDER COST RECOVERY.

Here, the Board has decided as a matter of law that it possesses the authority to grant the requested relief in this matter, not once, but multiple times. IDOT simply ignores these prior rulings. *See, e.g.*, Sept. 4, 2014, Order, p. 5 (Board holding that “Section 33 of the Act grants the Board the authority to issue and enter such final order, or make such final determination, as it shall deem appropriate under the circumstances. ... This includes, for example, the awarding of cleanup costs to private parties.”); May 19, 2016, Order, p. 2 (Board striking IDOT’s affirmative defense that the Board lacked “statutory authority” to order the relief requested); *Interim Order*, p. 21 (“In JM’s citizen suit, Section 33 of the Act dictates what type of relief the board has the authority to order. Section 33(a) requires the Board to issue orders it

deems appropriate. ... The Board continues to find it appropriate that a party recover the costs of cleanup as a result of another party's violations.”).

IDOT's contention that it “did not have the opportunity to plead and respond to demands for cost recovery” is utterly false. IDOT Br., p.18. As set forth above, IDOT responded to JM's cost recovery claims in its response to JM's Status Report, its Sur-Reply and at both hearings. *See* Response of Illinois Department of Transportation to Complainant's Status Report on Remediation of the Sites, dated December 12, 2016, pp. 2-3 (IDOT acknowledges “dollar figures cited in the entire ‘Status Report’ pleading are the previously available estimated total clean-up cost” and “preliminary expenses.”); IDOT's Motion to File Sur-Reply, December 8, 2016, pp. 10-11 (IDOT arguing that “JM's monetary claim for \$2,897,000 against IDOT is based under the Illinois Environmental Protection Act. Consequently, JM has asked the Board to fashion a remedy that would unequivocally violate Illinois law.”). In fact, at the initial hearing, JM sought “approximately 3.1 million” in past costs and IDOT was given the opportunity to rebut this testimony. May 23, 2016 Tr., p. 83:3-10.

2. BOARD HAS DECIDED SOVEREIGN IMMUNITY DOES NOT APPLY AND THAT THE BOARD HAS JURISDICTION.

The Board has also ruled on sovereign immunity. IDOT argued in response to JM's post-Hearing Status Report and its Post-Hearing Brief that this case belonged in the Court of Claims.

Illinois law states that the Illinois Court of Claims has exclusive jurisdiction over all “claims against [IDOT] founded upon any law of the State of Illinois or upon any regulation adopted thereunder by an executive or administrative officer or agency...” 705 ILCS 505/8. It is undisputed that JM's monetary claim for \$2,897,000 against IDOT is based under the Illinois Environmental Protection Act. Consequently, JM has asked the Board to fashion a remedy that would unequivocally violate Illinois law.

Response of IDOT to JM's Status Report on Remediation of the Sites, December 8, 2016, p. 3; IDOT Sur-Reply, December 8, 2016, pp. 10-11.

But in its *Interim Order*, the Board addressed IDOT's sovereign immunity/jurisdictional argument at length and agreed with JM once again. The Order held:

IDOT argues that, to the extent JM seeks monetary relief, only the Illinois Court of Claims can order it. IDOT Br. at 55, IDOT Sur-reply at 10-11. It is true that the Court of Claims holds exclusive jurisdiction over claims against the State founded upon State law. 705 ILCS 505/8(a) (2014). However, *Illinois courts have allowed actions against a State agency where Illinois statute specifically contemplates the State as a party. People v. Randolph*, 35 Ill. 2d 24, 31 (1966); *Martin v. Giordano*, 115 Ill. App. 3d 367, 369 (4th Dist. 1983). As noted above, Section 21(a) prohibits “persons” from open dumping, and the Act defines “persons” to include State agencies. 415 ILCS 5/3.315 (2014). The legislature’s consent to the State’s liability under the Act is therefore “clear and unequivocal.” *Martin*, 115 Ill. App. 3d at 369. *The Board is the proper forum to hear citizen suits alleging violations of the Act.* 415 ILCS 5/31(d) (2014) (“Any person may file with the Board a complaint ... against any person allegedly violating this Act”). This includes allegations against a State agency. *See Boyd Brothers*, PCB 94-311, slip op. at 6 (citizen complainant alleged state entity violated Act by allowing discharge of mine effluent). It follows then that the Board has authority to enforce the Act against a State agency and award relief allowed by the Act.

Interim Order, p. 17. Since the Board has already entertained and rejected these exact legal arguments, the law of the case doctrine prevents the issues of whether the Board has the authority to order cost recovery and whether it has jurisdiction over this matter against IDOT at this stage in the proceeding. *Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron USA, Inc. and Texaco, Inc.*, PCB 09-66, 2011 Ill. ENV LEXIS 245, *82 (July 7, 2011) (Board holding that the law of the case doctrine barred defendant’s argument that the Board lacked jurisdiction to hear the case).

Ironically, IDOT agrees with this premise. In its Brief, IDOT argued that JM is “improper[ly]” seeking to relitigate the Board’s findings. “If JM wanted the Board to reconsider its arguments, or to appeal the Board findings, it should have done so.” *Id.* But it is IDOT that should have filed a Motion to Reconsider – which it did not do.

IDOT’s argument directly attacks the Board’s rulings on the law. JM, by contrast, seeks to add and correct facts concerning the contamination on a portion of the south side of Site 6, which is an act permitted under the law of the case doctrine. *Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron USA, Inc. and Texaco, Inc.*, PCB 09-66, 2011 Ill. ENV LEXIS 245, *76 (July 7,

2011) (stating that error or change in facts are exception to the law of the case doctrine). Accordingly, IDOT should be barred from relitigating legal issues already decided.

B. PRIVATE COST RECOVERY ACTIONS ARE ALLOWABLE UNDER THE ACT.

Even if the Board's authority to order damages had not been decided in this case, *Interim Order* p., 17, it is worth reiterating that it is well settled that Section 31(d) allows for private cost recovery actions. *Grand Pier Center LLC, and American International Specialty Lines Insurance Co., As Subrogee of Grand Pier Center LLC, Complainants v. River East LLC, Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Ker*, PCB 05-157, 2005 Ill. ENV LEXIS 387, *11 (May 19, 2005) ("Since 1994, the Board has consistently held that pursuant to the broad language of Section 33 of the Act (415 ILCS 5/33 (2002), the Board has the authority to award cleanup costs to private parties for a violation of the Act."); *Midland Life Ins. Co. v. Regent Partners I Gen. P'ship*, 1996 U.S. Dist. LEXIS 15545 *16 (N.D. Ill. Oct. 17, 1996) ("Review of relevant case authority suggests that Midland may, in fact, bring a cost-recovery action under the IEPA."); *Krempel v. Martin Oil Marketing, Ltd.*, 1995 U.S. Dist. LEXIS 18236 *7 (N.D. Ill. Dec. 8, 1995) (allowing cost recovery action under the Act); *Herrin Security Bank v. Shell Oil Co*, PCB No. 94-178, 1994 Ill. ENV LEXIS 1063, *3-5 (September 1, 1994) (allowing cost recovery under the Act). IDOT identifies no authority to counter this watershed of case law and thus its claim that the Board lacks authority to grant the relief requested must, yet again, be disregarded.

C. SOVEREIGN IMMUNITY DOES NOT APPLY TO SECTION 31(d) CASES BROUGHT BEFORE THE BOARD.

1. THE BOARD IS NOT A COURT AND THUS NOT A SUBJECT TO SOVEREIGN IMMUNITY DEFENSES.

Even if IDOT could somehow relitigate jurisdiction, IDOT's arguments are wrong and IDOT cannot rely upon sovereign immunity as a defense. Article XIII, section 4 of the Illinois Constitution states, "[e]xcept as the General Assembly may provide by law, sovereign immunity in this State is abolished."

Ill. Const. 1970, art. XIII, § 4. The legislature, acting pursuant to this provision, later enacted the State Lawsuit Immunity Act providing that except under certain statutes, including the Court of Claims Act,³ “the State of Illinois shall not be made a defendant or party in *any court*.” 745 ILCS 5/1 (emphasis added); *Grey v. Hasbrouck*, 2015 IL App (1st) 130267, ¶ 11, 33 (holding that the doctrine of sovereign immunity mandates that the “State cannot be a defendant in an action brought directly in the *circuit court*, except where the State has expressly consented to be sued.”) (emphasis added). The instant case, however, does not make the State a “party in any court.” The Pollution Control Board is not a court, but an administrative tribunal. *North Shore Sanitary Dist. v. Pollution Control Bd.*, 2 Ill. App. 3d 797, 801-82 (Ill. App. 2d 1972).

Since federal courts have applied sovereign immunity to administrative agencies, IDOT argues Illinois should do the same. This argument lacks any support whatsoever. IDOT identifies no Illinois case supporting this position, but rather inexplicably cites to a case that holds the opposite. *See* IDOT Br. at n.3 citing to *Lynch v. IDOT*, 2012 IL App (4th) 111040, ¶ 27 (November 8, 2012) (holding that sovereign immunity does not apply to actions against the state before “administrative agencies” because they are “not courts”). Moreover, this matter involves sovereign immunity under the State Lawsuit Immunity Act, not the Eleventh Amendment to the U.S. Constitution. And these two laws are founded upon different principles and rationales. As IDOT points out in its Brief (p.10), the Eleventh Amendment stems from the Framers’ belief that “it [is] an impermissible affront to a State’s dignity to be required to answer the

³ The Court of Claims Act sets forth various claims that can be filed against the State in the Court of Claims, which would be barred by sovereign immunity if filed in civil court, including claims against the State sounding in tort or founded upon State law. The Board has held that “an action under the Act is not a “‘tort’ claim, but rather a new statutory action, which did not exist at common law.” *State of Illinois v. Boyd Brothers*, PCB 94-311, 1995 Ill. ENV LEXIS 173, *8 (February 16, 1995). The Board elaborated: “[t]he Pollution Control Board is the proper body to hear this matter, as the Environmental Protection Act plainly provides. Thus, neither the Immunity Act nor the Claims Act that place jurisdiction for tort actions against the State in the Court of Claims conflict with Section 31(d) of the Act.” *Id.*

complaints of private parties in federal courts.” No such federalism concern exists when a State subjects itself to suit in State court. IDOT’s argument simply makes no sense.

2. CLAIMS AGAINST THE STATE ARE ALLOWED WHEN THE LEGISLATURE HAS CONTEMPLATED THE STATE AS A PART IN A DESIGNATED FORUM.

Assuming for the sake of argument that the sovereign immunity defense could apply to a Board action, “Illinois courts have allowed actions against a State agency where an Illinois statute specifically contemplates the State as a party.” *Interim Order*, p., 17. In the words of IDOT, “the legislature-only ... can determine when and where claims against the state will be allowed.” IDOT Br., p. 6. Here, the Legislature has vested exclusive jurisdiction in the Board to hear and grant relief in Section 31(d) cases, including those involving the State. Section 31(d) provides that “[a]ny person may file with the Board a complaint . . . against any person allegedly violating this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order,” including state agencies. 415 ILCS 5/31(d); *Streit and Streit v. Oberweis Dairy, Inc., Fetzer and Ward*, PCB 95-122, 1995 Ill. ENV LEXIS 859, *14 (Sept. 7, 1995) (“The Agency may only be a named respondent [in a private citizen’s enforcement action] if the complainants are alleging that the Agency violated the Act.”)

The Board has repeatedly reviewed whether it can consider a private enforcement action brought against a state agency and concluded that it can. In *Boyd Brothers*, 1995 Ill. ENV LEXIS 173, *6, the Board noted that “early in its history, [the Board] examined the issue of whether a private enforcement action may be brought against a state agency” and “found that the Board, and not the Court of Claims, is the proper forum to hear citizen suits alleging violations of the Act.” *Id.*, citing *IEPA v. City of Champaign*, PCB 71-51C, *slip op.* * 2-416 (Sept. 16, 1971), *rev’d on other grounds*, 12 Ill.App.3d 720, (4th Dist. 1973). The Board then reaffirmed its early precedent, concluding “that sovereign immunity is not a bar when the legislature has provided a mechanism for the state to be made a party ... The plain and

unambiguous language of the Environmental Protection Act includes state agencies in the group of responsible parties that may be enforced against for violations of the Act before the Illinois Pollution Control Board.”⁴ *Id.* Since the statute unambiguously places exclusive jurisdiction for Section 31(d) cases with the Board, IDOT can be a defendant in this action.

3. SECTION 31(d) WAIVES SOVEREIGN IMMUNITY

If sovereign immunity were to apply to a Section 31(d) case before the Board, which it does not, the Illinois Legislature has consented for the State to be sued and for money damages to be assessed in a Section 31(d) action. “Although the State has immunity, the legislature may, by statute, consent to liability of the State. The State’s consent must be, however, ‘clear and unequivocal.’” *In re Walker*, 131 Ill. 2d 300, 303 (1989).

As pointed out by the Board in its *Interim Order*, “Section 21(a) prohibits ‘persons’ from open dumping, and the Act defines ‘persons’ to include State agencies;” therefore, the “legislature’s consent to the State’s liability under the Act” is ‘clear and unequivocal.’” *Interim Order*, p. 17. IDOT argues that *People ex rel. Madigan v. Excavating & Lowboy Services*, 388 Ill. App. 3d 554, 558 (1st Dist. 2009) “directly considered” this argument (which was already decided by the Board in its *Interim Order*) and concluded that the language under Section 45(d) of the Act was insufficient to waive sovereign immunity. But *Lowboy* has no application here. *Lowboy* involved an injunctive court action brought under Section 45(d) of the Act, not a citizen suit action for response costs based upon Section 31(d) of the Act.

⁴ IDOT recognizes the holding in the *Boyd Brothers* case as supporting JM’s argument, but erroneously claims that the case held that monetary reimbursement claims are to be brought before the Court of Claims. To the contrary, the *Boyd Brothers* court merely recognized that some courts found that “in the case of claims for monetary reimbursement, . . . the proper and exclusive jurisdiction is before the Court of Claims,” 1995 Ill. ENV LEXIS 173, *12, but then went on to point out this rule does not apply when, as here, “the legislature has provided a mechanism for the state to be made a party.” 1995 Ill. ENV LEXIS 173, *9. The court also found that the Act allowed it to assess a penalty against a state agency and that even if an action to enforce the judgment *might* need to be in the Court of Claims, “we do not believe such action would serve to divest the Board of jurisdiction to assess the penalty.”

The *Lowboy* court's decision was grounded, in part, on the fact that Section 45 of the Act did not conflict with the Immunity Act or Claims Act. 388 Ill. App. 3d at 562 (“Where there is an alleged conflict between statutes, we are bound by the oft-recited duty to interpret such statutes to avoid inconsistency, while still giving effect to both statutes, as long as our ‘interpretation is reasonably possible. . . . related statutes are to be considered *in pari materia* to the extent doing so is possible”). With this in mind, the *Lowboy* court held,

Significantly, we find there is nothing about the terms of the Environmental Act that would countermand the specific and unequivocal language of either the Immunity Act or the Claims Act. Although the Environmental Act uses the phrase “may sue” as to third parties, this is not the same as conferring jurisdiction *in any designated forum*. Nor does this language evince an intent on behalf of the legislature mandating the Environmental Act to contradict, override, or supercede any other statutes in this regard. . . . The Environmental Act, *inter alia*, provides for accountability through suits against its alleged violators. *However, it is conspicuously silent as to jurisdictional concerns as it does not designate the proper forum wherein claims are to be heard or redress sought.* The void in the terms of the Environmental Act is, however, adequately compensated by the established rules found in the Claims Act and the Immunity Act.

Id. at 563. While this shows that a conflict existed with Section 45(d) of the Act, no conflict exists between Section 31(d) and the Claims and Immunity Acts, as the Act designates the Board as the proper forum for hearing and determining Section 31(d) suits. Thus, this Section 31(d) case is distinguishable from *Lowboy*.

Moreover, IDOT's claim that the Act defines a “person” to include a “state agency” lacks the fortitude to waive jurisdiction conflicts with Illinois Supreme Court precedent. The Illinois Supreme Court held that in order to express a waiver of sovereign immunity, the statute must only expressly “refer to the State,” as opposed to something more generic, like “any governmental entity.” *In re Walker*, 131 Ill. 2d at 304. Here, the statute expressly refers to “state agencies” as entities that can be sued. That Section 31(d) itself uses the word “person” instead of “state agency” is of no moment. *In Grey*, 2015 IL App (1st) 130267, ¶ 20. In *Grey*, the statute at issue did not contain the words “state” in the operative provision. The court held that the statute must be read as a whole and that “[a]fter allowing the State to be sued under the

Civil Rights Act, the legislature, had it wished to exempt the State from the obligation of paying attorney fees and costs as provided therein, could have done so.” *Id.* Like in *Grey*, here, the Legislature did not. In fact, to the contrary, the Act demands compliance from the State — “[t]he State of Illinois and all its agencies, institutions, officers and subdivisions shall comply with all requirements, prohibitions, and other provisions of the Act and of regulations adopted thereunder.” *See* 415 ILCS 5/47(a); 415 ILCS 5/21(a), (d), (e).

IDOT argues that allowing the Board to enter an Order under Section 33 “is absurd” because JM might then have to file a “civil action” to enforce the Order and such subsequent action would be barred by sovereign immunity. IDOT Br., p.11. It is well established that “Section 33 of the Act grants the Board the authority to issue and enter such final order . . . This includes, for example, the awarding of cleanup costs to private parties.” *Interim Order*, pp. 20-21. Thus, Section 45(e) has no role here. But even if it did, JM could file an action “for injunctive or other relief” before the Court of Claims without running afoul of sovereign immunity issues. 415 ILCS 5/45; *Interim Order*, p. 17 (holding that, if required, JM could seek to enforce the judgment in the Court of Claims). In short, IDOT’s claim that JM cannot bring this citizen suit against a “state agency” before the Board falls flat.

II. IDOT IS LIABLE FOR ALL RESPONSE COSTS.

A. PROPORTIONATE SHARE LIABILITY DOES NOT APPLY IN THIS MATTER.

The Board ordered a hearing on the “share of JM’s costs attributable to IDOT,” not the *proportionate* share of JM’s costs attributable to IDOT. *Interim Order*, p. 22. This does not preclude the possibility that IDOT could be liable for the entire amount. After all, here, the Board already found that proportionate share liability does not apply due to Section 58.1(a)(2) exempting sites, such as this one, that are required to be remediated by “an order *issued by the United States Environmental Protection Agency*” from proportionate share liability. 415 ILCS 5/58.1(a)(2). Exh. 62; *Interim Order*, pp. 5, 22.

“The legislative debates on Title XVII certainly show that the General Assembly intended the various federal sites listed in Section 58.1(a)(2) to be excluded from the proportionate share scheme. For example, in response to a question about proportionate share liability, Representative Persico, . . . stated:

We exempt out of this particular Bill any federal or superfund site 89th Ill. Gen. Assem., House Proceedings, May 19, 1995, at 47.

Similarly, Senator Mahar, Chairman of the Senate Environmental Committee and the Senate sponsor of House Bill 544 stated:

[T]he legislation applies to all remedial activities, excluding specifically noted activities governed by federal law 89th Ill. Gen. Assem., Senate Proceedings, May 19, 1995, at 64.

Proportionate Share Liability: 35 Ill. Adm. Code 741, R97-16, 1998 Ill. ENV LEXIS 654, *13 (Dec. 17, 1998). Re-litigation of this issue is unnecessary and improper.

That being said, as a general matter, Section 58.1 of the Act does not preclude plaintiffs from being made whole from one defendant or eradicate joint and several liability from all cost recovery actions. Rather, it merely “limits available *remedies* after a violation has already been shown” in matters where it applies. *People of the State of Illinois, Complainant v. Magna Tax Service Co., Inc.*, Respondent, PCB 17-45, 2017 Ill. ENV LEXIS 193, *9, (Oct. 19, 2017) citing *Proportionate Share Liability: 35 Ill. Adm. Code 741*, 1998 Ill. ENV LEXIS 654, *4 (Dec. 17, 1998). Indeed, Illinois law still provides for joint and several liability for claims “involving environmental pollution.” 735 ILCS 5/2–1118. *Woods v. Cole*, 181 Ill. 2d 512, 516 (1998); see JM Br. at 5 (citing cases). Thus, IDOT cannot employ the proportionate share liability scheme as a shield in this case.

IDOT’s efforts to distinguish *State Oil Co. v. People*, are unavailing. 822 N.E.2d 876 (Ill. App. 2d Dist. 2004); IDOT Br., p. 15. As IDOT concedes, in *State Oil*, the Appellate Court found that the exclusionary provisions of Section 58.1(a), which include sites like this one, were unambiguous and upheld a finding of joint and several liability because the matter was exempt from the proportionate share

liability rules. *State Oil*, 822 N.E.2d at 880 (Ill. App. 2d Dist. 2004). It is unclear how this holding distinguishes *State Oil* from the present situation. To the contrary, it supports JM's argument that other forms of liability, such as total liability or joint and several or liability, can be employed when proportionate share liability does not apply.

B. IDOT CAN BE HELD LIABLE FOR ALL RESPONSE COSTS IN AN ENFORCEMENT ACTION.

JM filed a citizen suit stepping into the shoes of the Illinois Environmental Protection Agency to enforce the Act. Consequently, like in Section 22.2(f) of the Act or Section 107 of CERCLA, the responsible party can be liable for all response costs. 415 ILCS 5/22.2(f) (identifying certain persons as "liable for all costs of removal or remedial action incurred by the State of Illinois"); *U.S. v. Capital Tax Corp.*, 545 F.3d 525, 534 (7th Cir. 2008) ("Once a party is found to be liable under CERCLA, the party is jointly and severally liable for all of the EPA's response costs, 'regardless of that party's relative fault.'). As a matter of policy, it would make no sense to preclude a non-labile citizen from seeking to recover all response costs from a solely liable party. After all, the overarching purpose of the Act is to ensure that the "adverse effects upon the environment are fully considered and borne by those who cause them." 415 ILCS 5/2(b).

IDOT's claim that it cannot be liable for all the response costs suffers from a misunderstanding of the procedural posture of this case. IDOT claims that JM can neither impose joint and several liability between itself and IDOT nor impose such liability when only one defendant exists in a case. However, IDOT recognizes that "joint and several liability" is "[l]iability that may be apportioned either among two or more parties *or to only one* or of a select member of the group, at the adversary's discretion," citing *Black's Law Dictionary*. IDOT Br., p.12. But JM does not seek to make IDOT jointly liable with it; rather, it seeks to impose all liability on IDOT. While other parties could have been potentially responsible for the contamination in this case, IDOT did not seek to hold them liable. It chose to defend itself and not file

a counterclaim or third-party claim. Thus, while others theoretically could have contributed to the harm, IDOT cannot apportion the liability to anyone else. The Board has repeatedly held that IDOT's liability is the only liability at issue here. *See Board Order*, dated Dec. 21, 2017, p. 4 (Board held that JM's liability was irrelevant and never at issue since no claim had been filed against JM; the "only one found to have violated the Act is IDOT."). So, if proportionate share liability could possibly apply here, no other entity has been found liable in order for those rules to be useful to IDOT.

Finally, even if JM were seeking to allocate liability here proportionately, there is no authority for the concept that joint and several liability only applies to matters involving multiple defendants. Joint and several liability means that when more than one tortfeasor might have caused the plaintiff's injury, the plaintiff may sue *any one of them* and *that each defendant is potentially liable to the plaintiff for the full amount of damages*. Product Liability Litigation: Trial and Settlement, Practical Law Practice Note 8-522-5203 (emphasis added). *See Burlington N. & Santa Fe Ry. Co. v. United States*, 556 U.S. 599, 614 (2009) (noting that a CERCLA defendant can be held jointly and severally liable); *United States v. NCR Corp.*, 688 F.3d 833, 838 (7th Cir. 2012) (holding *one* defendant jointly and severally liable under CERCLA). Even proportionate share liability can apply to one defendant. Under the Illinois rules, the Board can apply proportionate share liability to enforcement actions "in which the State or a private party files a complaint with the Board that seeks to require *another person* to perform, or seeks to recover the costs of, a response." *Proportionate Share Liability: 35 Ill. Adm. Code 74*, 1998 Ill. ENV LEXIS 654, *6 (Dec. 17, 1998) (emphasis added). Thus, contrary to IDOT's assertions, the Board can order it to pay JM all the response costs incurred, which were \$5,579,794. Exh. 204-13.

IDOT conveniently disregards the fact that all Section 33 factors were found to weigh against it and ignores all of JM's cases that stand for the proposition that, in such situations, "Board precedent requires that the requested relief be granted." JM Br., p. 8 (citing to *McCarrell v. Air Distrib. Assoc., Inc.*,

PCB 98-55, 2003 Ill. ENV LEXIS at 130 *11-14 (Mar. 6, 2003); *People v. J&F Hauling*, PCB 02-21, 2003 Ill. ENV LEXIS at 56 *12-13 (Feb. 6, 2003); and *Theodore Kosloff Trust v. A&B Wireform Corp.*, PCB No. 06-163, 2006 Ill. ENV LEXIS 552 at *3 (Oct. 5, 2006). That IDOT does not even try to address these cases, but rather dodges them underscores the fragility of IDOT's arguments. The Board should grant JM's request that IDOT be ordered to pay \$5,579,794.

III. ALTERNATIVELY, IDOT IS LIABLE FOR COSTS IT CAUSED JM TO INCUR TO CONDUCT THE CORRECTIVE ACTIONS.

In the alternative, JM asks the Board to award it \$3,274,917 in response costs, which amount to the costs its expert, Mr. Dorgan, determined were incurred "as a result of [IDOT]'s violations." Exhs. 204-36; 203-21; Oct. 26, 2020 Tr., p. 240:3-19; *see also* Board Order dated December 21, 2017, p. 2 (explaining that the *Interim Order* found it "appropriate that a party recover the cost of performing cleanup as a result of another party's violations").

IDOT responds with a myriad of illogical arguments. First, it makes the strange assertion that JM cannot recover contribution from IDOT under Section 31(d) because CERCLA's statute of limitations barred JM from bringing a Section 113 contribution claim under CERCLA. IDOT Br., pp. 13-14. JM is not seeking contribution, but even if it were, what JM could or could not do under CERCLA is irrelevant to this case brought under Section 31(d) of the Act.⁵ Thus, IDOT's unsupported argument that JM's failure to bring a CERCLA claim, when it could, somehow mandates dismissal of this case is legally wrong and grossly misguided.

Next, IDOT argues that JM caused all of the contamination and thus IDOT cannot be liable. The Board should not even entertain such a frivolous argument, which is untimely, not at issue and contrary to the Board's rulings. The record contains no evidence concerning who brought the solid Transite pipes

⁵ The Board has previously found that JM's claims is not barred by the applicable state law statute of limitations. *Interim Order*, pp. 15-17.

to the Site, but the record is replete with evidence that IDOT crushed, buried, and used the ACM as fill during its Amstutz freeway construction project. *Interim Order, e.g.*, p.22. (Board finding that IDOT caused and allowed open dumping of ACM waste). Even Mr. Gobelman said he did not believe the Board considered the source of the asbestos. Oct. 29, 2020 Tr., p. 70:20-22 (Q. Did the Board consider the source of this asbestos-containing material? A. I don't believe they did.”). Moreover, whether JM brought the ACM to the Sites is immaterial. IDOT’s liability hinges on the fact it, among other things, openly dumped and buried the ACM. Finally, whether contamination exists at Sites 4/5 and 2 (issues not addressed with evidence at Hearing, but IDOT harps on in its Brief) similarly is irrelevant.

IDOT’s argument underscores that it misapprehends the law of causation. The proportionate share liability rule, housed in Section 58.9(a)(1) of the Act and typically applicable to cost recovery cases, provides that cost recovery is available for costs “proximately caused” by the respondent. 415 ILCS 5/58.9(a)(1); 35 Ill. Admin. Code Section 741.135 (in determining the appropriate share, the Board looks to “the degree to which the performance or costs of a response *result from a person’s proximate causation of or contribution to the release* or substantial threat of a release”); *see Proportionate Share Liability*;, 1998 Ill. ENV LEXIS 61 at *13 (December 3, 1998). (“To establish a respondent’s proportionate share, the complainant must prove that the respondent proximately caused or contributed to a release. The complainant must also provide evidence of the degree to which the response was the result of the respondent’s proximate causation of or contribution to a release of a regulated substance or pesticide.”).

Here, JM was required to remove buried ACM. The only entity found to have buried ACM is IDOT. But even if JM brought the solid Transite pipes to the Site, it did not proximately cause the injury and cause the need for cleanup costs. IDOT’s crushing and burial of said pipes was an intervening cause under Illinois law, cutting off any conceivable JM liability. *See, e.g., Shicheng Guo v. Kamal*, 2020 IL App (1st) 190090, ¶ 23 (“Proximate cause is that cause which produces an injury through a natural and continuous

sequence of events unbroken by any effective intervening cause” and if the conduct at issue “does nothing more than furnish a condition which made the injury possible and that condition causes an injury by the subsequent independent act of a third party, the creation of that condition is not the proximate cause of the injury. The subsequent independent act becomes the effective intervening cause which breaks the causal connection, and itself becomes the proximate cause.”) (citations omitted). At a minimum, IDOT should pay JM the \$600,050 Mr. Gobelman admits they owe. Exh. 207-2. But, as set forth below, Mr. Gobelman’s calculation are built on a house of cards that collapses under his erroneous methodology and improper implementation of said methodology. If the Board employs the Proportionate Share Liability Rules here, it should adopt Mr. Dorgan’s Attribution of \$3,274,917.

A. MR. DORGAN’S TESTIMONY IS RELEVANT AND PERSUASIVE WHEREAS MR. GOBELMAN’S SHOULD BE EXCLUDED AS IRRELEVANT AND INACCURATE.

IDOT faults JM for presenting the “overall cleanup costs for all of Sites 3 and 6, but not the portions where the Board found IDOT responsible for ACM waste present in soil.” IDOT Br., p. 19. JM and IDOT agreed on the overall cleanup costs and both parties fashioned arguments concerning the “areas where the Board found IDOT responsible for waste” and “the share of JM’s costs attributable to IDOT.” *Id.* That JM and IDOT employed different methodologies to answer these questions does not contravene the *Interim Order*. It is up to the Board to determine whether JM’s methodology and evidence established that it is more likely than not that IDOT caused the damages in question. Here, it is unquestionable that the evidence presented by JM and its expert was clear and convincing. IDOT’s expert, however, offered irrelevant, inaccurate, and inconsistent testimony, which should be excluded as inadmissible or given little weight by the Board.

1. MR. DORGAN EMPLOYED A PROXIMATE CAUSATION STANDARD; MR. GOBELMAN DID NOT.

It is axiomatic that “[t]o be admissible, expert testimony must first be relevant.” *Modelski v. Navistar Int’l Transp. Corp.*, 302 Ill. App. 3d 879, 886 (1st Dist. 1999); Ill. R. Evid. 401. Here, only Mr. Dorgan’s testimony is relevant. For JM’s alternative argument, Mr. Dorgan followed the law of proximate causation – what costs were caused by IDOT’s violations of the Act. Oct. 26, 2020 Tr., pp. 216:2-8; 236:15- 237:4; 240:3-19. He viewed each boring in the context of the entire Site and the work required to be done by JM, explaining that a boring does not show the entire picture or “extent of contamination in that area;” it is just a proxy for what actually lies underneath the ground. *Id.*, pp. 221:15-222:20. On cross examination, Mr. Gobelman did not dispute this or dispute that he failed to consider the extent of contamination connected to the borings for which IDOT was found liable. Oct. 28, 2020 Tr., p. 130:5-130:18 (Q. 207-18. So, B350 is located on Site 3, correct? That was an area that the Board pointed out that IDOT was liable for? A. Yes. Q. Okay. But in your opinion, in reaching your attribution, you didn't consider how much asbestos was below B350, did you? A. No Q. Okay. And on Site 6, just take 4S, you didn't take into account the amount of ATM's [sic] ... [that was] connected to it, did you? A. I didn't take into account what they discovered analytically, no. Each boring is representative of a larger area, not just the specific location where the sample was pulled.”).

Moreover, as part of this causation methodology, Mr. Dorgan employed U.S. EPA’s rules for determining the extent of contamination articulated in various U.S. EPA documents specific to this cleanup. *See, e.g.*, Exh 120-3. These include that each boring represents a 50- by-50 foot grid of contamination and that contamination is assumed to extend to the next cleanest boring (“Next Cleanest Boring Rule.”) Exhs. 120-3; 206-9; Oct. 29, 2020 Tr., pp. 106:21-107:8.

Mr. Dorgan also took into account the U.S. EPA’s dictate that there must be clean corridors for all utilities (“Clean Corridor Rule”). Oct. 26, 2020 Tr., pp. 230:10-19; 232:10-20; 233:23-234:12. Mr.

Dorgan, at times, utilized the concept of “what was driving the remedy” in his proximate causation analysis. Oct. 29, 2020 Tr., p. 136:2-7. Contrary to IDOT’s assertion, Mr. Dorgan’s opinions are not based on the presence of visual ACM, which was overwhelmingly found in the IDOT Areas of Liability. Rather, in Exhibit 202, he pointed out that the predominant amount of ACM discovered, which was more than a couple of “individual asbestos fibers,” was located in the IDOT Area of Liability. Oct. 27, 2020 Tr., pp. 77:3-78:14. In other words, Exhibit 202 is just icing on the cake, underscoring that the majority of ACM pieces found were clearly buried by IDOT. But Mr. Dorgan’s actual attribution opinions do not look only at borings with visual ACM; rather, he considers all borings where ACM was found, whether involving a couple of fibers or a hunk of ACM material, and then discerns which costs were caused by the borings where IDOT was found liable.

Mr. Gobelman’s methodology, by contrast, did not follow the proximate causation standard set forth in the proportionate share liability law and regulations and was untethered to the requirements for remediation set forth by the U.S. EPA; therefore, it is irrelevant and should not be considered. On cross examination, Mr. Gobelman admitted that his opinions failed to consider causation. Oct. 28, 2020 Tr., p. 88:12-18 (emphasis added) (“Q. *And your opinion doesn't consider causation, does it?* A. *No.* Q. *And it doesn't consider what would actually be describing USEPA’s choice of remedy, does it?* A. *No.*”). “The opinion of an expert is of value only when it is based upon and in harmony with facts which are capable of verification by the court, *and where a factual basis is lacking, the opinion is entitled to little weight.*” *St. Paul Fire & Marine Insurance Co. v. Michelin Tire Corp.*, 12 Ill. App. 3d 165, 179 (1st Dist.1973) (emphasis added). Mr. Gobelman’s testimony at Hearing and a review of his opinions demonstrate that his opinions lack harmony with the verified facts and are entitled to little weight. For example, unlike Mr. Dorgan, in addition to not considering causation, he also neglected to account for the U.S. EPA’s requirements for determining the extent of contamination. *Id.*; Oct. 26, 2020 Tr., pp. 216:2-8; 236:15-

237:4; 240: 3-19. Rather, he treated each boring as if the contamination below it was the two inches in diameter of the boring, not the 50-by-50-foot grid required by the U.S. EPA. Exh. 206-9 (“Mr. Gobelman fails to consider that a soil boring, typically not more than 2 inches in diameter, is intended to be representative of a larger area. Test pits are similarly intended to be representative of a larger area. The record reflects that USEPA considered every soil boring/test pit to represent a 50-by-50-foot grid of contamination that needed to be remediated.”); Oct. 28, 2020 Tr., p. 87:16-20 (Q: “You seem to limit your IDOT areas of liability areas immediately surrounding soil borings specifically identified by the bores as being attributed to IDOT; is that right? A. Yes.”); Oct. 29, 2020 Tr., p. 93:7-22.

While he acknowledged the Next Cleanest Boring Rule (Oct. 28, 2020 Tr., pp. 45:2-13; 128:8-10; Exh. 120-3 (U.S. EPA explaining Next Cleanest Boring Rule), he applied it inconsistently. Oct. 28, 2020 Tr., pp. 45:22-46:4, 128:8-10 (Gobelman applying the Next Cleanest Boring Rule); *Id.*, p. 128:11 (Gobelman not using Next Cleanest Boring Rule). Oct. 29, 2020 Tr., pp. 19:8-24:1 (discussion of the Next Cleanest Boring Rule); *Id.*, p.124: 7-14 (Gobelman applying the Next Cleanest Boring Rule for Site 3); *Id.* p.131:12-14 (Gobelman not applying the Next Cleanest Boring Rule). Similarly, he disregarded U.S. EPA’s demand that all the utilities at issue be placed within clean corridors, with one exception, an instance in which relying upon this Clean Corridor Rule helped his client’s case by decreasing its attribution. *Compare* Oct. 26, 2020 Tr., pp. 230:10-19; 232:10-20; 233:23-234:12 (Dorgan explaining Clean Corridor Rule) *with* Oct. 28, 2020 Tr., p. 141:5-16 (Gobelman admitting he did not apply Clean Corridor Rule); *Id.*, pp. 162:20-164:5 (Gobelman partially using Clean Corridor Rule when it helped lower the IDOT attribution).

2. ONLY MR. DORGAN’S BASE MAP POSSESSED ADEQUATE FOUNDATION.

“For expert testimony to be admissible, an adequate foundation must be laid establishing that the information that the expert bases the opinion upon is reliable.” *Taylor v. Cnty. of Cook*, 2011 IL App (1st)

093085, ¶ 32; *Kruzek v. Estate of Kruzek*, 2012 IL App (1st) 121239-U, ¶ 31 (limiting testimony based on lack of reliable foundation); ILL. R. EVID. 703. It is the burden of the proponent of expert testimony to lay this foundation. *People v. Safford*, 392 Ill. App. 3d 212, 221 (1st Dist. 2009) (trial court erred when it allowed proposed expert examiner to testify to conclusions without providing evidentiary foundation for his opinion).

IDOT does not attack Mr Dorgan's Base Map for lack of foundation. IDOT's best arguments appear to be that the Base Map is "jumbled" and to condemn Mr. Dorgan for allegedly not explaining how he put it together in his initial report, which somehow disadvantaged IDOT. To the contrary, his Base Map states at the bottom: "Site Layout supplied by AECOM." Exh. 204-6.⁶ Further, Mr. Dorgan explained at length during his deposition and at the Hearing how he created the Base Map. Oct. 26, 2020 Tr., pp. 222:21-225:18. Remarkably, IDOT also argues that JM is somehow just attempting to vilify Mr. Gobelman and that, without any citation to the record, Mr. Dorgan did nothing to verify his Base Map. To the contrary, Ms. Dunton, who assisted Mr. Dorgan, testified about how she verified the accuracy of the Base Map. Oct. 27, 2020 Tr., pp. 146:11-151:18-19, as did Mr. Dorgan. Oct. 26 Tr., p. 226:6-18. That Mr. Gobelman's map is wrong is a fact - not a personal attack. Further, Dr. Ebihara and Ms. Dunton explained in detail how the AutoCad map, which served as the basis for Mr. Dorgan's work, was based upon actual geo-located coordinates and thus could not possibly be inaccurate. Oct. 27, 2020 Tr., pp. 149:16-150:9. In fact, Ms. Dunton testified that the following features were geographically misplaced on Mr. Gobelman's Base Map: Waukegan Water Line, northern site boundary, Northeast Excavation, boring

⁶ While not at issue here, IDOT also argues that JM failed to produce its AutoCad material in a timely manner. This is false, as paper copies of the AutoCAD drawings were presented in an initial production and the electronic files were produced upon request. IDOT did not produce any electronic drawings to JM either until requested. IDOT filed a Motion to Compel, but that was later withdrawn. Oct. 28, 2020 Tr., pp. 92:18-93:4. ("Q. Okay. So, you had this auto cad document in your possession, prior to writing your first report, Exhibit 205; is that right? A. I did not have the auto cad document in my possession when I wrote the first report. Q. You had that document -- A. I had a pdf of the document in the report. Q. Right. But you knew that that was an autocad generated document, because it said it was it an EWG file, correct? A. Yes.").

locations on Site 3, boring locations on Site 6 and the North Shore Gas Line. Exhs. 208-9; 208-11; Oct. 27, 2020 Tr., pp. 151:2-153:22.

As explained at Hearing, the AECOM maps were drawn in a computer software called “AutoCAD” used for engineer design work, under Dr. Ebihara’s direction. Oct. 26, 2020 Tr., pp. 36:12-14; 39:2-11; 223:2-11. Data, including the state plane coordinates of the Site boundaries, features, and sampling locations, are input into software that geo-locates these site boundaries, features and sample locations on a “Base Map.” *Id.*, pp. 36:8-14, 37:2-11. The state plane coordinates come from land survey information and use a “field global positioning system unit that is very precise.” *Id.*, p. 39:19-24. Dr. Ebihara testified that it is a standard engineering practice to input the state plane coordinates into AutoCAD to prepare maps. *Id.*, p. 40:1-6. In this case, AECOM used the “base map” to develop all of the engineering plans and site figures for the work conducted at both Sites 3 and 6. *Id.*, p. 41:14-19. Those same plans and figures, which were submitted to U.S.EPA for review and approval, were provided to Mr. Dorgan for his report. *Id.*, pp. 41:9-42:1; Oct. 28, 2020 Tr., pp. 96:23-97:2.

Because Mr. Dorgan’s maps are based upon the exact same geolocated information and data as the AECOM maps approved by U.S. EPA, there is little doubt that they reliably show the features and ACM locations at both Sites 3 and 6, a point IDOT does not dispute in its Brief other than to say Mr. Gobelman’s map is correct, which is obviously false based upon the hours of cross-examination discussed below, which revealed his inaccuracies. Oct. 26, 2020 Tr., p. 141:1-13.

Mr. Gobelman’s drawings, however, were not based upon the same information or data as AECOM’s maps that were approved by U.S.EPA. Instead, Mr. Gobelman created his drawings using PDFs, and “figuring out a way to spatially lock it into the site somehow.” Oct. 27, 2020 Tr. p., 207:11-14. Creating a base map off PDFs is not a generally accepted methodology when more reliable information is available. Oct. 28, 2020 Tr. pp., 114:19-115:18 (Gobelman admitting GPS is more reliable than his method

for locating borings). Mr. Gobelman compounded this problem by mixing information from multiple reports and hand scaling boring locations and key features off of inconsistent maps. Exh. 208-4, 5, 6; Oct. 27, 2020 Tr., pp. 189:24-190:3; Oct. 28, 2020 Tr., pp. 110:19-112:20. He even hand scaled in boring locations from a *draft* 1999 map, ELM 15, which clearly does not match with AECOM's boring locations contained in their reports and approved by U.S. EPA. IDOT Br., p. 31 ("Soil sampling locations were placed in the base map using the ELM report that provided the sampling for Site 3, the ELM Figure 15. Exh. 57-536."). According to Ms. Dunton, JM's AutoCad expert, she would never use ELM 15 (Exh. 205-45) to plot soil borings because it is unreliable. Oct. 27, 2020 Tr., pp. 155:8-156:1. She elaborated that ELM 15 lacks reliability because: (1) it is not a final document; (2) the scale is incorrect due to copying and scanning of the PDF; and (3) it lacks points of reference. *Id.*, pp. 155:22-157:16.

Mr. Gobelman also hand scaled in Site borders and utility and other feature using maps he concedes are inconsistent with one another.⁷ Oct. 28., 2020 Tr., p. 109:17-20. Most perplexingly, he chose not to use the AECOM Final Removal Action Work Plan, which included excavation coordinates (i.e. longitudes and latitudes) to identify the Site 6 construction work, which would have revealed his inaccuracies. Oct. 29, 2020 Tr., pp. 6:16-8:7. These resulting inaccuracies are shown on Exhs. 208-9 and 11. It is elementary that if the sources used to build a map are inconsistent, then the resulting map will be incorrect.

Another major problem with Mr. Gobelman's Base Map is that when he tried to correct his flawed first Base Map upon hearing JM's concerns, he only changed the location of the right of way line and the information tied to the northern boundary of Site 3. Oct. 28, 2020 Tr., p. 107:5-22. This warped his Base Map in that he did not move all the features together. Exh. 208-9; Oct. 29, 2020 Tr., pp. 100:5-103:14. In an effort to downplay his shoddy work, Mr. Gobelman testified that the features and boundaries in his

⁷ The scanned PDF documents that Mr. Gobelman used were the legal description to plot parcel 0393, IDOT's as-builts to plot the stationing, the ELM-15 to plot the Site 3 borings, AECOM map 66-99 to plot the Site 6 borings and the northeast excavation, Mr. Dorgan's figure 1 to plot the AT&T line, and the AECOM final site survey to plot the North Shore gas line, the Waukegan water line and the Nicor waterline. Oct. 28, 2020 Tr., pp. 108:8-109:17.

maps were not exact locations but were approximations. Oct. 28, 2020 Tr., p. 142:7-9 (“They are not exact locations, they are approximations, correct? A. Sure.”). When the Board’s decisions are based upon the location of certain borings, those locations should be accurate or else the opinions based on those locations are worthless. Mr. Gobelman admits as much. Oct. 28, 2020 Tr., p. 95:18-22 (“Q. So, it follows, then, does it now, if your base map and figures are inaccurate, then calculations you made, based been inaccuracies, are also inaccurate; isn't that the case? A. It would be different, yes.”)

While IDOT attempts to brush off these inaccuracies as “virtually meaningless” and “negligible to [his] calculations,” nothing could be further from the truth. As set forth in JM’s Brief, these distinctions render Mr. Gobelman’s calculations are wrong and he provides no alternative calculations that take his mistakes into account. *See* JM Br., p.11 n. 6. Thus, the Board has no alternative evidence to consider other than Mr. Dorgan’s reliable opinion.

3. MR. GOBELMAN MISAPPLIED THE DATA RENDERING HIS OPINIONS WORTHLESS.

“Where an expert’s opinion is based upon improper elements, his testimony is incompetent and may be excluded or stricken upon a proper motion.” *City of Chi. Dep’t of Transp. v. Bouy*, 69 Ill. App. 3d 29, 38 (4th Dist. 1979) (upholding exclusion of expert testimony that was based upon “an improper application of the income method of appraisal”); *People v. McKown*, 236 Ill. 2d 278, 310-11 (Ill. 2010) (finding reversible error when the person performing the test upon which the scientific testimony was based “failed to perform the test in compliance with” the applicable standards and thus the testimony lacked a “proper foundation”).

Stated differently, expert opinions lack foundation when the expert makes obvious mistakes in applying a methodology or in reaching an opinion. *People v. Thill*, 297 Ill. App. 3d 7, 13 (2d Dist. 1998) (“Given these serious flaws in the basis for [the expert]’s opinion, we find that the trial court erred in failing to strike [the expert]’s opinion.”). Here, Mr. Gobelman used the wrong metrics. For example, Mr.

Gobelman assumed that the work on the AT&T lines and the filling and capping work extended the entire lengths of both the north and south side of Site 6, from 1N to 58N and from 1S to 60S, which totaled 5,470 feet. Oct. 28, 2020 Tr., pp. 157:12-158:9; Exh. 213-38. However, this assumption was wrong. As for the AT&T lines, Dr. Ebihara testified that the AT&T line work only occurred on the north side of Greenwood Ave from 01N through 27N and on the south side of Greenwood Ave from 03S to 38S. Exh. 67-542, Oct. 26, 2020 Tr., pp. 62:14-16, 63:18-64:10. Similarly, Mr. Peterson testified that the filling and capping work along Site 6 did not cover 5,470 feet. Oct. 26, 2020 Tr., p. 158:17-22. Rather, relying upon the AECOM Final Report, he testified that filling and capping ceased on both the north and south side of Greenwood at sample location 55S where no asbestos was identified, which means it did not cover the entire length and was not 5,470 feet. Oct. 26, 2020 Tr., pp. 159:3-160:17; Exh. 213-38. Accordingly, his comparisons were wrong. Mr. Gobelman even agreed that if these assumptions were wrong, then his allocations for the AT&T lines, filling and capping and a number of other Task Buckets would be wrong because his denominator for calculating IDOT's allocation "would be [a] different distance and the percentage [of allocation] would go up accordingly." *E.g.*, Oct. 28, 2020 Tr., p. 159:15-24.⁸

Mr. Gobelman's mistakes created a cascading effect as all of his Attributions are tied together in one way or another. pp. 138:5-139:19 (Dorgan explaining how many of Mr. Gobelman's Task Buckets Attributions are "connected" and opining that "if there is a difference in any one of the individual construction element attributions, it will end up being reflected as a change in all of the general site attributions that were made."). As explained at the Hearing, for example, if his construction Task Bucket attributions are wrong, other attributions are wrong, in particular those relating to Oversight and Support Services costs. Exh. 245; Oct. 29, 2020 Tr., p. 39:7-9. Thus, Mr. Gobelman's opinions should be disregarded. *See also* JM's Motion to Exclude Base Maps and Related Figures and Testimony at Hearing.

⁸ These assumptions are not the only mistakes. Exhs. 206-4, 5, 9-13; 208-4-6.

As described below, Mr Gobelman's opinions and calculations have so many errors that they should be accorded no weight. The Board should agree with Mr. Dorgan and order IDOT to pay JM either all the response costs or, in the alternative, \$3,274,917 in response costs.

IV. IDOT IS RESPONSIBLE FOR CONTAMINATION EAST OF 4S.

IDOT claims that JM is crafting new theories at the second hearing to expand IDOT's liability. To the contrary, with respect to the south side of Greenwood, at most, JM presents new facts that were unavailable at the first Hearing and points out that the Board had initially overlooked or misunderstood certain evidentiary factual material, namely Exhibits 21A-26 and 21A-23 that, "when viewed together" paint an accurate and consistent picture of what transpired. While IDOT protests that JM should not be allowed to make these arguments, which are allowed under the law of the case doctrine (*see Supra* Section I(A)), IDOT makes no compelling factual arguments to defeat these claims.

These new facts include photographs and testimony from Mr. Peterson, who witnessed and photographed the excavation from 1S-8S. Oct. 26, 2020 Tr., pp. 130:7-132:6; *id.*, pp. 171:22-172:19; *id.*, p. 188:3-15. Mr. Peterson walked through each photo, identified the sample locations in each photo, and how each photo related to one another. *Id.*, pp. 174-182. He described the asbestos found during the remedial excavation, which occurred *after* the initial hearing, that was approximately "three to five feet below grade in the bank of the excavation." Oct. 26, 2020 Tr., pp. 175:2-7, 176:8, 180:9-10; Exh. 214-14, 15, 17, 18, 19. Mr. Peterson lined up each photo from west to east (in the order of Exh. 214-14, 19, 15, 17, 18), and stated that the photos showed "a consistent [seam] of industrial debris, including asbestos-containing material present underneath the southern --- the bank next to Greenwood Avenue approximately three to five feet below grade. That's what it shows." Oct. 26, 2020 Tr., p. 180:6-10. The materials were very similar throughout, which looked "like it's constructed at the same elevation. So from my perspective, it looks like it was something that was completed at approximately the same time."

Id., p. 180:13-18. He also explained that it would have been nearly impossible not to place all of the ACM comprising this seam contemporaneously “because you would have to plan to excavate to a certain depth to lay down the same or similar material,” and if it were done at different times, the debris and layering “would be discontinuous.” *Id.*, pp. 180:11-181:8. Mr. Dorgan reviewed the same photos and came to the same conclusion. Exhs. 204-16, 17; Exh. 204-17; Exh. 202. He determined that there was a “consistent seam of the same type of ACM materials (Transite, sludge, and roofing paper) along this entire transect of 1S-8S from the ground surface to a depth of approximately 3 to 5 feet below ground surface.” Exh. 204-16, 17; Exh. 204-17; Exh. 202; Oct. 26, 2020 Tr., pp. 242:12-243:5; Oct. 27, 2020 Tr., pp. 41:2-42:8 (explaining that materials identified in Exhibit 202 were the same identified by Mr. Peterson). IDOT provides no rebuttal to Mr. Peterson’s or Mr. Dorgan’s testimony.

Mr. Dorgan explained how these new facts were buttressed by the geotechnical “As Built” drawings and information concerning the depths of the ACM.⁹ In particular, IDOT’s As-Built construction drawings during the Amstutz project show that black cindery fill and peat existed in the soil beneath where 5S-8S are located, which was deemed unsuitable material and slated to be removed and filled. Oct. 26, 2020 Tr., pp. 251:20-245:4. But during remediation, Mr. Peterson neither found black cindery fill and peat nor clean fill; he found a consistent seam of asbestos. Exhs. 204-41; 21-A-26; Oct. 26, 2020 Tr., p. 253:4-15. Mr. Dorgan *marked this zone of unsuitable material* that was to be removed and filled by IDOT on Exhibit 204-41A at Hearing. *See* Exh. 204-41A; 21A-26A; Oct. 26, 2020 Tr., pp. 253:16-255:4; Oct. 29, 2020 Tr., p. 115:13-116:9. Not surprisingly, the ACM found in 5S to 8S was located entirely within this unsuitable zone of material. Oct. 26, 2020 Tr., p. 253:4-15; Exh. 204-17, n.

⁹ While the parties went back and forth on whether As Built Plans, such as 21A-26 and 21A-23, showed what was actually built, Mr. Gobelman eventually conceded that any changes from the original plans would have been shown on the As Built and no changes were noted on either 21A-26 or 21A-23. Oct. 29, 2020 Tr., pp. 75:19-76:2.

14. Based upon this evidence, Mr. Dorgan testified that that the ACM beneath 4S was connected to the ACM from 5S-8S. IDOT offers up no technical counter to these arguments.

Rather, IDOT argues that the work along Greenwood only extended to Station 7 or 7+60. But this is not what the Board said. The Board conceded that the work along Greenwood when it intersected with Detour Road A extended east of “Station 7” (which was Station 14 to 15 on 21A-23), yet the Board considered only Exhibit 21A-23 when determining the excavation and filling in this area. But to understand the full picture, one must consider two maps, 21A-26 and 21A-23. Exhibit 21A-26 governs excavation of unsuitable material at 5S-8S and Exhibit 21A-23 covered the filling needed to raise the road at 5S-8S. Exhs. 21-A-23; 21-A-26. This is because, as Mr. Gobelman explained, IDOT engaged in two construction projects happening at the same time in 1970. Oct. 29, 2020 Tr., p. 73:1-15 (Q: So you had two construction projects going on; is that right? . . . Q. Okay. But they both were happening right around the same time, correct? They were both discussed in the same as-built plans, correct? A. They were both in the plans that the contractor bid on, yes.”). Exhibit 21A-26 showed *excavations down to approximately 584* and Exhibit 21A-23 shows filling at these same locations up to 590. Exhs. 21A-26, 21A-23; Exh. 204-41. Not surprisingly, the ACM was all found between 584 and 590. Exh. 204-17 n.14 (Test Pit 5S contained ACM between 585.75 and 588.75 (see actual elevation numbers along top of Exhibit 84), Test Pit 6S contained ACM between 585.63 and 588.63, Test Pit 7S contained ACM between 584.94 and 587.94, and Test Pit 8 contained ACM between 587.60 to 588.60.) As described in JM’s Brief and above, the failure to take into account liability from 4S-8S impacted many of Mr. Gobelman’s allocations, rendering them inaccurate. JM Br. at p., 17.

Obviously, IDOT is wrong that the evidence of contamination presented in the second round of Hearings is the same as the evidence of contamination in the first round. Mr. Peterson offered new facts regarding the contamination based on remedial work done after the first Hearing and Mr. Dorgan presented

new demonstratives in his Exhibits 204, 206, 208 and 21A-26A, 204-41A. Thus, it is ludicrous for IDOT to claim that there is “nothing new.” Simply put, IDOT buried ACM from 1S-8S and IDOT offers no reliable or persuasive evidence to counter this conclusion.

Perhaps more importantly, though, Mr. Dorgan explained that under the causation test, his opinion that IDOT was responsible for 5S-8S would *not change* if the Board limited the IDOT Area of Liability to 1S-4S because of the Clean Corridor Rule. U.S. EPA required clean corridors for the NSG line from 1S-8S and IDOT caused the contamination, in the very least, from 1S-4S. *See, e.g.*, Oct. 27, 2020 Tr., pp. 78:15-79:24. He elaborated, the Enforcement Action Memorandum set forth the Clean Corridor Rule, which required a clean corridor for the Northshore Gas line *notwithstanding whether ACM was found directly above 5S-8S*. Exh. 204-24, n. 18; Exh. 65-16; Oct. 27, 2020 Tr., pp. 78:15-79:24. Stated differently, the fact that ACM was found at 4S required all the work on the south side of Site 6.

V. IDOT IS RESPONSIBLE FOR CLEANUP COSTS ON 0393.

IDOT’s claim that its responsibility for the ACM in Parcel 0393 is *de minimis* is flawed and illogical. The Board clearly held that IDOT was responsible for Parcel 0393 because its interest in the parcel “gave and continues to give it control over open dumping on that property.” *Interim Order*, p. 12. IDOT’s attempt to deflect its liability by repeating its failed argument that others own this area should be rejected. It is undisputed that IDOT has held an easement over Parcel 0393 since 1970. *See, Interim Order*, p. 12. And, as the Board found, IDOT controlled Parcel 0393, in particular when the open dumping occurred. IDOT cannot avoid liability for Parcel 0393. This case is about them and nobody else. *See JM’s Br.*, pp. 12-13.

VI. IDOT’S RESPONSIBILITY UNDER THE TASK BUCKETS

IDOT does not dispute Mr. Dorgan’s attribution methodology using “task buckets.” In fact, Mr. Gobelman stated that he “thought it was an appropriate way of adding up the cost associated with the

complexity of both sites.” Oct. 27, 2020 Tr., p. 212:12-16. Rather, the key difference in the Task Bucket Attributions assigned by Mr. Dorgan and Mr. Gobelman are due to Mr. Dorgan’s use of the proximate causation methodology required by law and the differences between the two Base Maps. Indeed, as noted above, Mr. Gobelman agrees that he did not consider causation and that if his base map and figures are inaccurate, then his calculations would be wrong. Oct. 28, 2020 Tr., p. 95:7-11. In fact, Mr. Gobelman’s efforts to fix the problems with his initial map (Exh-205) led to a substantial increase in his opinion of IDOT’s attribution, highlighting how a change in his Base Map dramatically impacted his Task Bucket Attributions. Oct. 28, 2020 Tr., p. 104:10-15. This is largely because most of his Attributions are based upon measurements he made from his Base Map.

A. WAUKEGAN WATER LINE AND RAMP WORK.

The Board held that IDOT was responsible for Parcel 0393 because, among other reasons, it allowed open dumping in the area by having control over the parcel at the time of disposal and afterwards. *See Supra V.* Because IDOT is responsible for Parcel 0393, it follows that it is also responsible for the Waukegan Water Line, which was ultimately found to fall entirely within Parcel 0393. Exh. 208-9.

When the Board made its decision in 2016, everyone’s understanding of the location of the Waukegan water line was incorrect. Mr. Peterson (the engineer who oversaw the work at the JM Sites) testified that when work began at Site 3, the records showed that the waterline was located further south. Oct. 26, 2020 Tr., pp. 130:11-17, 164:4-24. However, in June 2016 (coincidentally, when the first hearing was wrapping up), the City of Waukegan field inspectors located the waterline at its correct location, further north and within Parcel 0393. Oct. 26, 2020 Tr., p. 165:4-21. While agreeing that the Waukegan Water line was mislocated at the first Hearing, Mr. Gobelman still put it in the wrong place on his Base Map. Exh. 208-4, 5; Exh. 207-15; Oct. 28, 2020 Tr., pp. 109:9-20. While IDOT seems to concede this, IDOT claims Mr. Gobelman’s mistake is irrelevant because the Board did not identify

the Waterline as an area where IDOT was liable. To the contrary, since the Board found IDOT liable for all of Parcel 0393, it follows that work done to remove asbestos within Parcel 0393 is IDOT's responsibility. Even Mr. Gobelman agreed that if the Board held that "IDOT was liable for all of 0393, then . . . IDOT would be liable for the cost associated with the waterline as it relates to Site 3." Oct. 28, 2020 Tr., pp. 149:24-150:3.

IDOT completely ignores the costs associated with the ramp work and the fact Mr. Gobelman fundamentally misunderstood where it was located. In fact, in his Report and at Hearing, he claims the ramp was a formation on the west side of 0393. Exh. 205-28; Oct. 29, 2020 Tr., pp. 30:11-31:3. To the contrary, the ramp was part of the embankment and the work involved samples taken by AECOM after the first Hearing within 0393 that showed ACM. Oct. 26, 2020 Tr., pp. 83:14-87:3; Exh. 213-1837. Thus, this work should be attributed to IDOT.

The Board should find IDOT liable for all costs involving the Waukegan Water Line and Ramp. Mr. Gobelman's failure to include these costs in his attributions not only impacted his Waukegan Water Line/Ramp attribution, but also his attributions for Dewatering and the related Oversight and Support Services work, including Site 3 Prep, Site 3 Oversight and Legal. Exh. 245; JM Br., p. 28; Oct. 29, 2020 Tr., p. 32:5-24.

B. AT&T LINES

As Mr. Dorgan opined, IDOT is responsible for two of the three AT&T lines in Site 3 because the two AT&T lines run entirely through Parcel 0393 (Site 3). Oct. 26, 2020 Tr., p. 273:5-7. Mr. Gobelman agreed that if the Board found that IDOT was responsible for all of Parcel 0393, he would have to include the two AT&T lines that run through it. Oct. 27, 2020 Tr., pp. 152:21-153:1. IDOT is also responsible for one of the three AT&T lines in Site 6 (33% of the liability) because it ran IDOT's Area of Liability. Exh. 204-19, 20; Oct. 26, 2020 Tr., p. 275:16-22.

In addition to including only a portion of these lines in his attribution calculation, Mr. Gobelman's methodology and calculations were admittedly flawed. Assuming it were reasonable to compare the length of the work performed on the AT&T lines to the length of that work that fell within an IDOT Area of Liability (here, according to Mr. Gobelman, the portions that fell within 0393), Mr. Gobelman incorrectly assumed that AT&T work was conducted along the entire north and south side of Site 6, or across 5,470 feet. Oct. 28, 2020 Tr., pp. 157:12-158:9; Oct. 29, 2020 Tr., p. 137:3-11. By contrast, the work was done in a much smaller area, rendering his attribution inaccurate.

Dr. Ebihara testified that the AT&T work was limited to the buried AT&T lines. Oct. 26, 2020 Tr., p. 61:10-17. These lines did not run underground the entire length of the Site 6. Exh. 67-542; Oct. 26, 2020 Tr., p. 62:7-16. Rather, the underground AT&T line on the north side of Greenwood on Site 6 ran from 01N through 27N, and on the south side of Greenwood Ave from 03S to 38S. Exh. 67-542; Oct. 26, 2020 Tr., pp. 62:14-16, 63:18-64:10. Mr. Gobelman agreed that if the AT&T lines were shorter than he estimated, then his denominator for calculating IDOT's allocation "would be [a] different distance and the percentage would go up accordingly." Oct. 28, 2020 Tr., p. 159:15-24. In other words, by incorrectly increasing the area/length of the work done on the length of the AT&T lines (the denominator), Mr. Gobelman significantly reduced the percentage of IDOT's allocated costs. Mr. Gobelman's attributions relating to the AT&T lines should be rejected.

Consequently, the Board should accept Mr. Dorgan's AT&T Task Bucket attributions and reject Mr. Gobelman's Site 3 and Site 6 Task Bucket Attributions as well as those Task Buckets that use those attribution numbers, which include Combined Site 3&6 AT&T Task Bucket and the related Oversight and Support Services Task Buckets, which with respect to the AT&T lines, include all seven of said Task Buckets. *See* Exh. 245; Oct. 29, 2020 Tr., pp. 33:1-34:15.

C. NORTSHORE GAS

Similarly, the Board should also follow Mr. Dorgan's calculations for the Northshore Gas Line on Sites 3 and 6 and dismiss Mr. Gobelman's attributions. The Northshore Gas Line cuts through Parcel 0393 as well as two soil boring locations the Board found IDOT liable – B3-15 and B3-50. Exh. 204-14, 204-38. In fact, the Northshore Gas Line work on Site 3 only remediated soil borings where IDOT was found liable. Exh. 204-38. Mr. Gobelman attempts to minimize IDOT's responsibility for the ACM along the Northshore Gas Line on Site 3 by comparing the overall square footage of the Northshore Gas Line to the area he believed fell into the IDOT Area of Liability, namely Parcel 0393. Exh. 207-17. This comparison lacks foundation and credibility. Despite acknowledging the Clean Corridor Rule, *Supra*, III(A)(1), Mr. Gobelman discards it in making this attribution, failing to account for the portion of the line that does not fall within Parcel 0393. Oct. 29, 2020 Tr., p. 8-8-12.

Mr. Gobelman's calculations for the Northshore Gas Line on Site 6 take a wild turn. Unlike his other calculations, Mr. Gobelman used linear footage based upon his Base Map instead of square footage. IDOT Br., p. 35.; Oct. 29, 2020 Tr., p. 11:2-10. Mr. Gobelman agreed that his estimated distances, based upon his Map, would have to be accurate in order for his attributed percentage and costs to be accurate. Oct. 29, 2020 Tr., p. 13:14-17.

But his distances were inaccurate. For his numerator, he only attributed 72 feet to IDOT, which was the area around 4S. Oct 29, 2020 Tr., p. 13:2-13. He did not include 4S-8S, which would have been appropriate to include for the reasons explained earlier. *Supra*, III(A)(1). Moreover, Mr. Gobelman, relying upon Mr. Dorgan, calculated the denominator as 2,005 linear feet, which he claimed Mr. Dorgan said was "the length along the south side of Site 6." Exh. 207-5. But this is neither what Mr. Dorgan said nor accurate. Dorgan said the amount of line removed from *both the north and south sides* was 2,005 linear feet. Exh. 204-24. Thus, Mr. Gobelman's methodology of comparing his 72 linear feet to what he

believed to be the length of the Northshore gas line along the South Side of Greenwood was wrong and based upon a faulty premise. Exh. 204-24, Oct. 29, 2020 Tr., p. 12:1-15.

Because Mr. Gobelman's calculations for the Northshore Gas Line on Sites 3 and 6 are incorrect, his other calculations that rely on these numbers are similarly incorrect, which include Dewatering, the Site 3 & 6 Northshore Gas Line Task Bucket and all of the Oversight and Support Services Task Buckets. Exh. 245; Oct. 29, 2020 Tr., p. 8:8-13:23.

D. UTILITY ACM SOILS EXCAVATION

In addition to the work related to the Northshore Gas Line and the AT&T lines, JM also conducted soil excavations and filling on the north and south side of Site 6 around the utilities. Exh. 204-22; Oct. 26, 2020 Tr., pp. 282:16-284:14. To determine the IDOT attribution, like he did with the AT&T lines, Mr. Dorgan looked at how many lines JM was required to address that fell within the IDOT Site 6 Area of Liability. Exh. 204-22. He determined this to be eight utility lines, with four of them located on the north side of Site 6 and four of them located on the south side of Site 6, with all on the south side running through an IDOT Area of Liability. Exh. 204-22; Oct. 26, 2020 Tr., pp. 284:23-285:16). IDOT takes issue with this approach, but offers no explanation why it lacks a reasonable rationale. IDOT Br., p. 36.

For this Task Bucket, Mr. Gobelman decided to use linear feet. IDOT Br., p. 36 ("Mr. Gobelman determined the total length of Site 6, approximately 5,470 linear feet, and then calculated IDOT's portion, the length from the western edge of Site 6, to halfway between 4S and 5S, which is 197 linear feet. IDOT's portion of Site 6 is 3.6 percent, and costs are \$5,591. Exh. 205-11.") But like in other situations, he miscalculated. His numerator of 197 feet is based off of hand scaling performed on of a paper PDF, when much more reliable sources were available. Oct. 29, 2020 Tr., p. 8:1-7. Furthermore, he measured the distance of Site 6 halfway between 4S and 5S, which violates the Next Clean Boring Rule. *Id.*, p. 36. The distance, even under his standard, should at least go to 5S. And for his denominator, like he did with the

AT&T lines, Mr. Gobelman used the same incorrect assumption that work was done along the entire 5,470 feet of Site 6. Oct. 28, 2020 Tr., pp. 164:20-165:1. As explained by Mr. Peterson and Mr. Dorgan, this excavation and filling soils work only extended to grid 55, not all the way on either side; thus, the work did not involve 5,470 feet. Oct. 26, 2020 Tr., pp. 158:17-22, 159:3-160:17; Exh. 213-38; Oct. 29, 2020 Tr., pp. 162:20-164:5. Moreover, since IDOT's attributions for Site 6 Utility/Soils are in error, its attributions for Site 6 Prep, Site 6 Oversight and Legal are also wrong. Exh. 245; 206-15.

In short, Mr. Dorgan's opinion should be adopted as it is reasonable and accurate, unlike Mr. Gobelman's Utility ACM Soils Task Bucket Attribution, which is unquestionably erroneous.

E. NORTHEAST EXCAVATION

IDOT is clearly liable for 100% of the ACM in the Northeast Excavation because each grid required excavation. IDOT's claim that the Next Cleanest Boring Rule does not apply here because there was contamination everywhere, does not make any sense. Additionally, the driving force of the removal action was the presence of asbestos material throughout the area. Oct. 26, 2020 Tr., p. 81:7-13. Indeed, the westernmost grid, where B3-50 (an IDOT Areas of Liability) was located, contained the deepest section of ACM. Oct. 26, 2020 Tr., p. 166:18-3. Because USEPA required excavation to the Next Cleanest Boring and because the driving force for the excavation was the ACM in the soil, IDOT is responsible for the entirety of the Northeast Excavation.

Mr. Gobelman, by contrast, attempted to calculate the square footage of the portion of the Northeast Excavation "incorporated within Parcel 0393" (Exh. 207-6), despite the fact he previously denied that IDOT has any liability for 0393. Exh. 205-15; Oct. 28, 2020 Tr., p. 69:14-20. His method has numerous problems. First, it is based off a faulty Base Map that calculated the Northeast Excavation to be 150 feet by 50 feet or 7,500 square feet and too far east, both of which are wrong. Exh. 207-9; 208-11 (showing accurate size and location of the Northeast Excavation); IDOT Brief, p.23; Oct. 29, 2020 Tr.,

p. 18:4-15 (Gobelman admitting that his Northeast excavation calculations are based off his Base Map and Exh. 207-18). If he mis-plotted the Northeast Excavation or made it too big, Mr. Gobelman concedes it would lead to an error in his attribution. Oct. 29, 2020 Tr., pp. 24:23-25:14.

Second and third, as shown in Exh. 207-18, Mr. Gobelman only counted portions of certain grids in the IDOT Area of Liability and did not follow the Next Cleanest Boring Rule, as each boring, including the boring on the east side of the excavation (B3-46), was not clean. Exhs. 207-18; 204-39; 120-3 (Next Cleanest Boring Rule established by U.S. EPA); Oct. 26, 2020 Tr., p. 289:18-2, Oct. 29., 2020 Tr., p. 19:1-24:3 (admitting he did not apply Next Cleanest Boring Rule to the Northeast Excavation).

Again, the Board should follow Mr. Dorgan's reasoned approach instead of Mr. Gobelman's flawed one, which not only affects his attributions for the Northeast Excavation, but also Dewatering Task Bucket and the Oversight and Support Services Task Buckets that rely on this attribution, namely Site 3 Prep. and Site 3 Oversight Task Buckets. Exh. 245.

F. DEWATERING

The parties agree that four of the task buckets – the Nicor Gas Line, the Northshore Gas Line, the Waukegan Waterline, and the Northeast Excavation – drove the costs related to dewatering Site 3. Exh. 204-26; Oct. 26, 2020 Tr., pp. 303:16-304:8, Oct. 29, 2020 Tr., p. 25:19-24. As demonstrated above, because IDOT is responsible for 100% of the work related to Northshore Gas Line, the Waukegan Waterline, and the Northeast Excavation, IDOT is responsible for three-fourths of the dewatering costs.

Mr. Gobelman, however, disagrees. He attributes 21.7% instead of 100% for Site 3 to IDOT. Exh. 207-38. For Site 3, Mr. Gobelman used the same approach as Mr. Dorgan, looking to which Task Buckets drove the need for Dewatering on Site 3 and adding them up. Oct. 29, 2020 Tr., p. 26:1-14. But because Mr. Gobelman's underlying construction Task Bucket for Northshore Gas, the Waukegan Water Line and Northeast Excavation attributions are wrong, the Site 3 Dewatering Attribution is wrong.

Site 3 Dewatering contained a number of categories. Exh. 204-25-27. Unlike Mr. Dorgan, Mr. Gobelman treated the categories all the same. As pointed out at Hearing, Mr. Gobelman failed to recognize that all Site 3 DMP Dewatering Construction Management Services solely related to the Northshore Gas Line on Site 3 and any attribution should have been based on his Northshore Gas line attribution, leading to further inaccuracy. Oct. 29, 2020 Tr., pp. 27:6-28:2. Because Mr. Gobelman's Site 3 Dewatering Task Bucket is wrong it must be rejected along with the Site 3&6 Dewatering Task Bucket and all related Oversight and Support Services Task Buckets, which include Site 3 Prep, Site 3/6 Prep, Site 3 Oversight and Health and Safety. Exh. 245.

The parties agree that Dewatering was done from 1S-9S on Site 6 and that the amount of work was equal on both sides. Exh. 204-27; Exh. 207-7. Mr. Dorgan concluded that the south side was an IDOT Area of Liability. To reach his opinion, he subtracted out the north side of Site 6, finding that IDOT was responsible for 50% of the costs. Mr. Gobleman used a different approach, measuring off of his flawed Base Map. He calculated 1S-9S to be 419 feet (his denominator) and 1S-4.5S (his numerator and just half of the grid) to be 197 feet and admitted that these calculations needed to be correct in order for his attribution to be right. Oct. 29, 2020 Tr., pp. 28:15-29:22. Both measurements are wrong. *See* Exh. 207-7; 208-11 (showing distances between 1S-7S differ between Mr. Gobelman and AECOM); *Supra* VI. (D). (explaining how 197 feet measurement is off). Because of this, Mr. Gobelman's Site 6 Dewatering Attribution, Site 3&6 Dewatering Attribution, and the related Oversight and Support Services Task Bucket Attributions are wrong as well. Exh. 245.

G. FILLING AND CAPPING

IDOT oddly did not address the capping and filling costs for Sites 3 and 6 in their post-hearing brief. But in his Report, Mr. Gobelman explained that he took the entire area of Site 3 (3.1 acres) and divided it by what he believed to be the IDOT Area of Liability, which "includes the area associated

with soil sampling locations B3-25, B3-16, B3-15, and B3-50. This area extends to the west within Parcel 0393 to between B3-26 (first clean soil sampling location west of B325). As stated above, the eastern extent extends to the eastern boundary of Parcel 0393. This area equates to 0.2 acres or 6.5 percent of Site 3, as shown on Gobelman: Figure 8. Therefore, JM's costs for dewatering activities on Site 3 that are attributable to IDOT's responsibility as defined by IPCB total \$27,707." Exhs. 205-16; 205-29.

As pointed out by Mr. Dorgan, "Mr. Gobelman's filling and capping calculations are inaccurate because they are predicated upon incorrect attributions of IDOT's liability based upon narrowly defined boring locations, a flawed Base Map/Figure 1, a misunderstanding of the work done on Site 6 and an improper methodology that ignores what was driving the filling and capping work." Exh. 206-15; Oct. 29, 2929 Tr., p. 136:2-24 (Dorgan disagreeing with methodology and placement of borings on Base Map). More specifically, because his map and his 0.2-acre calculation (Exh. 205-29) of the IDOT Area of Liability (which even fails to include Parcel 0393) are wrong, all Site 3 Filling & Capping calculations are similarly erroneous (Site 3 Filling & Capping, Site 3/6 Filling & Capping, Site 3 Prep, Site 3 Oversight, Health & Safety). Exh. 245.

For Site 6 Filling & Capping, Mr. Dorgan looked at how many utilities drove the need for this work (8) and determined that 4 went through the IDOT Area of Liability on the south side of 6, so he attributed 50% of the costs to IDOT. Exh. 204-29. Mr. Gobelman returned to his erroneous calculation of the length of the work done on Site 6, 5,470 feet, and compared that to the distance he viewed as IDOT's Area of Liability on Site 6, the length between 1S-4.5S. Exh. 205-16. As detailed above, the denominator of 5,470 is wrong. Oct. 19, 2020 Tr., p. (Dorgan responding to questions: Q. Okay. 205-16, please, filling and 4 capping for Site 6. Again, we have this 5,470 linear foot number that he uses as a denominator.

Again, what is your opinion on that? A. That's overstated. Q. And why is that?. Because filling the capping wasn't done on the entire length of the north and south side of Site 6.”).

Similarly, the numerator of 197 is incorrect. It is based on a bad map and fails to include 5S to 8S or at least all the way to 5S. *Supra* VI(D). Accordingly, the Site 6 Filling & Capping Attributions and related Task Buckets (Site 3 & 6 Filling and Capping, Site 6 Prep, Site 6 Oversight and Health & Safety) are inaccurate. Exh. 245; Oct. 27, 2020 Tr., pp. 12:21-13:13; Oct. 27, 2020 Tr., pp. 14:9-15:1. Thus, the Board should adopt Mr. Dorgan’s attributions relating to Filling and Capping.

H. OVERSIGHT AND SUPPORT SERVICES TASK BUCKETS

Again, the Parties generally agree on the approach for attributing the Oversight and Support Services Task Buckets. Oct. 29, 2020 Tr., p. 34:22-24, IDOT Br., pp. 39-40. Indeed, Mr. Gobelman stated that he “used the same methodology that Mr. Dorgan used.” Oct. 29, 2020 Tr., p. 40:6-7. The only problem with these Task Buckets stems from the fact that their accuracy depends upon the accuracy of the construction Task Buckets. Simply put, Mr. Gobelman’s Task Bucket Attributions are a mess. His Task Buckets are premised on an inaccurate map, inaccurate assumptions, inaccurate calculations and an inaccurate methodology. Because his Oversight and Support Services calculations are based upon these inaccurate Attributions for Waukegan Water Line Ramp, AT&T, Northeast Excavation, Utility ACM Soils, Northshore Gas, Dewatering and Filling & Capping, they must be rejected. Exhs. 245; 204-28. Even Mr. Gobelman recognizes this problem. Oct. 29, 2020 Tr., pp. 38:23-39:14.

In short, all of Mr. Gobelman’s Attributions cannot withstand a finder of fact’s scrutiny. By contrast, Mr. Dorgan’s Attributions are reasonable and accurate. Accordingly, in the alternative, the Board should adopt Mr. Dorgan’s attributions in its Order.

CONCLUSION

WHEREFORE, Complainant JOHNS MANVILLE respectfully requests that the Board enter an Order against Respondent ILLINOIS DEPARTMENT OF TRANSPORTATION that:

- A. Clarifies that the Interim Order held IDOT liable for all ACM waste found within Parcel 0393;
- B. Finds that Mr. Gobelman's testimony lacked credibility, was inadmissible and deserved no weight;
- C. Awards JM a judgment for \$5,579,794; or, in the alternative, awards JM a judgment for \$3,274,917;
- D. Amends its Interim Order, to the extent it deems necessary, to clarify certain findings and to rule that IDOT is liable for costs incurred as a result of IDOT's violations of the law at borings 5S to 8S.

Dated: October 28, 2021

Respectfully submitted,

Nijman Franzetti, LLP
Attorneys for Complainant Johns Manville

By: /s/ Susan E. Brice
Susan E. Brice, ARDC No. 6228903
Kristen Gale, ARDC No. 6283338
10 S. LaSalle Street, Suite 3600
Chicago, Illinois 60603
(312) 493-0103 (cell)
sb@nijmanfranzetti.com
kg@nijmanfranzetti.com

ATTACHMENT A

1 PRESENT:

2 NIJMAN & FRANZETTI
3 BY: MS. KRISTIN GALE & MS. SUSAN BRICE
4 10 South LaSalle Street
5 Suite 3600
6 Chicago, Illinois
7 (312) 262-5523
8 k@nijmanfranzetti.com
9 sb@jmanfranzetti.com

10 Appeared on behalf of Midwest Generation;

11 MR. CHRISTOPHER & MS. ELLEN O'LAUGHLIN
12 69 West Washington Street
13 18th Floor
14 Chicago, Illinois 60602
15 (312) 814-2087
16 cgrant@atg.state.il.us
17 eolaughlin@atg.state.il.us

18 Appeared on behalf of the of Illinois Department of
19 Transportation.

20 ALSO PRESENT:

21 MS. MARIE TIPSORD
22 MS. JENNIFFER VAN WIE

23 REPORTED BY:

24 Pamela A. Marzullo

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

WITNESS:	PAGE
STEVEN GOBELMAN	
Direct Examination - Ms. O'Laughlin	4
Cross Examination - Ms. Brice	67

E X H I B I T S

Exhibit No.	Marked
699	92
217	147

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

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

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

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

16 MS. O'LAUGHLIN: Thank you.

17 sss

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

21 DIRECT EXAMINATION (Continued)

22 BY MS. O'LAUGHLIN:

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

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

4 A. Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **Q. Okay.**

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

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

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

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

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

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

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

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

21 A. Yes.

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

24 A. The Greenwood Avenue basically is 7 plus

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

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

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

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

9 A. Yes.

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

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

14 BY MS. O'LAUGHLIN:

15 **Q. Okay.**

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

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

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

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

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

14 A. No.

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

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

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

21 A. Okay.

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

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

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

9 A. Yes.

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

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

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

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

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

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

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

7 A. Correct.

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

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

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

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

21 THE COURT REPORTER: Yes.

22 THE WITNESS: 21A --

23 BY MS. O'LAUGHLIN:

24 **Q. 24.**

1 A. What binder?

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

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

6 BY MS. O'LAUGHLIN:

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

9 A. No, it shows Detour Road D.

10 Q. Which one is detour road A?

11 A. 21A through 23.

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

15 What is this whole document, Exhibit 21A?

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

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

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

24 Below that, it gives you the cross-section

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

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

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

11 A. Yes.

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

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

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

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

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

21 A. Yes.

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

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

3 **Q. That was --**

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

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

12 A. Yes.

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

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

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

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

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

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

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

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

3 A. Yes.

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

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

11 HEARING OFFICER HALLORAN: Ms. O'Laughlin?

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

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

19 HEARING OFFICER HALLORAN: Ms. Brice?

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

1 that.

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

5 BY MS. O'LAUGHLIN:

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

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

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

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

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

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

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

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

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

5 BY MS. O'LAUGHLIN:

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

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

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

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

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

24 A. Yes.

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

2 HEARING OFFICER HALLORAN: Thank you.

3 MS. BRICE: Can I cross?

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

6 BY MS. O'LAUGHLIN:

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

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

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

14 A. Okay.

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

16 A. Okay.

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

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

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

1 **of Greenwood Avenue?**

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

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

15 MS. BRICE: Objection.

16 HEARING OFFICER HALLORAN: We have an
17 objection.

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

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

1 boring locations on 202 is misleading.

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

5 MS. BRICE: Thank you.

6 BY MS. O'LAUGHLIN:

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

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

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

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

1 **first hearing?**

2 A. Correct.

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

5 A. Yes.

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

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

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

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

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

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

24 **Q. Okay.**

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

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

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

9 BY MS. O'LAUGHLIN:

10 Q. Go to Exhibit 4.

11 A. In 207?

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

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

15 Q. We talked about this yesterday?

16 A. Yes.

17 Q. Let's move to Exhibit 5.

18 A. 207-17?

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

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

24 Q. Can you describe the location of the North

1 **Shore Gas?**

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

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

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

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

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

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

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

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

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

22 A. Oh, 332,005.4.

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

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

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

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

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

11 A. Approximately 39.3 percent.

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

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

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

18 A. 130,682.

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

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

24 **Q. Okay.**

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

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

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

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

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

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

14 A. Yes.

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

17 A. 8,455.

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

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

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

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

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

8 A. Yes.

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

12 A. No.

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

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

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

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

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

1 **previously what was done.**

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

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

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

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

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

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

23 A. Yes.

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

1 **pertains to Site 6?**

2 A. Yes.

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

5 A. Yes.

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

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

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

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

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

15 A. The hashed area.

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

17 A. Yes.

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

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

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

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

3 BY MS. O'LAUGHLIN:

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

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

9 Q. And what does the 1889 mean?

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

14 Q. You mean 5,000?

15 A. 5,611 square feet.

16 Q. What did you do with those numbers?

17 A. I took those and --

18 Q. Did you calculate percentage?

19 A. Yes. Just a second.

20 Q. Okay.

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

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

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

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

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

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

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

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

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

24 A. IDOT's area of liability.

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

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

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

7 A. Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 A. Correct.

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

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

3 A. Correct.

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

7 A. Yes.

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

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

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

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

21 Q. What percentage did you come up with?

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

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

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

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

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

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

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

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

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

15 A. Correct.

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

18 A. He did a number of things.

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

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

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

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

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

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

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

17 A. No.

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

20 A. Okay.

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

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

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

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

3 A. No.

4 **Q. And why?**

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

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

12 A. No.

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

14 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

19 HEARING OFFICER HALLORAN: Ms. O'Laughlin?

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

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

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

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

3 MS. BRICE: This is a new opinion.

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

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

11 MS. BRICE:

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

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

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

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

23 BY MS. O'LAUGHLIN:

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

1 A. Yes.

2 Q. Now, did you -- before we moved to discuss
3 the specifics of 205-15, does your supplemental
4 report include any discussion or analysis of
5 building the capping costs?

6 A. No.

7 Q. And why?

8 A. Because it didn't change in relation to
9 the cost allocated to IDOT.

10 Q. Could you read back the last question and
11 answer?

12 HEARING OFFICER HALLORAN: Pamela, could you
13 please read back the last question and the answer,
14 please?

15 (Said record was read.)

16 BY MS. O'LAUGHLIN:

17 So, your analysis of the building and
18 capping cost, and the ramp cost, did not get altered
19 by your correction of your base map that was
20 provided in your supplemental report; is that
21 correct?

22 A. Correct, the cost percentage.

23 Q. Okay. If you could turn to 205-15, and
24 turn to 6.8.

1 A. Okay.

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

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

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

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

16 A. In essence, it is the second boring to the
17 east of the boring listed there. The first boring
18 is D326, which is the farthest west boring within
19 0339 and D325 is the next boring.

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

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

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

1 **attribution?**

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

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

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

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

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

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

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

18 A. Yes.

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

21 A. I calculated entire area associated with
22 Sites 3 and the area of IDOT's responsibility
23 regarding the borings listed and extended the
24 Board's boring of D325 and extended it to the next

1 cleaning of the boring, which was D3-26.

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

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

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

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

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

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

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

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

5 **Q. Okay. And what percentage of this**
6 **.2 acres of Site 3?**

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

8 **Q. Okay. And then what did you do with the**
9 **6.5 percent calculation?**

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

12 **Q. Okay. Which is how much?**

13 A. 27,707.

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

16 A. Yes.

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

20 A. Correct.

21 **Q. Okay. And moving to Site 6.**

22 A. In site 6, I included the hatching from
23 the western edge of Site 6 to a point halfway
24 between boring 4S and 5S, halfway between because 5S

1 also contained asbestos-containing material, so I
2 went halfway to the halfway point.

3 **Q. And why halfway?**

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

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

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

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

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

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

22 A. Correct.

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

1 A. Yes.

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

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

11 **Q. Okay. And what about cost for site 3?**

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

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

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

22 **Q. Okay.**

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

1 **this.**

2 HEARING OFFICER HALLORAN: That's great. Let's
3 be back in 15 minutes. Pamela, you are relieved for
4 15 minutes.

5 (A recess was taken.)

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

9 BY MS. O'LAUGHLIN:

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

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

20 A. Yes.

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

23 A. Limited to the general project management
24 support interface with regulatory, the professional

1 service oversight of project activity escalation and
2 maintenance of storm water control, practice
3 control, clearing, rubbing of the site and the
4 preparation for construction.

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

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

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

12 A. Yes.

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

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

18 **Q. In terms of costs for the project, the**
19 **costs that JM purportedly paid, those are pretty**
20 **significant amounts, the time for the ramp of**
21 **\$20,000.**

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

1 A. Yes, I agree.

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

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

8 A. Yes.

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

11 A. Okay.

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

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

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

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

22 A. 1,476,454.

23 Q. Where did that number come from?

24 A. That comes from the addition of all the

1 costs from -- that Mr. Dorgan said were attributed
2 to those costs.

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

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

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

11 Do you see that?

12 A. Say that again?

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

14 A. Yes.

15 Q. General site/site preparation?

16 A. Yes.

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

19 A. Yes.

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

22 What does the total IDOT attribution
23 represent?

24 A. The cost for the construction services

1 that were attributed to IDOT's responsibility that
2 was defined by the Board, 247,616.

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

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

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

10 A. Okay.

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

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

18 **Q. Okay.**

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

23 The total cost attributed to the cost
24 being looked at, which he just said IDOT contributed

1 to it, and recalculating it by hand.

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

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

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

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

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

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

18 A. Yes.

19 **Q. Okay. What did you do with the**
20 **16.8 percent?**

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

1 would be costs attributed to IDOT of 124,676.

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

5 A. Yes.

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

10 Do you see that?

11 A. Yes.

12 Q. How did you arrive at 5.5 percent?

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

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

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

23 Q. Okay.

24 A. I can go back into Mr. Dorgan's report,

1 and then it would be the same calculation.

2 Q. Okay. So, let's go through these and
3 we'll compare it to the percentages that Mr. Dorgan
4 came up with in his calculation so we get an idea
5 how these two match up.

6 But for now, how did you arrive at the
7 5.5 percent attribution?

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

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

13 A. I applied it to the individual cells with
14 the insight for the general site prep.

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

18 A. Yes.

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

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

21 Q. No.

22 A. I'm sorry 44,403.

23 Q. Correct. We'll got there. And, so, Sites
24 3 and 6, you came up with a percent IDOT attribution

1 of 8.8 percent?

2 A. Correct.

3 Q. Was that determined through the same
4 method you had described?

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

6 Q. And then you applied that percentage?

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

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

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

15 A. Yes.

16 Q. Where is that?

17 A. 204-110.

18 Q. 204-110?

19 A. Yes.

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

1 A. Yes, it utilizes the total construction
2 cost, utilizing individually what we assessed IDOT's
3 responsibility costs, coming up with a percentage
4 for those areas and applying those percentages to
5 the cost for the general site/site prep.

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

8 A. Correct.

9 **Q. And what is the percentage that Mr. Dorgan
10 arrived at?**

11 A. 74.2 percent.

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

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

16 **Q. Okay. And obviously the figures are
17 different because the percentage allocation is
18 different?**

19 A. Correct.

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

23 A. Correct.

24 **Q. Okay. So, that general methodology was**

1 applied to the general site/site preparation, and it
2 was also applied to the health and safety expenses?

3 A. The same methodology of how it's
4 calculated for his and mine.

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

9 A. Yes.

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

13 A. Yes.

14 Q. Okay. So that same percentage applies to
15 the Site 6 overall calculation?

16 A. Correct.

17 Q. Okay. What are those?

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

23 Q. Okay. And applying 8.8 percent to the
24 overall total cost of 77,000, you come up with what

1 amount?

2 A. 6,776.

3 Q. And turning to Mr. Dorgan's Exhibit F,
4 204-110, his percentage for IDOT attribution for
5 Site 3 and 6 is 63.1 percent.

6 Am I reading that right?

7 A. Correct.

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

11 A. Correct.

12 Q. Same methodology, different percentage?

13 A. Correct.

14 Q. Okay. And, similarly, task bucket EPA
15 oversight, what are EPA oversight costs?

16 A. It's the cost the USEPA was charging for
17 their review.

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

20 So, did you follow the same methodology
21 for the EPA oversight of costs?

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

1 16.8 percent for Site 3, and 5.5 percent for Site 6.

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

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

5 **Q. Right.**

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

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

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

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

23 The amount regarding those same areas that
24 we pulled those off from, IDOT -- the cost

1 attributed to IDOT was 190,281.

2 **Q. Okay. Do you know offhand what utilities**
3 **were involved in determining the total cost for**
4 **utility work?**

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

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

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

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

18 **Q. Okay.**

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

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

24 A. The percentage that I came up with at 11.6

1 percent, and it came up to the IDOT's -- the cost
2 attributed to IDOT as 8,333.

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

6 A. 47.5 percent.

7 Q. Okay. And you came up with 11.6 percent;
8 is that right?

9 A. Yes.

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

12 A. Correct.

13 Q. And came up with?

14 A. 8,333.

15 Q. Okay. I would like to turn to 207-10.
16 Are you there?

17 A. Yes, correct.

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

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

23 Q. Okay. So, this summary includes all the
24 things that we've gone through yesterday and today,

1 regarding the breakdown of each of the task buckets,
2 what IDOT attributed to the task bucket?

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

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

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

13 Q. So, for Nicor Gas, which is the first
14 line, that was a task bucket?

15 A. Correct.

16 Q. How much did you attribute to IDOT for
17 Nicor Gas?

18 A. It attributed the cost of Nicor gas is in
19 the defined area.

20 Q. And the City of Waukegan waterline, how
21 much cost that you attribute to IDOT?

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

1 Q. And for AT&T, which is the third line in
2 your summary chart?

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

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

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

6 Q. And for North Shore Gas, what was your
7 attribution?

8 A. I attributed 153,385.

9 Q. And the northeast excavation, what was
10 your total attribution to IDOT?

11 A. Northeast excavation that was attributed
12 12,583.

13 Q. And what was dewatering?

14 A. Dewatering was attributed to IDOT of
15 102,734.

16 Q. Frack?

17 A. Frack was not attributed to IDOT.

18 Q. Filling and capping?

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

20 Q. General site/site preparation?

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

22 Q. Health and safety cost?

23 A. Health and safety was 6,776.

24 Q. USEPA oversight cost?

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

2 Q. Legal support?

3 A. Legal support costs contributed to IDOT
4 3,133.

5 Q. And all of those were how much?

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

7 Q. What is your opinion -- I'll withdrew the
8 question. Let me rephrase that.

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

12 A. Yes, based upon the information I had at
13 the time of creating this information.

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

17 HEARING OFFICER HALLORAN: Nobody leave the
18 room.

19 (Recess taken.)

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

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

1 Thank you.

2 (Recess taken.)

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

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

10 HEARING OFFICER HALLORAN: And the record so
11 notes. Thank you.

12 CROSS-EXAMINATION

13 BY MS. BRICE:

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

17 A. Correct.

18 **Q. And you offered a number of opinions in**
19 **your expert report at the hearing, right?**

20 A. Yes.

21 **Q. And you testified you were 100-percent**
22 **correct about those opinions, didn't you?**

23 A. Not 100 percent, within a reasonable
24 degree of certainty.

1 Q. Okay. If you would open the exhibit in
2 front of you. I think it needs to be attributed to
3 -- I'm handing you what is the deposition transcript
4 from the first hearing June 23rd of 2016.

5 Do you remember testifying on that day?

6 A. No.

7 Q. Do you remember testifying in the first
8 hearing?

9 A. Yes.

10 Q. Okay. If you could turn, please, to page
11 26 of this document. Let me know when you are
12 there.

13 A. Yes.

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

20 "Do you recall that?

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

23 "Question: A 100 percent certainty?

24 "Answer: Same thing.

1 "Question: A reasonable degree of
2 scientific certainty and 100-percent certainty are
3 the same thing?

4 "Answer: Uh-huh, in my mind, they work."
5 Do you recall that testimony?

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

7 Q. But it is here in this transcript,
8 correct?

9 A. Correct.

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

13 A. I don't recall.

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

17 A. Yes.

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

20 A. Yes.

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

1 A. I would say the Board found that IDOT was
2 liable for certain borings associated within certain
3 sites within the right-of-way.

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

6 A. Yes.

7 **Q. And you are -- you reached a number of**
8 **opinions; is that right?**

9 A. Yes.

10 **Q. Okay. I would like for you to turn to**
11 **Exhibit 205. Do you see that?**

12 A. Yes.

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

15 A. Yes.

16 **Q. And you wrote this report, correct?**

17 A. Correct.

18 **Q. And you changed your opinions as of that**
19 **date, August 22nd, 2018, correct?**

20 A. Yes.

21 **Q. Okay. And you maintain that those**
22 **opinions were 100 percent correct, didn't you?**

23 A. I think I said within a reasonable degree
24 of certainty.

1 Q. Okay. You said, did you not, that you
2 were 100 percent -- you weren't sure that they were
3 a 100 percent certainty?

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

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

10 Gobelman 1 is dated --

11 HEARING OFFICER HALLORAN: Exhibit 29?

12 MS. BRICE: Sorry. Exhibit 229A. And we're
13 going to the page number 48.

14 And, Mr. Horan, let me know if my page
15 numbers are off. I think they are right.

16 HEARING OFFICER HALLORAN: Yes, they are right.

17 BY MS. BRICE:

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

20 A. Yes.

21 Q. Your deposition was taken ON two occasions
22 in this matter, correct?

23 A. Correct.

24 Q. Okay. And in the first deposition on page

1 48, line 8, it says, "Question: Are you 100-percent
2 certain that you were last time?

3 "Answer: 100-percent certain, within a
4 reasonable degree of scientific certainty.

5 "Question: Okay. What does that mean?

6 "Answer: I am pretty confident that my
7 approach is accurate.

8 "Okay. So, give me a percentage of
9 certainty.

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

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

15 "Answer: The approach is correct."

16 Do you see that?

17 A. Yes.

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

20 A. Correct.

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

1 isn't that true?

2 A. Yes, correct.

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

6 A. He rebutted the report, yes.

7 HEARING OFFICER HALLORAN: Maybe if
8 Mr. Gobelman will speak up.

9 BY MS. BRICE:

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

13 A. Yes.

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

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

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

22 A.: Yes, I allocated more costs.

23 Q. If you could turn to 207 in your report.
24 In the binder, sorry. This is your report dated

1 November 7th, 2018.

2 This is a supplemental report, correct?

3 A. Correct.

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

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

9 Q. It changes your matrix, right?

10 A. Yes.

11 Q. And that changes some of your cost
12 attributions also?

13 A. Yes.

14 Q. Okay. Once again, you maintain that these
15 figures and opinions in 207 are 100 percent correct;
16 is that right?

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

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

23 HEARING OFFICER HALLORAN: They are off again,
24 Ms. Brice.

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

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

3 BY MS. BRICE:

4 Q. 229D-31.

5 A. Okay.

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

10 A. Yes.

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

14 "Answer: Yes."

15 A. Yes.

16 Q. Okay. You haven't issued any new reports,
17 have you, after this supplemental report Exhibit
18 207; is that correct?

19 A. Correct.

20 Q. Okay. You used to work for IDOT; is that
21 right?

22 A. That's correct.

23 Q. How long did you work for IDOT?

24 A. 22 years.

1 Q. And now you work for Andrews Engineering,
2 correct?

3 A. Correct.

4 Q. Is IDOT currently your client at Andrews
5 Engineering?

6 A. They are a client.

7 Q. Are they are your client? Did you get the
8 money off of the work you did for IDOT?

9 A. I get nothing for the work I do for IDOT,
10 other than what I get here.

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

13 A. No.

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

17 A. I think so, yes.

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

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

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

1 management of your project."

2 Do you see that?

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

4 Q. Page 50, line 10.

5 A. Okay.

6 Q. Do you see that?

7 A. Yes.

8 Q. Do you dispute you said that in your
9 deposition?

10 A. No.

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

13 A. No.

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

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

19 Do you see that?

20 A. Yes.

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

1 that right?

2 A. No.

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

6 It says, "What experience are you relying
7 on in offering these opinions?"

8 "Answer: Well, my experience in dealing
9 with evaluating costs of Highway Authority
10 agreements, and I am done dealing with my work with
11 the Highway Authority."

12 Do you see that?

13 MS. O'LAUGHLIN: Where are you?

14 BY MS. BRICE:

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

16 A. Yes.

17 Q. You have no experience doing a cost
18 allocation between these litigants under CERCLA or
19 state law, correct?

20 A. I probably can't remember if I have done
21 work under state law.

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

24 A. I don't recall.

1 Q. Okay. Turn to page 16, please. I would
2 like you to go to lines 1 through 4, "Do you have
3 any experience doing cost allocation under CERCLA or
4 state law?"

5 "Not specifically regarding state
6 allocation, right. I'd say 'no.'"

7 Do you see that?

8 A. Yes.

9 Q. Do you know what the Gore Factors are?

10 A. Yes.

11 Q. Tell me what they are.

12 A. I believe they have to do with, you know,
13 the cost factors.

14 Q. What are the factors?

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

16 Q. You don't know?

17 A. No, I don't recall.

18 Q. There is a number of maps and figures in
19 your expert report that are based on surveys,
20 correct?

21 A. I wouldn't necessary say they were
22 surveys. There were some surveys that were
23 included.

24 Q. Some of the maps you report are surveys,

1 in part; is that accurate?

2 A. Yes.

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

4 A. Yes.

5 Q. Okay. And you don't have experience
6 creating surveys, do you?

7 A. No.

8 Q. You don't dispute Mr. Dorgan's
9 qualifications for offering the opinions contained
10 in his report, do you?

11 MS. O'LAUGHLIN: Objection.

12 HEARING OFFICER HALLORAN: You have to stand up
13 and shout.

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

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

18 THE WITNESS: I have no opinion on the
19 qualifications.

20 BY MS. BRICE:

21 Q. Do you have any reason to dispute his
22 qualifications?

23 A. No.

24 Q. Turn to 204 in your binder, please. What

1 is this?

2 A. It is Mr. Dorgan's expert report on damage
3 attributed to IDOT.

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

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

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

13 Q. And that they are reasonable?

14 A. I assume Johns Mansville would have made
15 the determination of reasonability.

16 Q. But you're not disputing that they are
17 reasonable, correct?

18 A. I'm accepting that if they were paid, they
19 are accurate.

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

22 A. What?

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

1 A. Yes, I agree.

2 Q. And you used the same 13 task buckets to
3 do your own calculation, right?

4 A. Yes, I used the same allocation.

5 Q. And you agreed with the amount of money
6 that went into each task bucket.

7 So, therefore, you guys used a similar
8 methodology in reaching your attribution?

9 A. Correct, we utilized the same protocol for
10 JM.

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

15 C is a cross tabulation. C is from
16 Peterson. It is a cross tabulation. D is the
17 management invoice table. E is the job manual.

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

20 A. Correct.

21 Q. What you guys are disputing are the
22 attributions in Exhibit S, correct?

23 A. How I attributed costs.

24 Q. As I understand it, your only problem with

1 Dorgan's Figure 1 -- if you want to take a look at
2 it is 204-38.

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

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

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

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

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

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

24 "Answer: Yes.

1 "Question: And no other specific problems
2 in Figure 3 or Figure 4?

3 "No, I don't notice anything."

4 Do you see that?

5 A. Yes.

6 Q. Turn back to 204-38, please, and I would
7 like to direct your attention to the very bottom of
8 204-38. 204-38 is your Figure 1 that we were just
9 talking about; is it not?

10 A. Yes.

11 Q. Okay. Do you see at the bottom it says,
12 "Note: Site layout drawings by AECOM."

13 Do you see that?

14 A. Yes.

15 Q. And you had this document, this 204.38 in
16 your possession. At the time you wrote your Report,
17 it didn't show up, right?

18 A. Yes.

19 Q. Your August and November report both
20 contained opinions, right?

21 A. I'm sorry?

22 Q. Your August and November report both
23 contained opinions, correct?

24 A. Yes.

1 **Q. Is there one that contains your current**
2 **opinion, or do I need to look at both of them to**
3 **extract the opinions?**

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

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

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

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

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

20 **Do you remember that?**

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

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

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

24 **Q. You say, "This method accounts only for**

1 the area that the Board specifically identified."

2 Is that right?

3 A. I don't recall.

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

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

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

13 A. Yes.

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

17 A. Not off the top of my head.

18 Q. In fact, you didn't look at how courts
19 allocate response costs in environmental cases
20 before writing your report, did you?

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

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

1 A. I didn't review any.

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

5 A. I don't know.

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

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

13 Do you see that?

14 A. Yes.

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

20 A. Yes.

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

1 You come up with 72 linear feet is the
2 IDOT responsibility, because the North Shore gas
3 line on Site 6 only touches boring 4S; is that
4 correct?

5 A. No.

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

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

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

11 A. Yes.

12 Q. And your opinion doesn't consider
13 causation, does it?

14 A. No.

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

18 A. No.

19 Q. You've read the enforcement action,
20 correct?

21 A. Correct.

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

1 A. Correct.

2 Q. So, it was not just concerned with
3 asbestos around a single bore, was it?

4 A. As far as what JM had to do is resolve the
5 bore and and what is the significance of IDOT.

6 I'm trying to figure out --

7 HEARING OFFICER HALLORAN: We've gone all
8 afternoon. This is the same setup.

9 MS. O'LAUGHLIN: Can we go off the record?

10 HEARING OFFICER HALLORAN: We're off the
11 record.

12 (Discussion off the record.)

13 BY MS. O'LAUGHLIN:

14 Q. I'm talking about the enforcement action
15 memorandum itself, okay?

16 It was focused on creating clean corridors
17 around underground utilities, to ensure the utility
18 workers were not later exposed to asbestos. And you
19 said, "Yes.

20 And then I said, "So 'it'" meaning the
21 enforcement action memorandum, "was not just
22 concerned with asbestos around a single boring, was
23 it?"

24 A. Correct, but it involved all impacts of

1 asbestos that were attributed to Johns Mansville,
2 and I'm only looking at the asbestos that are
3 attributed to -- that IDOT is responsible to.

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

5 BY MS. BRICE:

6 Q. I think I heard you say earlier in this
7 case that you are not an expert in AutoCAD; is that
8 correct?

9 A. Right.

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

13 A. In essence, yes.

14 Q. But your expert reports for the base of
15 this case relied heavily on base maps and figures
16 created in AutoCAD, correct?

17 A. Correct.

18 Q. And you relied on Mr. Nguyen, and I'll
19 spell that for you, Court Reporter. It's
20 N-g-u-y-e-n. To use autoCAD cast to mark the map
21 configures in your report; is that right?

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

23 Q. If you could turn to 229S, right after --
24 actually, after 204, and a few back behind that,

1 229S-377.

2 A. Okay.

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

4 A. Not before the hearing.

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

7 A. This document as it exists on paper here,
8 no.

9 Q. Okay. Were you given, at a certain point,
10 an AutoCAD -- like a thumb drive that had AutoCAD
11 drawings on it in an AutoCAD file, an DWG file, that
12 had been given to JM -- to IDOT's counsel?

13 Were you given that?

14 A. I don't believe so.

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

18 Do you recall that?

19 A. Yes.

20 Q. Okay. Is that your recollection?

21 A. Yes.

22 Q. Okay. I would like to mark Exhibit 66-99,
23 which also happens to be Exhibit 205-46. I have it
24 here on the Board, and I'll hand this to you,

1 **Mr. Gobelman.**

2 (Said document was marked as
3 Exhibit No. 6699 for
4 identification.)

5 BY MS. BRICE:

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

8 A. Yes.

9 Q. And you used it to -- tell us what you
10 used it for?

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

13 Q. Okay. I would like you to turn that
14 document on its side and tell me if this is an
15 AutoCAD document, does it have a DWG reference on
16 it?

17 A. Yes.

18 Q. Okay. So, you had this AutoCAD document
19 in your possession, prior to writing your first
20 report, Exhibit 205; is that right?

21 A. I did not have the AutoCAD document in my
22 possession when I wrote the first report.

23 Q. You had that document --

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

1 Q. Right. But you knew that that was an
2 AutoCAD-generated document, because it said it was
3 it an DWG file, correct?

4 A. Yes.

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

7 A. No.

8 Q. If you could turn to 225 in your binder,
9 please, and I will represent for the record that
10 these are also actually -- hold on, let me back up.
11 I might be confusing things.

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

16 So, there are --

17 A. Where am I supposed to be?

18 Q. I want you to look at Exhibit 66-73,
19 66-99, 66-74 and 75. Okay? So, these are
20 Exhibits 66.

21 I'll represent, for the record, these are
22 from that same document for the remedial actual work
23 Plan Revision 2, which you used one of them in your
24 reports.

1 And then if you turn to 225, this is also
2 from that report, I will represent for the record,
3 and it does not have a Bates number on it, but it is
4 from that same report, and you can see the Bates
5 number for Exhibit 225-1110. Okay?

6 Do you see these documents? Are these
7 AutoCAD documents?

8 A. All the pdfs in all the reports are
9 AutoCAD documents.

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

12 A. I had in my possession the pdfs that were
13 in the report, yes.

14 Q. That were generated in AutoCAD, correct?

15 A. They were generated by somebody else in
16 AutoCAD, yes.

17 Q. Let's talk about your two pages back.
18 First, let's turn to 205-22, which is your initial
19 base map.

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

23 BY MS. BRICE:

24 Q. So, Exhibit 205-22 is your initial base

1 map; is that correct?

2 A. Yes.

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

5 I believe you testified about this
6 extensively earlier.

7 A. Yes.

8 Q. So, these two base maps, as I understand
9 it, serve as a foundation for the figures that
10 follow them in each of the respective reports; is
11 that right?

12 A. Yes.

13 Q. So, all of your attribution opinions are
14 tied to these base maps and figures, correct,
15 understanding that 207 trumps 205 in certain
16 situations?

17 A. Yes.

18 Q. So, it follows, then, does it not, if your
19 base map and figures are inaccurate, then
20 calculations you made, based been inaccuracies, are
21 also inaccurate; isn't that the case?

22 A. It would be different, yes.

23 Q. Okay. Stick with 205-22 for a moment.
24 You testified earlier at the first hearing you

1 determined various maps and the records did not line
2 up; is that right, in the first report?

3 A. Yes.

4 Q. In fact, you concluded that the maps the
5 Board relied on, in determining where IDOT was
6 liable at the first hearing, were inaccurate; isn't
7 that right?

8 A. I didn't make any proof of inaccuracy. I
9 was just saying they weren't consistent in the way
10 they lined up.

11 Q. Okay. Well, let's go to your deposition,
12 the first deposition on page 63, and then line 10,
13 please.

14 The question is: "Based upon your opinion
15 in this report, your current report, you're saying
16 that the maps the Board was using to render its
17 opinion were not accurate?"

18 "Answer: If you are utilizing my base
19 map, then yes, those maps would -- I would have
20 deemed them as being inaccurate." Do you deny
21 saying that, sir?

22 A. Yes.

23 Q. And those maps relied upon by the Board
24 were based on materials submitted by AECOM to USEPA,

1 correct?

2 A. Yes.

3 Q. And approved by USEPA, United States
4 Environmental Protection Agency?

5 A. Yes, they were approved.

6 Q. And, nonetheless, you and your colleague,
7 Mr. Nguyen, decided to create your own new maps from
8 scratch; isn't that right?

9 A. No.

10 Q. Okay. Turn to page 55 of your deposition,
11 please, the first deposition, and I am on line 5,
12 page 55, line 5.

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

16 "In essence, the point is without having a
17 base map that I can depend on, I created one, in
18 essence, from scratch, based upon the information
19 from various reports, because the rest of my
20 dealings was going to be based upon that base map
21 and I needed to have it as accurate as I thought it
22 could be."

23 Do you deny saying that in your
24 deposition?

1 A. No.

2 Q. And you've never created a base map
3 before, have you?

4 A. I'm not sure what context you are using as
5 "creation."

6 Q. Well, it's something you've never done
7 before creating your own map -- let me ask it this
8 way: Have you ever created a map just on features
9 and boundaries on a property that USEPA has already
10 approved a map where those features and boundaries
11 have been placed?

12 A. Not that I remember.

13 Q. Let's look at 205 -- to base map 205-22.
14 Sorry, I apologize.

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

18 A. What was that again?

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

20 A. Yes.

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

22 A. The document that I created that would
23 show the areas where asbestos-containing material
24 was found throughout the site.

1 Q. And this is from the first hearing,
2 correct?

3 A. Yes.

4 Q. This was presented to the Board as
5 evidence in the first hearing?

6 A. Correct.

7 Q. After the Board issued its decision, you
8 determined this very same map was inaccurate,
9 correct?

10 A. I determined that Site 3 depicted in this
11 map didn't line up with other information that I had
12 regarding the boundaries in Site 3.

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

15 Would it be helpful for me to put it up on
16 the easel?

17 HEARING OFFICER HALLORAN: Sure.

18 BY MS. BRICE:

19 Q. 205-22 is the original base map from the
20 first report?

21 A. Yes.

22 Q. On this map that you created, I believe
23 you testified that you used the northern boundary on
24 Site 3 from where it was located on the map used in

1 the first hearing, including 202, about 10 feet to
2 the north; is that correct?

3 A. I moved the boundary to the north because
4 the three maps that I compared to didn't have good
5 relationships to each other; and, therefore, I moved
6 -- I decided in order to allocate the cost, I would
7 just use the end line of Site 3 as the boundary of
8 Site 3.

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

13 A. Correct.

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

18 A. Yes.

19 Q. But you weren't sure that that was exactly
20 accurate, were you, about it being co-extensive --
21 the northern boundary being co-extensive with the
22 fence line?

23 You weren't 100-percent sure that that was
24 accurate, were you?

1 A. No, I thought I was accurate, but that is
2 where I put the northern boundary was on the fence
3 line.

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

7 "The fence line" -- tell me if you are
8 there.

9 A. I am.

10 Q. Okay. "The fence line is demarking" --
11 this is your answer, "The fence line is demarkating
12 that somewhere inside that fence line of Site 3.
13 Whether it's accurate that the boundary of Site 3 is
14 actually on the fence line, there is no information
15 on that.

16 "Question: Okay.

17 "Answer: I'm just making that as an
18 assumption, and I'm making it to Site 3 is the fence
19 line."

20 Did you say that?

21 A. Yes.

22 Q. Okay. And then just for -- let's just go
23 to page 60, also, and then lines 4 through 9. So,
24 "Answer: The assumption that I'm making is that the

1 fence encompasses Site 3.

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

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

6 Do you see that?

7 A. Yes.

8 Q. Even though you didn't know, you put it
9 there anyway, didn't you?

10 A. Yes, at the time it was a bad
11 representation.

12 Q. And you then tied the location of many
13 Site 3 boundaries, such as boring locations, to this
14 new northern boundary of Site 3 on 205-22; isn't
15 that right?

16 A. Yes.

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

19 A. I don't recall.

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

22 A. Yes.

23 Q. Okay. What is this document?

24 A. I believe it was a pdf that we had laid

1 into the site.

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

4 So, this was produced by you, correct?

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

6 Q. But it says "Andrews Engineering" on it,
7 does it not?

8 A. Yes.

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

11 A. Yes.

12 Q. Okay. And that's before your first
13 damages report in this case, correct?

14 A. Correct.

15 Q. Okay. And this document has state plane
16 coordinates on it, does it not?

17 A. Yes.

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

19 A. That was --

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

22 A. No.

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

24 A. No.

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

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

6 A. No.

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

10 A. The borings within the right-of-way were
11 tied to the northern boundary of what I would have
12 called Site 3. So, they were moved. When I moved
13 it up, it moved up.

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

18 A. The borings within 0393, yes.

19 Q. Let's look at your second base map again,
20 207-13. This is your corrected base map, right?

21 A. Yes.

22 Q. By correcting the base map, your IDOT
23 attributions went up, as we previously discussed,
24 correct?

1 A. Yes.

2 Q. They went from about 489,000 to about
3 \$600,050, right, roughly?

4 A. Roughly.

5 Q. And that's because when you moved Site 3
6 boundary north on 205-22, it impacted how much of
7 the work was tied to the IDOT -- your IDOT area of
8 liability, correct?

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

10 Q. Take a look at, just by way of example,
11 205-26, which is your North Shore Gas Line IDOT area
12 of liability?

13 A. Yes.

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

16 A. Yes.

17 Q. Okay. So, on 205-26, what was the square
18 footage of your Site 3 IDOT area of liability for
19 North Shore Gas?

20 A. On 205?

21 Q. 205-26.

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

23 Q. Inside. Inside the green. 3278, do you
24 see that?

1 A. Yes.

2 **Q. And is that site 3 IDOT area of liability**
3 **square footage for the North Shore Gas Line based on**
4 **this map?**

5 A. I believe so.

6 **Q. Okay. So, then, as we said, going back to**
7 **207-17, I would like you to answer the same question**
8 **with respect to 207-17.**

9 **What is the square footage?**

10 A. The square footage that I'm attributing to
11 IDOT is -- it looks like 4271. That is also I'm
12 assessing a larger area beyond the D326, were in the
13 original photo, the allocation for IDOT ended prior
14 to D326.

15 **Q. Right.**

16 A. The area becomes larger, because of the
17 way that is allocated.

18 **Q. But it becomes larger because of what**
19 **changes you had to make in the map because in the**
20 **first map, it was a smaller area of liability; but**
21 **after you made the change, it was a larger area of**
22 **liability, correct?**

23 A. Yes, it changed.

24 **Q. Now, I have a question here: Once you**

1 realized you needed to correct your initial base map
2 205-22, you didn't go back to Exhibit 202 from the
3 first hearing, did you?

4 A. No.

5 Q. You didn't begin anew with other maps from
6 the first hearing, right?

7 A. Yes.

8 Q. Instead you used 205-22 as your starting
9 point, and that had Mr. Nguyen make some changes to
10 it; is that accurate?

11 A. I changed the location of the
12 right-of-way.

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

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

17 Q. Right. But you started with 205-22. You
18 didn't start with a new map and go back and create
19 something new.

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

22 A. Correct.

23 Q. As I understand it, you don't have an
24 opinion at this point on the accuracy of the AECOM

1 maps contained in the final report; is that right?

2 A. I don't have an opinion regarding the map
3 on the final report.

4 Q. So, for creating these base maps, and I
5 think you described it in 205, is that correct, the
6 sources you relied upon?

7 A. Yes.

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

11 So, I have it here. You say that you used
12 a legal description to plot parcel 0339; is that
13 right?

14 A. Yes.

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

17 A. Correct.

18 Q. And you used ELM-15, which is 205-45, to
19 plot the site 3 borings, correct?

20 A. Yes.

21 Q. And you used AECOM map 66-99, which we had
22 up on the board here. You used that one to plot the
23 site 6 borings; is that correct?

24 A. Yes.

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

4 A. Yes.

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

8 A. Correct.

9 Q. And, finally, you used AECOM's final site
10 survey to plot the North Shore gas line, the
11 Waukegan waterline and the Nicor waterline; is that
12 correct?

13 A. Correct.

14 Q. And you used the same sources for both
15 maps, Exhibit 205-22 and 207-13; is that right?

16 A. Correct.

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

19 A. The layout of Site 3 was inconsistent
20 among the maps, yes.

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

23 What is this document showing?

24 A. The layout I had created showing the site

1 3 layout based upon the final report, based on the
2 northern easement that we had for the corners, the
3 layout of the Atwell survey, and the layout of
4 Mr. Dorgan's Site 3 limits.

5 **Q. So, the point of this was to show certain**
6 **of these maps were inconsistent with one another,**
7 **right?**

8 A. Yes, I made the assumption originally that
9 the Atwell survey had to be more accurate than the
10 others.

11 **Q. Okay. But you used Dorgan 1 for the AT&T**
12 **lines, right?**

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

15 **Q. I believe that the document that you have**
16 **right there shows some of the 205-46. So, this**
17 **shows some of the AT&T line?**

18 A. It shows some communication line.

19 **Q. Okay, thank you. So, you used the Dorgan**
20 **one for the AT&T line, and you used the AECOM final**
21 **site report for the location of the Nicor line, the**
22 **North Shore gas line and the City of Waukegan line**
23 **that's is green on this 205-42, correct?**

24 A. Yes, but I also would represents this map

1 of 205-46 only shows the partial area of Site 3, and
2 not the entire area of Site 3, where all
3 communication lines come in.

4 Q. Right. I understood. But I think when I
5 showed you the rest of 66 previously, and the record
6 will reflect what it reflects, but I believe the
7 AT&T lines are shown throughout 66, which you
8 testified to previously that you had in your
9 possession prior to drafting your expert report.

10 So, my point is that you used, to create
11 your base map, the red line for some of your -- to
12 locate certain things, and the green lines to locate
13 some certain things, which you say are inconsistent
14 with one another; is that right?

15 A. The location layout of Site 3 doesn't line
16 up with each other.

17 Q. Go back to 205-22, please. If you read in
18 the legend, I can bring it up here to you, it says
19 -- what does it say under No. 2? If you could read
20 the legend No. 2 to me.

21 A. It says, "IDOT right-of-way 0393, land
22 acquisition legal description and Atwell plat of the
23 property surveyed July 22nd, 2018."

24 Q. Okay. And the Atwell -- hand me that

1 back. You are referencing Exhibit 205-22, correct?

2 A. Exhibit 205-22, yes.

3 Q. And on looking at the three lines, the
4 three Site 3 boundaries, the Atwell map is included,
5 correct? That was 205-42?

6 A. Yes.

7 Q. Okay. Can you please provide your answer
8 again, Mr. Gobelman?

9 Does the Atwell on 205-43 have the Atwell
10 plat? 205-42.

11 A. Yes.

12 Q. Turn the page to 205-43, please, I believe
13 you testified earlier, I'm not sure, that your map
14 is this black dotted, the dashed line; is that
15 correct?

16 A. I believe so.

17 Q. Okay. And that doesn't line up with the
18 northern or eastern boundary on any of these other
19 maps identified on 205-43, does it?

20 A. No.

21 Q. When creating a map from different
22 sources, you need a common point of reference,
23 right?

24 A. You need to be able to tie it into to

1 something to make it work right.

2 Q. So, do you need a common point of
3 reference?

4 A. Ideally, it would be nice that all the
5 figures had the same plat that you could tie into.

6 Q. Okay. Let's turn to your deposition at
7 page 85, please, line 8. Again, this is your first
8 deposition.

9 HEARING OFFICER HALLORAN: What page again?

10 MS. BRICE: 85.

11 BY MS. BRICE:

12 Q. The question is: "What's the reference
13 that you -- well, would you agree you need to have a
14 similar reference point in order to prepare
15 different maps?"

16 "Answer: Uh-huh."

17 "Question: Right?"

18 "Okay."

19 Then the court reporter said, "Is that a
20 'yes'?" And the witness says, "Yes. Sorry."

21 Do you see that?

22 A. Yes.

23 Q. Do you deny saying that in your
24 deposition?

1 A. No.

2 Q. But you agree that Dorgan Figure 1 lacks a
3 common point of reference with your base map? Do
4 you remember talking about that?

5 A. No.

6 Q. Okay. Would you agree that Dorgan
7 Figure 1 lacks a common point of reference with your
8 base map?

9 A. Yes.

10 Q. Yet you used this to plot the AT&T line,
11 correct?

12 A. Yes.

13 Q. I understand that you believe the most
14 reliable way to plot the property is to GPS them in;
15 is that right?

16 A. Yes, it's creating maps at the
17 northeastern coordinates. It would be an accurate
18 way of producing where they are at.

19 Q. What I asked is: The most reliable way to
20 determine property boundaries is to GPS them in?

21 Is that something you believe?

22 A. I believe it's an accurate way of
23 depicting --

24 Q. Is it the most reliable way?

1 A. I never compared reliability.

2 Q. Turn to page 79 in your deposition, and
3 starting at line 17, and the question is: "Is there
4 a more reliable way to determine property boundaries
5 than this sort of manual overlay in CAD?"

6 "Objection, vague and ambiguous.

7 "THE WITNESS: Well, if I have to -- I
8 mean, in dealing with properties, you have legal
9 descriptions that define the property boundaries,
10 you can GPS them in to obtain corners and running a
11 line down, determining what they are.

12 "Okay. Did you do that here?

13 "No."

14 Do you see that there, sir?

15 A. Yes.

16 Q. So, you didn't do that here, right, using
17 the GPS?

18 A. No.

19 Q. When you prepared your initial base map,
20 you used the CQM, which is Christopher Quail Mary
21 final site survey; is that right?

22 You can turn to 205-45 right there.

23 Sorry, 47.

24 A. Okay.

1 Q. Okay. And you used this to place your key
2 site figures, correct?

3 A. I believe so.

4 Q. Okay. This is attached to your report,
5 right?

6 A. Yes.

7 Q. So, there are northings,
8 n-o-r-t-h-i-n-g-s, and eastings, e-a-s-t-i-n-g-s, on
9 this survey; isn't that correct?

10 A. Correct.

11 Q. And where are those northings and eastings
12 on this document? Can you please describe it for
13 me?

14 A. The northern easements are shown at the
15 corners of Site 3.

16 Q. Okay. And these were likely GPS'd in,
17 then, I take it?

18 A. I would assume so.

19 Q. But you didn't rely on these GPS
20 coordinates to geo locate the northern boundary of
21 site 3, did you?

22 A. I utilized those coordinates in comparing
23 it to the Atwell survey.

24 Q. That's not my question. You didn't use

1 these coordinates to create your northern boundary
2 for Site 3 on 205-22, correct?

3 A. Correct.

4 Q. The Board's description -- the Board's
5 decision, excuse me, describes IDOT's areas of
6 liability? Scratch that. Sorry.

7 So, in some instances, the Board
8 identified certain boring locations in its decision,
9 correct?

10 A. Yes.

11 Q. So, the placement of the borings on your
12 map is important, right?

13 A. Yes.

14 Q. Okay. Let's just turn back a couple pages
15 to 205-45. What is this document?

16 A. It's a Figure 15 soil boring locations for
17 Site 3. It is Figure 15, soil boring location map
18 Site 3 from an ELM Consulting report.

19 Q. And this is a draft document, is it not?

20 A. Yes.

21 Q. And this is a document you used to locate
22 your Site 3 borings, right?

23 A. Yes.

24 Q. And this document says it's approximate

1 boring locations. Does it not say that?

2 Down there under legend, "Approximate
3 location." Do you want to blow it up?

4 "Approximate locations of surface and
5 subsurface characterization boundary lines." Do you
6 see that?

7 A. Yes.

8 Q. He was pointing out that it says -- it
9 doesn't say "Approximate locations of boring
10 locations." It says, "Approximate locations of
11 surface and subsurface characterization boundary
12 lines."

13 So, it's an approximate location of the
14 Site 3 boundary; is that right?

15 A. I'm not sure what it's representing.

16 Q. But you used this document?

17 A. Correct.

18 Q. And it doesn't have GPS locations on it,
19 does it?

20 A. No.

21 Q. And it doesn't have grid -- any kind of
22 grid or state plane coordinates on it, does it?

23 A. It doesn't have state plane coordinates.

24 Q. How about a grid, do you see a grid?

1 Do you see a grid on this piece of paper?

2 A. The borings are gridded at that 50-foot
3 spacing.

4 Q. Okay. That did not answer the question.
5 Do you see a grid on this piece of paper?

6 A. Define "grid"?

7 Q. Define a grid? A grid with lines that go
8 -- or the box that lines can go, you know, up and
9 down and across horizontal and vertical.

10 A. I do not see horizontal and vertical
11 lines.

12 Q. And you used this map, I understand,
13 because you thought this is the best map that
14 identified Site 3 borings in the record; is that
15 right?

16 A. I used this map because it gave me
17 measurable distances between the borings.

18 Q. Okay. Was this the best map that you
19 could find that has the location of the borings on
20 it?

21 A. It's the map I used.

22 Q. Okay. Let's go to page 98 of your
23 deposition, please, and go to line 24. And, again,
24 we're still on the first deposition.

1 I would like to -- I'm on page 98, down at
2 the bottom line 24, and I'm going to go up to page
3 99. It says, "Why did you use ELM-15, given
4 everything we just talked about, to plot your
5 borings?

6 "Answer: It was the best map that I could
7 find that had the locations of those borings."

8 Do you see that?

9 A. Yes.

10 Q. 25-45 and ELM-15, correct?

11 A. I believe so.

12 Q. Take a look back at Exhibit 202, which
13 we've talked about, which was your map presented at
14 the first hearing.

15 A. Yes.

16 Q. This map has borings on it, doesn't it?

17 A. Yes, it does.

18 Q. Okay. But you didn't use this map to
19 create your base map and figures, did you?

20 A. No, because this was just a pdf of a
21 figure that I had received from Mr. Dorgan's report
22 submitted. So, there was no geo spatial
23 representation on the figures. It was just a pdf
24 scan.

1 Q. Okay. But this is a map that you
2 presented as evidence to the Board at the first
3 hearing, to be relied upon by the Board as evidence,
4 correct?

5 A. I provided this map of a markup of
6 Mr. Dorgan's map.

7 Q. And you testified about it at the first
8 hearing, correct?

9 A. The borings and circles contain the
10 specimen-containing material.

11 Q. And you didn't use this map to generate
12 your base map and figures. We've already discussed
13 it, and you said, "Yes." I'm just going to move on.

14 If you can turn to 67, please. If you
15 turn to 67, you'll see the first page is the Removal
16 Action Work Plan Revision 4, and I would like you to
17 go to 67-534, which is six or seven pages in. It's
18 just an excerpt of the final removal action work
19 plan.

20 A. Sorry?

21 Q. 57-534?

22 A. 57-534?

23 Q. Yes. This is the final report, final
24 removal action work plan, prepared by AECOM,

1 correct? Exhibit 67.

2 A. I believe so.

3 Q. It doesn't say "draft" on it, does it?

4 A. No.

5 Q. And this 67534 has boring locations -- B3
6 boring locations on it, does it not?

7 A. Yes.

8 Q. But you didn't use it, did you?

9 A. No.

10 Q. You just assumed that -- well, strike
11 that.

12 Let's go back to 205-45, this document
13 here, Figure 15, ELM-15 that we've been talking a
14 lot about.

15 I want to talk about how you used this to
16 plot your Site 3 borings. What is hand scaling?

17 A. Well, given that the boring locations are
18 50 feet apart from each other, so using that grid
19 and the measurement from boundaries coming up where
20 the locations the borings are located.

21 Q. My question is: What is hand scaling?

22 A. It's scaling off of a map and finding out
23 the distance.

24 Q. So, it's actually measuring distances on a

1 map.

2 So, did you measure your distances to get
3 your Site 3 boring off of a pdf of 205-45?

4 A. Yes.

5 Q. And did you do that with an engineer
6 scale?

7 A. Most likely.

8 Q. And, so, did you use the scale here at the
9 bottom as the scale to determine how far these
10 borings were from certain points, such as the
11 northern boundary or the western boundary? I
12 believe that's what you testified about.

13 A. I believe I would have printed this map in
14 a larger print page paper-wise, and put it wouldn't
15 reduce -- it wouldn't mess the scaling, as it's
16 represented on this figure so that it would be more
17 accurate in its measurements.

18 Q. Okay. But that's not really my question.
19 I'm asking what you did do, not what you might have
20 done or could have done.

21 A. I did it.

22 Q. You know for sure you did that? You
23 printed it larger?

24

1 A. I would have printed, you know, this pdf
2 on a larger piece of paper, not having it scaled,
3 having no scaling, so that it would be more
4 accurate, and then measuring from the location where
5 the borings are located.

6 Q. Okay. Did you talk about doing it like
7 that in your report? Is there anything in your
8 report that says that you blew this document up to
9 correct for the scale?

10 A. I didn't discuss in detail how exactly I
11 did it.

12 Q. I just want to make sure I understand.
13 So, if you took this map with these boundaries, and
14 you measured with whatever scale you used, let's say
15 -- let's just take a boring location.

16 Let's just take the third one in on the
17 top row, third one in from the right. Okay?
18 Because it's hard to read.

19 A. Okay.

20 Q. So, how did you plot that using your
21 scaling? Can you walk me through that?

22 A. Well, I would have had to not necessarily
23 rescale every single location. All I would have to
24 do is confirm that the boring location, as the scale

1 says within the document, that the location stages
2 between each boring is 50 feet.

3 So, once you confirm that that spacing in
4 that top row are 50 feet apart, and that they are in
5 a -- laterally on the same plane, then you can --
6 the only thing you need do is scale off and mark and
7 find the location of one boring, and then everything
8 else would just lay in.

9 Q. Okay. But didn't you testify, just a
10 little while ago, that you measured -- from the
11 northern boundary of Site 3, you would measure down
12 on the scale, and then you would measure from the
13 western boundary on the scale to geo -- not geo
14 locate. To locate the boring on this map; isn't
15 that what you said?

16 A. I believe so, yes.

17 Q. Okay, thank you. In your supplemental
18 report, you moved some Site 3 and 6 features, which
19 we discussed, correct?

20 A. I'm not sure what you are referring to.

21 Q. Okay. Let's turn to 208, please, in your
22 binder. And this is the expert rebuttal
23 supplemental report of Douglas G. Dorgan, Jr., on
24 damages attributable to IDOT. Okay?

1 A. Yes.

2 Q. And I would like you to turn to 208-11.

3 Okay?

4 A. Okay.

5 Q. And this exhibit purports to depict
6 certain features on sites 3 and 6, correct?

7 A. Yes.

8 Q. And you don't dispute the accuracy of this
9 figure, do you?

10 A. I didn't have any opinion regarding those
11 figures.

12 Q. Okay. Let's -- the figure compares where
13 you place features in your initial August report
14 with where you place them in your November
15 supplemental report, and where AE Com and Mr. Dorgan
16 placed them, correct?

17 MS. O'LAUGHLIN: Objection. This goes beyond
18 direct examination of Mr. Gobelman. He didn't
19 reference this document. You can make any point you
20 want to through her witness.

21 Mr. Dorgan says he doesn't have an opinion
22 on it, and it's beyond the scope of direct.

23 MS. BRICE: I would like to respond, if you
24 don't mind. This is actually a critical document,

1 and it has to with the boring locations on Site 6
2 and site 3, and how they've been changed, how they
3 don't align with Mr. Dorgan and AE Com's location,
4 and they talked the whole time about where he put
5 his boring locations.

6 I don't understand how I can't
7 cross-examine him on that. Mr. Halloran is going to
8 speak.

9 HEARING OFFICER HALLORAN: Ms. O'Laughlin, do
10 you want to respond?

11 MS. O'LAUGHLIN: It's the cross-examination of
12 Mr. Gobelman of our direct. At any point she wants
13 to make of Mr. Dorgan in his report, she can do so.

14 Mr. Gobelman already said he hasn't looked
15 at the document. It's going beyond the direct, and
16 she can make whatever argument she wants, but it's
17 not proper.

18 HEARING OFFICER HALLORAN: Ms. Brice?

19 MS. BRICE: I will move on and make my point
20 with Mr. Dorgan. Before he said he had no opinion
21 about the document. He did not say he had never
22 seen the document.

23 HEARING OFFICER HALLORAN: We can move on,
24 Ms. Brice. Thank you.

1 MS. BRICE: Give me one second.

2 (Pause.)

3 HEARING OFFICER HALLORAN: Go ahead. I'm
4 sorry.

5 BY MS. BRICE:

6 Q. Let's go to 207-20, please. Tell me if
7 you're there.

8 A. 207-20?

9 Q. Correct. Okay. Is this generally what
10 you believe to be the IDOT area of liability?

11 A. In regards to the filling and capping
12 allocation.

13 Q. Well, the maximum amount of the IDOT
14 liability, is it depicting that; yes or no?

15 I'm not trying to trick you. That's my
16 understanding.

17 A. Yes.

18 Q. Okay. So, on Site 3, your IDOT area of
19 liability involves the eastern portion of 0393,
20 correct?

21 A. Correct.

22 Q. And you went to B326, because it was the
23 next cleanest boring, right?

24 A. Right.

1 Q. Okay. And on Site 6, you're going from
2 just west of 1S to about 4.5S?

3 A. Correct.

4 Q. Was 5S a clean boring?

5 A. No.

6 Q. Was 6S a clean boring?

7 A. No.

8 Q. Was 7S a clean boring?

9 A. I don't believe so.

10 Q. And was 8S a clean boring?

11 A. I don't think so.

12 Q. The soil boring doesn't tell you exactly
13 how much ACM was located in the spot was taken, does
14 it? It's more representative?

15 A. It doesn't say anything about anything,
16 other than visual cues.

17 Q. But you don't know do you how much ACM was
18 associated with any given soil boring located on
19 your map, correct?

20 A. Other than what they define as analytical
21 or basically representative.

22 Q. You need to excavate it to really see what
23 was there beneath the soil boring, correct?

24 A. A soil boring is a spot location that

1 gives you representation of what is in the area.

2 Q. Can you turn to 207-18, please? Are you
3 there?

4 A. Sorry, yes.

5 Q. 207-18. So, B350 is located on Site 3,
6 correct? That was an area that the Board pointed
7 out that IDOT was liable for?

8 A. Yes.

9 Q. Okay. But in your opinion, in reaching
10 your attribution, you didn't consider how much
11 asbestos was below B350, did you?

12 A. No.

13 Q. Okay. And on Site 6, just take 4S, you
14 didn't take into account the amount of ACM's
15 analytically work effort were connected to it, did
16 you?

17 A. I didn't take into account what they
18 discovered analytically, no.

19 Q. Mr. Dorgan stated in his report that
20 Mr. Peterson told him that upon excavation, he had a
21 continuing theme of ACM running from 1S to 8S?

22 MS. O'LAUGHLIN: Objection. It's past
23 reflection. This was the subject of the offer of
24 proof.

1 MS. BRICE: I'm getting there.

2 BY MS. BRICE:

3 Q. I'm going to ask you about the photos, but
4 I'm not waiving my objection, nor am I agreeing that
5 any of the testimony that you gave about the photos
6 should be admitted. Okay?

7 Mr. Peterson and Mr. Dorgan discussed
8 photographs they claimed showed a seam of asbestos
9 from 1S to 8S, right?

10 A. They discussed there was asbestos
11 continuing along that line underneath Greenwood
12 Avenue.

13 Q. And you decided not to opine on this new
14 evidence in your supplemental report, correct?

15 A. No, my opinion is that the Board ruled
16 that the Detour Road A was not a part of the IDOT
17 allocation, which reflected in the original hearings
18 that we knew there was contamination in 5S through
19 8S, and the Board did not include those borings in
20 IDOT's liability.

21 MS. O'LAUGHLIN: Objection. This goes beyond
22 the direct examination. If evidence about Mr.
23 Peterson is going to be offered in an offer of
24 proof, it seems inappropriate and unfair.

1 to have it both ways.

2 If it's an offer of proof, the examination, the
3 cross, should be an offer of proof. The Hearing Officer
4 ruled it should not be included and, thus, it's an offer of
5 proof. Now she's cross-examining him on it.
6 You can't have it both ways. it's either part of it or it's
7 not.

8 The substance of my objection is JM objected when
9 we had questions about his reaction to Mr. Peterson, and the
10 Hearing Officer ruled against them, and they did it through
11 an offer of proof.

12 And now counsel for JM is questioning Mr. Gobelman
13 about that same exact subject that we were limited from
14 doing. They want it both ways. They want to cross-examine
15 him on an area that's been specifically excluded. So,
16 outside the direct examination

17 HEARING OFFICER HALLORAN: You can do an offer
18 of proof in the examination. That is why I said
19 originally the offer of proof is the way to cross
20 exam.

21 MS. O'LAUGHLIN: This cross-examination is done
22 solely for the offer of proof?

23 HEARING OFFICER HALLORAN: Yes.

24 MS. O'LAUGHLIN: Thank you. It was unclear to

1 me. It's solely for the offer of proof.

2 MS. BRICE: Thank you. I just have a couple of
3 questions with respect to the offer of proof, and
4 then I'm going to go outside the offer of proof to
5 something that we did not object, to which he
6 testified about. Okay?

7 All I was trying to do is clarify about
8 the photographs.

9 BY MS. BRICE:

10 Q. You are not offer any opinions about the
11 photographs in this hearing?

12 You said in your deposition that you were
13 not going to offer any opinions based upon the
14 review of the photographs. That's all I'm trying to
15 establish. I can go to the line and page, if you
16 want me to.

17 A. Okay.

18 Q. Go to page 26, line 11 through 18.

19 A. 26 is the first dep?

20 Q. 26 is the first dep, line 11 through 18,

21 "Question: What conclusions did you draw from
22 looking at the photographs?

23 "Answer: I don't know if I actually drew
24 a conclusion. I was mainly looking to see what

1 types of work was going on in the area in question.

2 "Question: Okay. Are you planning to
3 offer any opinions based upon review of the
4 photographs?

5 MS. O'LAUGHLIN: Objection, vague to the
6 deposition testimony and foundation, and it's not
7 clear what photos are being referenced in the
8 deposition.

9 MS. BRICE: If you want to move up, we're
10 talking about the 10,000 photos. If you look on
11 page 26, he talks about 10,000 photos, and I said,
12 "Did you look at every single photograph?"

13 And he said, "Unfortunately." And I
14 believe earlier he testified about 10,000 photos
15 with respect to Mr. Peterson.

16 HEARING OFFICER HALLORAN: I do recall that.

17 MS. BRICE: Thank you for the additional
18 foundation in reference to the photographs. Please
19 clarify.

20 HEARING OFFICER HALLORAN: Please proceed,
21 Ms. Brice.

22 BY MS. BRICE:

23 Q. I think we discussed this earlier, and I
24 read it out of your deposition, but I'm going to

1 just confirm it again.

2 You don't dispute the accuracy of the
3 figures in Mr. Dorgan's report used -- I'm sorry.
4 You don't dispute the accuracy of Figures 3 and 4
5 from Mr. Dorgan's report, other than they didn't
6 identify the source material; is that correct?

7 A. Can you point me to where his figure is,
8 so I can look at it?

9 Q. Sure. It would be in 204-40 and 41.

10 A. I believe those were produced in the
11 original hearing.

12 Q. You're not disputing the accuracy of
13 either of these documents?

14 A. I have no opinion whether it's being
15 accurate or not.

16 Q. You are not disputing it, though?

17 A. No.

18 Q. Okay. Sorry, that was outside the offer
19 of proof in that series of questions. You did
20 testify about the boring locations.

21 Okay. I just want to ask you a couple of
22 questions here -- actually, you know what I'm going
23 to do, I'm going to go to your 202, your document
24 202.

1 And you explained earlier that detour
2 road A was this gray line that went from the
3 southwest to the northeast, correct?

4 A. Yes.

5 Q. And on your figure here, Detour Road A
6 extends into Greenwood Avenue; does it not? It
7 intersects with Greenwood Avenue?

8 A. It butts up against Greenwood Avenue, yes.

9 Q. Okay. But they come together, correct,
10 greenwood Avenue and Detour Road A?

11 A. They butt up against each other, yes.

12 Q. On Figure 3 here, I think you can maybe
13 see this, the Detour Road A goes all the way to
14 station 15 of Detour Road A.

15 Do you see that?

16 A. As it shows in that figure, the Detour
17 Road A butts up against the pavement of Greenwood
18 Avenue.

19 Q. Okay. But it goes to 15 -- station 1550
20 about on this figure, correct?

21 A. The stationing that would be associated
22 with the farthest east portion of Detour Road A that
23 butts up against Greenwood Avenue would be
24 approximately 15 plus 50 in the stationing that they

1 assigned to the Detour Road A.

2 Q. Correct.

3 A. It's an offset to the right of some
4 distance.

5 Q. Right. And boring 7S is noted right here
6 before you get to station 15; is that correct?

7 A. Yes.

8 Q. And this is Figure 4 right here, Figure 4
9 right here. This is down here at the bottom of the
10 cross-section of Greenwood; is that correct?

11 A. It's a portion of the cross-section of
12 Greenwood.

13 Q. Right. It's the most eastern portion of
14 that, correct?

15 A. It is an inferred eastern portion of
16 Greenwood.

17 Q. Okay. What is depicted on here -- you
18 said you didn't dispute anything on this.

19 What is depicted on here is the eastern
20 portion of Greenwood Avenue, right?

21 A. It's depicting the area of Greenwood
22 Avenue that is within Site 6 shown on the figure.

23 Q. Okay. So, I just want to draw your
24 attention to -- let's take boring location 7S.

1 Okay?

2 A. Uh-huh.

3 Q. And then let's go down to 7S. If you
4 follow this down here at the bottom, what is this
5 showing?

6 Is this showing that they had to, based
7 upon the plan, excavate the peat out from under
8 here, and build back up to this elevation here about
9 587 something or other?

10 A. No, it doesn't show that.

11 Q. What are you saying it shows?

12 A. It is showing -- you're showing a portion
13 of a cross-section that's in the original plans that
14 is being used by the contractor for information only
15 of what is necessary consisting of Greenwood Avenue.

16 It is not depicting what is necessary to
17 be done in the building of the Detour Road A.

18 Q. Okay. That wasn't my question.

19 A. It is.

20 Q. No, my question is about Greenwood Avenue.

21 A. All right.

22 Q. It's all about Greenwood Avenue. I'm not
23 talking about detour road A. I don't care about
24 Detour Road A whatsoever.

1 HEARING OFFICER HALLORAN: We're going to stop
2 for a 15-minute break. We'll be back no later than
3 3:20.

4 (Recess taken.)

5 HEARING OFFICER HALLORAN: We're back on the
6 record for cross-examination of Mr. Gobelman.

7 MS. BRICE: Thank you, Mr. Halloran.

8 BY MS. BRICE:

9 Q. I just have a couple questions going back
10 to this Exhibit 204-41A, and I'm talking about the
11 cross-section for Greenwood Avenue, right?

12 And I'm going to hand you 21A-26A, which I
13 believe you've seen before. Okay? Over here on the
14 right, it has with the sort of V shape, it indicates
15 unsuitable material to be removed.

16 Do you see that?

17 A. Yes.

18 Q. Okay. And on this document, it has with
19 that same thing, it has the word "peat" and it has
20 location of unsuitable materials to be removed,
21 correct?

22 A. Yes.

23 Q. Okay. This document 21A-26, without the
24 clarifications on it, is from the as-built drawings;

1 **is it not?**

2 A. It is a portion of the page of the
3 as-built diagram. It does not reflect the true
4 intent of how it's represented in the as-built
5 drawings.

6 **Q. Let's go to the as-built drawings. That**
7 **drawing was actually admitted into evidence. Here**
8 **is the as-built drawing 21A.**

9 **Does it say or indicate that unsuitable**
10 **materials be removed?**

11 A. It provides a legend what the hashed lines
12 in those areas mean. It reflects the material that
13 is to be removed with this page. It's provided to
14 the contractor for his information only, not to
15 represent what has to be.

16 **Q. Can you give that back to me or second?**
17 **This is an as-built drawing, is it not?**

18 A. It is a drawing within the plans that they
19 have firmed up and now called as built.

20 **Q. And then the first page of 21A, it says**
21 **these are the as-built drawings, does it not?**

22 A. It reflects any markups on there is
23 showing these are as-built, yes.

24 **Q. Okay. I have one question. All I want to**

1 say is you take 7S right here on this 204-41A, and
2 you go down, do you see peat soft material below it?

3 A. The figures that you show there is peat
4 soft material.

5 Q. Thank you. EPA had requirements about
6 clean corridors, correct?

7 A. Yes.

8 Q. They wanted a clean corridor for an entire
9 length of the utility line, right?

10 A. If it was going to be utilized, yes.

11 Q. But you didn't include the work required
12 for creating an entire clean corridor when you did
13 your attributions, right?

14 A. It reflects the locations of 039 and the
15 borings that the Board told us were to be allocated
16 to IDOT.

17 Q. In reaching your opinion, you often relied
18 on linear footage and square footage, correct?

19 A. Yes.

20 Q. And the linear footage or square footage
21 was based upon your base maps, correct?

22 A. The base maps, yes.

23 Q. But you concede that the features and
24 boundaries on your base map are merely

1 **approximations and not exact locations; isn't that**
2 **true?**

3 A. I don't have the exact locations. I don't
4 have any coordinates telling me what those boring
5 locations are, so it's based upon measurements of
6 known documents.

7 Q. Okay. They are not exact locations, they
8 are approximations, correct?

9 A. Sure.

10 Q. If you can turn to -- I'm going to talk
11 about your attributions now.

12 If you could turn to 207-15, and this is
13 the Waukegan waterline figure, correct?

14 A. Yes.

15 Q. Are you there?

16 A. Yes.

17 Q. You claim the Board specifically stated
18 that the liability was only associated with the
19 borings that they laid out in the ruling; is that
20 right?

21 A. Correct.

22 Q. Okay. But they never specifically say
23 those words as to 0393 in the opinion, do they?

24 A. I don't recall exactly what the wording is

1 in there.

2 Q. Okay. So, this is your interpretation of
3 the Board's ruling, correct?

4 A. It is what I believe the Board stated.

5 Q. Okay. Take a look at deposition page 113,
6 lines 2 through 16. The first deposition.

7 And we're talking about 0393 here, and it
8 says, "That's your interpretation of it, correct?"
9 And you say, "Yes."

10 Do you see that?

11 A. No, I don't know what page you are on.
12 You said page --

13 HEARING OFFICER HALLORAN: I don't want anybody
14 to rush.

15 THE WITNESS: You said page 2 and I didn't
16 know.

17 BY MS. BRICE:

18 Q. Page 113, lines 2 through 6.

19 A. Yes.

20 Q. Hold on. I'm sorry. Okay, go to line 9.
21 We're talking about the right-of-way, correct,
22 "Because Mr. Dorgan" -- your answer: "Because
23 Mr. Dorgan interpreted that the Board ruling was for
24 the entire 3939 right-of-way, where the Board

1 specifically stated that it's only associated with
2 the boring that they laid out in the ruling.

3 "Question: That's your interpretation of
4 it, correct?"

5 And you said, "yes." Do you see that?

6 A. Yes.

7 Q. And, I take it, that you didn't include
8 the Waukegan waterline because you didn't believe
9 there were any borings that fell near the Waukegan
10 waterline; is that right?

11 A. It's outside the borings that the Board
12 represented in their ruling.

13 Q. That is the way that you interpret the
14 ruling?

15 A. That's what I said.

16 Q. Turn to -- if you could turn to 205-24,
17 please? This is from your first report, correct?

18 A. 205-24, yes.

19 Q. Okay. And right here, 0393 appears to be
20 straddling -- I mean, the Waukegan waterline appears
21 to be straddling 0393 on the south side, right?

22 A. Okay.

23 Q. Is that right?

24 A. Yes, it appears to be above and below it

1 in different places.

2 Q. Okay. Now, in your supplemental report,
3 you move parcel 393 we've established, right?

4 A. Yes.

5 Q. But you didn't move the Waukegan
6 waterline, right?

7 A. Yes, it did move. It's straddling 0393.

8 Q. Okay. Well, let's take a look at your
9 deposition. This is your second deposition on G2, I
10 would say. So, I'm going to take 41 and 42, and
11 let's just go to 41, line 24, and it says, "Did the
12 utility line shift, too?

13 "Answer: No.

14 "Question: No? The Waukegan waterline
15 didn't shift?

16 "Answer: No.

17 ""Question: And why didn't those shift?

18 "Answer: Because they were tied to
19 something else. They were just laid in as not tied
20 to the boundary. They were just laid into the
21 site."

22 Do you see that?

23 A. I'm sorry, I'm looking at 41. I don't see
24 where you are at.

1 **Q. Last line on 41 and then going down on to**
2 **42.**

3 A. Sorry, I was looking at page 41. Yes, I
4 see where you are at, yes.

5 **Q. So, here you said that the Waukegan**
6 **waterline did not move to the south. You said that**
7 **in your deposition, correct?**

8 A. It appears so.

9 MS. O'LAUGHLIN: Objection. The testimony is
10 not inconsistent. He's just reading the deposition.

11 MS. BRICE: Okay. I'm sorry, he just testified
12 the Waukegan waterline moved to the south, and I'm
13 impeaching him where he's telling me where it did
14 not move to the south. I don't understand.

15 HEARING OFFICER HALLORAN: I agree. Objection
16 overruled.

17 MS. O'LAUGHLIN: I will clarify that.

18 HEARING OFFICER HALLORAN: You can do it on
19 redirect. Thank you.

20 BY MS. BRICE:

21 **Q. Sorry, I got taken a little bit off**
22 **course. Okay. Turn to 207-15, please, and this is**
23 **your Waukegan waterline in your supplemental report.**

24 **As you noted, it's still in the same**

1 place, right? It's still straddling 0393; is that
2 right?

3 A. Correct.

4 Q. You didn't do any drafts of your base map
5 and figures between your August and November report,
6 did you?

7 A. No.

8 Q. Okay. I would like to mark Exhibit 217.

9 (Said document was marked as
10 Exhibit No. 217 for
11 Identification.)

12 BY MS. BRICE:

13 Q. 217-1 is an email from Mr. Steven Gobelman
14 to Evan McGinley Ellen O'Laughlin, and Matt Doherty,
15 and the first line says, "Attached are the revised
16 figures. R1 were the first changes. It only
17 adjusted the location of parcel 0393, and R2 were
18 the pictures used in the supplemental."

19 Okay. I would like to stick with this
20 document. If you could turn to 217-5, this email is
21 written after both of your reports were submitted,
22 correct, November 13th, 2018?

23 A. It was submitted to them on November 13th.

24 Q. This is after your reports were written,

1 correct? The record will reflect what it reflects.

2 Okay. Go to 217-5, please. Do you see
3 that the Waukegan waterline is not straddling 0393.
4 It's actually above the 0393 line; is it not?

5 A. It appears to be, yes.

6 Q. Okay. Now, turn to 217-14. At 217-14,
7 low and behold, it's straddling the line again.

8 Do you see that? Do you see that?

9 A. Yes.

10 Q. It's back again straddling the line?

11 A. Yes.

12 Q. Okay. In this one it has been moved south
13 along with the northern boundary, correct?

14 A. Yes.

15 Q. Okay, thank you. Let's assume for a
16 moment that 217-05, the one where it was all within
17 0393, the Waukegan waterline, is correct.

18 If the Board finds IDOT is liable for all
19 costs associated with work done in 0392, IDOT would
20 be liable for the costs associated with Waukegan
21 waterline, would it not?

22 A. I'm sorry, can you repeat that?

23 Q. Assuming 217-51 is correct, which is the
24 document that you drafted in the Andrews document,

1 assuming that's correct, and that's consistent with
2 Mr. Dorgan's document, for the record, and the Board
3 finds IDOT is liable for all costs associated with
4 work done within parcel 0393, IDOT would be liable
5 for all costs associated with the Waukegan
6 waterline; isn't that correct?

7 MS. O'LAUGHLIN: Objection, vague. If you
8 understand the question, I'm trying to catch up with
9 the numbers.

10 MS. BRICE: Mr. Halloran, can I ask the
11 question?

12 HEARING OFFICER HALLORAN: I'm not sure what
13 kind of objection that is. I'm sorry.

14 MS. O'LAUGHLIN: The objection is vague.

15 HEARING OFFICER HALLORAN: What about you are
16 trying to catch up with the numbers?

17 MS. O'LAUGHLIN: Because I believe the numbers
18 were so rushed through and Mr. Gobelman may not
19 understand the question.

20 HEARING OFFICER HALLORAN: Okay. So,
21 Mr. Gobelman, do you need more time?

22 THE WITNESS: No, I don't believe so.

23 HEARING OFFICER HALLORAN: Okay, thank you.

24 THE WITNESS: If the Board's ruling stated that

1 IDOT was liable for all 0393, then in this figure,
2 IDOT would be liable for the cost associated with
3 the waterline as it relates to Site 3.

4 BY MS. BRICE:

5 **Q. I'm going to go to your AT&T attributions**
6 **at this point.**

7 MS. BRICE: Mr. Halloran, I might have
8 misunderstood you, as far as wrapping it up. Do I
9 have to be done within the next 45 minutes?

10 HEARING OFFICER HALLORAN: We're trying to get
11 out of here by 4:30, quarter to 5:00. Again, I
12 don't want to rush you.

13 I would like to get out of here, you know,
14 and we can continue the cross-exam tomorrow morning.
15 We have to come back anyway. Try to throttle down.
16 Let's wrap up around 4:30 or so.

17 MS. BRICE: I'm trying to get to the point.

18 HEARING OFFICER HALLORAN: I know, but don't go
19 fast.

20 MS. BRICE: Right, that's the problem I'm
21 running into. I want to make sure everyone can hear
22 everything clearly, and I want to get through the
23 points. I'm not trying to belabor it. I skipped
24 over a bunch of stuff.

1 HEARING OFFICER HALLORAN: Do you have a
2 problem starting tomorrow at 9:00-ish to continue
3 your cross?

4 MS. BRICE: No.

5 HEARING OFFICER HALLORAN: Okay. Again, don't
6 rush. Do your normal pace, and we'll finish around
7 4:30.

8 MS. BRICE: Okay, thank you.

9 HEARING OFFICER HALLORAN: Thank you.

10 BY MS. BRICE:

11 Q. Okay. Mr. Gobelman, let's talk about the
12 Site 3A AT&T attribution.

13 You used linear feet within Site 3 to
14 calculate your IDOT attributions for the AT&T line,
15 right?

16 A. I would like to refer to my map.

17 Q. Okay, sure. Go ahead. It's 205 or 207,
18 sorry. 207-16, 6. 217 -- sorry, I'm losing it.
19 It's 207-16, I believe. Yes, you're there. Are you
20 there?

21 A. Yes. I'm sorry.

22 Q. You use linear feet right to calculate
23 your Site 3 IDOT attributions?

24 A. Yes.

1 Q. And that's because you wanted to provide
2 the ratio between the footage of the entire site
3 versus the areas for which IDOT was liable?

4 A. Correct.

5 Q. Okay. You agree that using linear
6 measurements was not the best way to make
7 attributions in some instances; isn't that true?

8 A. Yes, in some instances.

9 Q. According to the supplemental report, you
10 say, "The AT&T lines on Site 3 were a total of 1060
11 linear feet; is that right?

12 A. Yes.

13 Q. And you calculated the portions of the
14 line you believe fell within the IDOT area of
15 liability. You found it to be 199 feet, and then
16 you divided that to get your 18.8 percent; is that
17 right?

18 A. Yes.

19 Q. So, is your numerator -- hold on. Okay.
20 Same sort of questions I had a minute ago.

21 If the Board were to find that IDOT was
22 liable for all of 0393, your calculations would have
23 to include the remainder of those two lines that run
24 through 0393, right?

1 A. Yes.

2 Q. Okay. Let's go to Site 6. On Site 6, you
3 first calculated the entire length of the north and
4 the south corridors; and to do this, you said you
5 relied on JM0040329, which I believe is in 205-49.

6 If you can look at 205-49 and confirm for
7 me that that's the document you used, I would
8 appreciate it. This is attached to your report.

9 A. I was looking for 040329. I was looking
10 at that Bates number. That number was on this
11 figure.

12 Q. I don't see it on this figure. This came
13 from your report.

14 Does your report reference drawing No. 4,
15 or something like that?

16 I think you testified earlier that you
17 looked at the utilities, I'm pretty sure.

18 A. In the report, it references that I used
19 the figure that was JM0040329.

20 Q. Okay. If you go to 213E1261. Can you
21 pull that up? That's 213E1261. We pulled up on the
22 screen the same document, I believe, with the Bates
23 number JM0040329 with Exhibit No. 213-1261.

24 So, Mr. Gobelman, is this the document

1 that is here in your expert report under 205-49?

2 A. It appears so.

3 Q. What I would like for you to do is take
4 this green highlighter for me, and on your exhibit
5 that you have there, 205-49, I would like you to
6 tell me where you measured -- the area you measured
7 to reach your lineal -- northern Site 6 linear
8 footage of 2820, and where you measured on the south
9 side to reach 2650.

10 I'm trying to figure out what was included
11 in your numbers, what areas.

12 MS. O'LAUGHLIN: Objection. Counsel is asking
13 Mr. Dorgan -- Mr. Gobelman -- counsel is asking
14 Mr. Gobelman to do something he's not prepared to,
15 and this does not apply.

16 There is no foundation. It is
17 inappropriate to ask him to do that.

18 BY MS. BRICE:

19 Q. Mr. Gobelman, you say in your expert
20 report that you used this document, did you not, to
21 calculate the numbers to come up with your
22 denominator for the IDOT area liability on Site 6,
23 which is 5470 linear feet, correct?

24 A. Yes.

1 Q. Okay. So, all I'm trying to do is for you
2 to identify for me what went into that calculation
3 of 5470, as it's very important because you use it
4 as your denominator in a couple of different
5 instances, and I need to know what you were
6 including in that to see if the denominator is
7 accurate or not.

8 A. I don't remember what I marked off of this
9 figure.

10 Q. So, you can't do that for me? You can't
11 tell me how you measured that?

12 A. I can't accurately depict on this figure
13 how I measured it.

14 Q. Okay. You said, I believe, that you
15 believed it to be the entire length of the north
16 corridor and the south corridor; is that correct?

17 MS. O'LAUGHLIN: Objection.

18 BY MS. BRICE:

19 Q. You testified to it.

20 HEARING OFFICER HALLORAN: I recall that
21 testimony.

22 THE WITNESS: Yes.

23 HEARING OFFICER HALLORAN: You may proceed.

24 THE WITNESS: Yes.

1 BY MS. BRICE:

2 Q. Okay. So, if it's the entire length of
3 the north side and south side, where would it be on
4 that document? Can you just mark what would be the
5 entire length of the north side and south side on
6 that document, please?

7 MS. O'LAUGHLIN: Objection. Mr. Gobelman
8 cannot be compelled to create an exhibit.

9 MS. BRICE: I'm sorry, he testified this is
10 what he did. I'm just trying to get him to recreate
11 what is based in his report. I don't know how this
12 could possible be objectionable.

13 HEARING OFFICER HALLORAN: I sort of agree with
14 Ms. O'Laughlin, to try to do an accurate drawing --

15 MS. BRICE: It doesn't have to be accurate. I
16 just want to know where he thinks the entire line of
17 the north side of site and south side of Site 6,
18 where they go to. He said that he did this, and he
19 based his calculations on it. If he can't point it
20 out, that's a big problem, in and of itself.

21 MS. O'LAUGHLIN: Same objection.

22 HEARING OFFICER HALLORAN: See what you could
23 do, Mr. Gobelman. She can examine you on redirect.
24 Objection overruled.

1 THE WITNESS: At this point, I can't accurately
2 depict on this map to see the measurements that I
3 made.

4 BY MS. BRICE:

5 Q. Okay. You came to an attribution of
6 1.6 percent, right? Look in your report.

7 A. Yes.

8 Q. Your 1.6 percent, as I understand it, you
9 took 90 feet, which was the distance between 3.5S to
10 4.5S; is that right, and divided it by 5470?

11 A. Yes.

12 Q. Okay. So, in other words, for your
13 denominator here, 5470, to be correct, you would
14 need there to be work done on the AT&T line along
15 the entire length of the north side and south side
16 of Site 6; is that correct?

17 A. That's what I used.

18 Q. Okay. If you are going to be right, if
19 your denominator is right, those AT&T lines needed
20 to go along the entire north side and south side of
21 site 60, because you're using a denominator of 5470
22 to calculate the AT&T lines on Site 6?

23 A. 5470 is the denominator that I used, yes.

24 Q. Okay. That's not my question. My

1 question was: In order for your denominator to be
2 correct, in order to reach the calculation for the
3 site 6 AT&T line, those lines would need to traverse
4 the whole north side and south side of Site 6; is
5 that not correct?

6 A. They would have to be in the entire
7 length.

8 Q. So, yes?

9 A. Yes.

10 Q. I believe you heard Dr. Ebihara, did you
11 not, testify that that was not the case?

12 MS. O'LAUGHLIN: Objection to the same reason
13 that Ms. Brice objected to our questioning about
14 Mr. Peterson. It's not part of his opinion.

15 She can't question him about it. He's not
16 offering opinions based on Mr. Ebihara's testimony.

17 MS. BRICE: I'm cross-examining him on his
18 opinion.

19 HEARING OFFICER HALLORAN: I agree with
20 Ms. Brice. You can ask questions on your redirect.
21 If there is more information, Mr. Gobelman can
22 answer. It may be information important to him.
23 You can redirect him, if you need to.

24 MS. BRICE: I mean, I can take five minutes and

1 find all of the exhibits that show that. This is a
2 faster way to get to the question.

3 MS. O'LAUGHLIN: I don't mean to mess up your
4 thoughts.

5 MS. BRICE: I disagree. It's an inconsistent
6 argument that you made with Mr. Peterson. Thank you
7 for your speaking objection.

8 BY MS. BRICE:

9 Q. Do you recall what Dr. Ebihara and
10 Mr. Peterson said about the AT&T lines and whether
11 or not they ran the entire length of the north side
12 of Site 6 and the south side of Site 6?

13 A. I don't recall exactly where they said
14 they came out of the ground.

15 Q. Okay. We've established that it's -- if
16 they do not run the entire length of the north side
17 of Site 6 and south side of Site 6, then your
18 denominator is inaccurate?

19 A. If it turned out that they were short
20 earlier, my denominator would be different distance
21 and the percentage would go up accordingly.

22 Q. Your percentage would go up? I think your
23 percentage would go down. The record will reflect
24 what it reflects.

1 Actually, Mr. Dorgan pointed that out in
2 his initial rebuttal report on 206-13. If you want
3 turn to that, I can make you turn to it, but I'll
4 just read it into the record, if no one objects, or
5 if they want me to have you to turn to me 2613, I
6 can.

7 But he says, "Based on the record, the
8 AT&T lines do not run the entire length of the north
9 and south corridor of site 6. As a result,
10 Mr. Gobelman's calculations are incorrect."

11 If that was his expert report in response
12 to your first response, your August report, but you
13 didn't make any changes to address that point in
14 your supplemental report in Exhibit 207, did you?

15 A. My only changes that I did on the base
16 map, I wasn't going to recalculate or rebut
17 Mr. Dorgan's rebuttal of my report and create a
18 whole new report based upon all the things he
19 pointed out.

20 All I was doing is making sure the
21 accuracy of my base map was correct, based upon the
22 location of 0393.

23 Q. Let's consider your numerator here, which
24 is 90 feet. Just to be clear, in order for your

1 numerator to be correct, your Site 6 borings, and
2 your measurement between your Site 6 boring needs to
3 be correct; is that right?

4 The numerator was 90 feet. You measured
5 from 3.5S to 4.25S is what you said in your report.
6 I'm just trying to establish that if that's your
7 numerator, your measurement would have to be
8 correct?

9 A. I measured from the point that the phone
10 line comes into Site 6 to a halfway point between 4S
11 and 5S.

12 Q. Okay. You say that's 90 feet?

13 A. Yes.

14 Q. And that's for your numerator to be
15 correct -- I mean, that measurement has to be
16 correct, in order for your numerator to be correct,
17 right?

18 A. Yes.

19 Q. Your math, right?

20 A. Yes.

21 Q. Okay. I'm not going to belabor this. You
22 calculated your site 3 and 6 attributions, the
23 combined ones, the same way that Mr. Dorgan did, and
24 your Site 3 and 6 numbers are premised on your Site

1 3 and 6 attribution numbers, right?

2 Do the calculations you do on the top part
3 is the attributions, and then you got -- maybe
4 that's the bottom part. Then you got the total
5 cost, and then you divided by the attribution cost,
6 to come up with your attribution for Site 3 and 6,
7 right?

8 A. Yes.

9 Q. Okay. So, all I'm trying to point out
10 here is, you know, if your numbers for Site 3 and
11 Site 6 alone are incorrect, then your combined Site
12 3 and 6 attribution is also incorrect, right?

13 A. Yes, the percentage would go up.

14 Q. Turn to 205-11, please. This is ACM's
15 soils. Tell me when you are there?

16 A. 205-11?

17 Q. Yes.

18 A. Okay.

19 Q. I think this is the one -- you don't have
20 a figure for ACM soils in Exhibit 207, do you?

21 A. No.

22 Q. So, we need to go back. That's why I'm
23 going back to 205 on this one.

24 That's where your discussion of ACM soils

1 is located, correct, in 205 instead of 207?

2 A. Yes.

3 Q. Okay. You say you did your calculations
4 similar to the AT&T calculations, right?

5 A. Yes.

6 Q. And, again, you used this 5470 linear feet
7 as your denominator, correct?

8 A. Yes.

9 Q. And that's because you believe that the
10 USEPA required a clean corridor, no matter what, for
11 the whole entire Site 6; is that right?

12 A. My understanding that the AT&T lines went
13 through the entire corridor.

14 Q. That is not my question. My question was:
15 You believe that USEPA required a clean corridor, no
16 matter what, for the entire Site 6, that is why you
17 used the 5470 number?

18 A. It required a clean corridor for the
19 utilities in the corridor.

20 Q. Okay. Turn to your deposition, page 126,
21 line 4 through 11 in the first deposition.

22 MS. O'LAUGHLIN: 126?

23 MS. BRICE: Correct.

24

1 BY MS. BRICE:

2 Q. Line 4, my understanding that a clean
3 corridor -- okay, sorry. Let's go back up a little
4 bit.

5 125-24, "Question: What type of
6 excavation work was involved in Site 6, do you know?

7 "Answer: hum.

8 "Question: All of Site 6?

9 "Answer: My understanding that created a
10 clean corridor, no matter what, for the entire site.

11 "Question: For the whole northern
12 boundary of Site 6 and the whole southern boundary
13 of Site 6?

14 "Answer: Yes, I believe they did
15 excavation associated with that, yes.

16 "So, clean corridors their whole way?

17 "Answer: I believe so, yes."

18 Do you see that?

19 A. Yes.

20 Q. Once again, for your denominator to be
21 correct, they would have had to do excavation work
22 along the entire north side and south side of
23 Site 6, correct?

24 A. I included the entire length of the north

1 and south side, yes.

2 Q. Okay. And your numerator -- let's talk
3 about your numerator here. Staying with 205-11, you
4 say your numerator is 197 feet, but you said from
5 the western edge of Site 6 to halfway between 4S and
6 5S; is that right?

7 A. Yes.

8 HEARING OFFICER HALLORAN: Let's call it a day.

9 MS. BRICE: I'm not too far. I mean, I'm
10 pretty close. It depends on how many times I have
11 to go back to the deposition.

12 (Discussion off the record.)

13 HEARING OFFICER HALLORAN: Pamela, we can go
14 back on the record now. I think we're going to go
15 back on the record and close it, and continue it on
16 the record for tomorrow, October 29th. We're having
17 problems with Webex. For tomorrow, October 29th,
18 9:00 a.m.

19 (Discussion off the record.)

20 HEARING OFFICER HALLORAN: We're back on the
21 record. I'm the Hearing Officer. We're going to
22 close this hearing today and continue it on record
23 until tomorrow October 29th at 9:00 a.m. Thank you.
24 You all have a good night.

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

(The following proceedings were
adjourned until October 29th,
2020, at 9:00 o'clock a.m.)

1 STATE OF FLORIDA)
2) SS:
3 COUNTY OF PINELLAS)

4 I, PAMELA A. MARZULLO, Notary Public in and for
5 the County of Pinellas and State of Florida, do hereby
6 certify that STEVEN GOBELMAN was first duly sworn to testify
7 the whole truth and that the above deposition was recorded
8 stenographically by me, and was reduced to typewriting under
9 my personal direction.

10 I further certify that the said deposition was
11 taken at the time and place specified.

12 I further certify that I am not a relative or
13 employee or attorney or counsel of any of the parties, nor a
14 relative or employee of such attorney or counsel or
15 financially interested directly or indirectly in this
16 action.

17 In witness whereof, I have hereunto set my hand
18 and affixed my seal of office at Clearwater Beach, Florida,
19 this 31st day of October, A.D., 2020.

20
21 _____
22 PAMELA A. MARZULLO
23 Notary Public
24 GG 156897
My Commission expires 10/31/2022

<p>A</p> <p>A.D 167:19</p> <p>a.m 1:17 165:18 165:23 166:3</p> <p>able 6:11 13:19 40:6 80:17 112:24</p> <p>above-entitled 1:11</p> <p>accepting 81:18</p> <p>account 130:14,17</p> <p>accounting 86:11</p> <p>accounts 85:24</p> <p>accrrate 96:17</p> <p>accuracy 107:24 126:8 135:2,4,12 160:21</p> <p>accurate 72:7,23 72:24 76:16 80:1 81:19 97:21 100:20,24 101:1,13 107:10 110:9 114:17,22 123:17 124:4 135:15 155:7 156:14,15</p> <p>accurately 155:12 157:1</p> <p>achieve 15:6</p> <p>ACM 12:12,19 13:11 15:22 16:9 18:10 28:19,23 29:9,21 69:22,23 129:13 129:17 130:21 162:20,24</p> <p>ACM's 130:14 162:14</p> <p>acquisition 111:22</p> <p>acres 45:21,24 46:6,17</p> <p>action 88:19 89:14,21 121:16 121:18,24</p>	<p>167:16</p> <p>activity 50:1</p> <p>actual 83:10 93:22</p> <p>added 27:24 53:20,21 55:15</p> <p>adding 53:19</p> <p>addition 51:24</p> <p>additional 8:3 134:17</p> <p>address 160:13</p> <p>addressing 5:8</p> <p>adduced 4:19</p> <p>adjacent 43:8</p> <p>adjourned 166:2</p> <p>adjusted 62:9 147:17</p> <p>admit 109:17</p> <p>admitted 93:15 131:6 140:7</p> <p>advance 7:12</p> <p>AE 126:15 127:3</p> <p>AECOM 84:12 96:24 107:24 108:21 110:20 121:24</p> <p>AECOM's 109:9</p> <p>affixed 167:18</p> <p>afternoon 89:8</p> <p>agency 13:14 97:4</p> <p>agent 13:11</p> <p>aggregate 43:6</p> <p>ago 125:10 152:20</p> <p>agree 51:1 81:8,11 81:20,23 82:1 113:13 114:2,6 146:15 152:5 156:13 158:19</p> <p>agreed 66:22 82:5</p> <p>agreeing 131:4</p> <p>agreements 62:7 77:24 78:10</p> <p>ahead 128:3 151:17</p> <p>align 127:3</p>	<p>aligning 83:10</p> <p>alleged 5:14</p> <p>allocate 86:19,23 100:6</p> <p>allocated 42:9 44:20 45:23 55:17 59:7 73:22 106:17 141:15</p> <p>allocation 39:17 53:12 58:17,22 78:18 79:3,6 82:4 85:8,18 106:13 128:12 131:17</p> <p>allocations 34:6 54:8,9 56:9 58:14 61:17 62:13 85:5</p> <p>altered 42:18</p> <p>ambiguous 115:6</p> <p>amount 13:9 14:13 15:14 18:8 26:17 27:7 28:1 35:1,18,19 36:2,9 44:14 48:15 52:5,10 56:19,20 60:1 61:16,23 81:8,11 82:5 128:13 130:14</p> <p>amounts 35:11 50:20</p> <p>analysis 17:6 22:21 24:5 28:5 35:5 36:20 37:15 42:4,17 45:3 57:13 58:22</p> <p>analytical 129:20</p> <p>analytically 130:15,18</p> <p>and/or 39:24</p> <p>Andrews 76:1,4 76:11 77:12</p>	<p>103:6 148:24</p> <p>anew 107:5</p> <p>answer 42:11,13 68:21,24 69:4 72:3,6,10,15 75:14 76:22 77:17 78:8 80:17 83:20,24 86:7 87:11 96:18 101:11,17 101:24 102:4 106:7 112:7 113:16 119:4 120:6 133:23 143:22 145:13 145:16,18 158:22 164:7,9 164:14,17</p> <p>anticipated 10:6</p> <p>anybody 143:13</p> <p>anyway 102:9 150:15</p> <p>apart 122:18 125:4</p> <p>apologize 98:14 109:22</p> <p>Appeared 2:6,11</p> <p>appears 21:3 144:19,20,24 146:8 148:5 154:2</p> <p>appendix 57:10</p> <p>applicable 11:2,3</p> <p>applied 27:12,19 29:17 32:3 34:6 38:8 50:23 51:6 52:6 53:7 54:11 54:21,23 55:22 56:13 57:6 58:12 59:1,2,10 59:21 60:10,19 61:6,17 62:9 63:11 107:15</p> <p>applies 49:11,13 59:14</p>	<p>apply 10:20 154:15</p> <p>applying 58:4 59:23</p> <p>appreciate 153:8</p> <p>approach 72:7,15 87:3</p> <p>approaches 87:9 87:12</p> <p>appropriate 80:3 86:8</p> <p>approved 97:3,5 98:10</p> <p>approximate 117:24 118:2,4,9 118:10,13</p> <p>approximately 4:7 26:11 27:4 29:10 46:7 49:7 67:4 136:24</p> <p>approximations 142:1,8</p> <p>April 103:10</p> <p>area 5:1 6:1 7:7,8 8:22,22 9:5 12:23 13:1,15 15:14 18:14,18 19:12 20:8,12 21:5 25:7,8,8,11 25:12,12 26:1,3 26:8,9,10,16 30:14,15,16,20 30:22 31:1,2,7,8 31:10,11,12,12 31:23 32:8,23,24 33:11 34:10 36:13 37:12,23 38:2,3 39:16,23 40:2,3,4,13,14 40:15 43:5,8,13 43:20 44:21,22 45:13,14,21 46:1 46:2,15 47:6,11 47:16,17 60:19 64:11,19 85:12</p>
---	--	--	--	---

85:19 86:1,12,12 105:7,11,18,22 106:2,12,16,20 106:21 111:1,2 128:10,18 130:1 130:6 132:15 134:1 137:21 152:14 154:6,22 areas 7:8 15:3,4 15:15 58:4 61:21,23 62:11 86:9 87:16,17 98:23 105:9 117:5 140:12 152:3 154:11 argue 75:11 argument 127:16 159:6 arrive 55:12 56:6 arrived 58:10 64:4 as-built 108:15 139:24 140:3,4,6 140:8,17,21,23 asbestos 88:24 89:3,18,22 90:1 90:2 130:11 131:8,10 asbestos-contain... 47:1 98:23 asked 44:6 114:19 asking 17:12 25:16 123:19 154:12,13 asphalt 5:13 assessed 34:10 36:21 39:6 58:2 assessing 56:15 106:12 assigned 4:6 60:18 137:1 associated 7:3,12 8:13 10:18 12:13,20 13:5 15:16 16:6	18:18 22:12,14 23:8 26:15 28:21 30:21 32:4 33:2,3,21 35:14 36:8,8,23 38:6,13 39:8,8 39:20 43:24 44:2,21 46:1 47:9,9 48:6 50:8 50:9,10 51:19,21 53:6 54:22 55:16 59:18,21 61:7 62:6 69:15 70:2 129:18 136:21 142:18 144:1 148:19,20 149:3,5 150:2 164:15 association 23:10 assume 45:6,11 81:14 116:18 148:15 assumed 47:5 122:10 assuming 148:23 149:1 assumption 101:18,24 110:8 AT&T 24:14 36:21 53:12,13 65:1 109:7 110:11,14,17,20 111:7 114:10 150:5 151:12,14 152:10 157:14 157:19,22 158:3 159:10 160:8 163:4,12 attached 116:4 147:15 153:8 attack 22:3 attempt 18:19 attention 84:7 87:23 137:24 attorney 4:10	67:6 167:13,14 attributable 125:24 attribute 57:8 62:22 64:16,21 64:22 attributed 26:15 27:19,23 29:11 35:17,19 36:3,12 37:6,12 38:4 44:3 46:11 47:7 47:8 48:10 52:1 53:1,23 55:1 56:10,20 61:19 62:1,15 63:2,20 64:2,9,18 65:3,5 65:8,11,14,17,21 66:6 68:2 81:3 82:23 87:19 90:1,3 attributing 106:10 attribution 27:16 27:22 29:7 44:1 51:13 52:18,18 52:22 53:11 54:15 55:8 56:7 56:24 60:4,9 61:10 63:5 64:5 65:7,10 72:22 82:8 87:3 95:13 130:10 151:12 157:5 162:1,5,6 162:12 attributions 29:6 53:5 74:12 82:22 104:23 141:13 142:11 150:5 151:14,23 152:7 161:22 162:3 Atwell 110:3,9 111:22,24 112:4 112:9,9 116:23 August 70:14,19	73:3 84:19,22 126:13 147:5 160:12 Authority 77:24 78:9,11 auto 93:6 AutoCAD 90:7,16 90:20,22 91:10 91:10,11 92:15 92:18,21 94:7,9 94:14,16 AutoCAD-gene... 93:2 availability 76:23 76:23 available 4:9 76:24 Avenue 5:10,17 6:12,22 7:13,15 7:17,24 8:5,9,11 8:21 9:2,4,11,16 9:24 11:11 12:3 12:5 13:3,4 14:19,23 15:8 16:7 21:1 22:10 22:14 23:8,20,22 131:12 136:6,7,8 136:10,18,23 137:20,22 138:15,20,22 139:11 aware 74:7	93:10 94:17 98:16 99:13 101:4 106:6 107:2,18 111:17 112:1 117:14 120:12 122:12 138:8 139:2,5,9 140:16 148:10 150:15 162:22 162:23 164:3 165:11,14,15,20 bad 41:7 76:19 102:10 base 42:19 90:14 90:15 94:19,24 95:4,8,14,19 96:18 97:17,20 98:2,13 99:14,19 102:18,18 104:19,20,22 107:1 108:4 111:11 114:3,8 115:19 120:19 121:12 141:21 141:22,24 147:4 160:15,21 based 5:7 13:9 18:8 19:15 27:10 28:5,21 29:3 35:16 36:4 41:9,13 45:23 53:21 54:10 58:21 60:9 66:12 76:11,22 79:19 95:20 96:14,24 97:18 97:20 106:3 110:1,1 133:13 134:3 138:6 141:21 142:5 156:11,19 158:16 160:7,18 160:21 bases 4:13 basically 6:19 8:4
---	--	---	--	---

8:10 9:24 10:1 27:1 129:21 Bates 94:3,4 153:10,22 Beach 1:15 167:18 beginning 7:18 8:1 9:4 11:22,23 12:5 61:4 68:16 begins 8:21 14:2 20:8,11 23:23 24:5 51:3 behalf 2:6,11 4:2 behold 148:7 belabor 150:23 161:21 believe 9:18 17:13 27:2 36:21,22 40:7 41:18 57:10 71:4,7 73:16 74:21 75:2 76:22 79:12 91:14,15 95:5 99:22 102:24 103:10 105:15 106:5 110:15 111:6 112:12,16 114:13,21,22 116:3 120:11 122:2 123:12,13 125:16 128:10 129:9 134:14 135:10 139:13 143:4 144:8 149:17,22 151:19 152:14 153:5,22 155:14 158:10 163:9,15 164:14,17 believed 155:15 beneath 129:23 best 119:13,18 120:6 152:6 beyond 24:1	106:12 126:17 126:22 127:15 131:21 big 156:20 bill 76:12 binder 6:6 14:1,2 14:17 73:24 80:24 93:8,12,13 94:21,22 98:17 102:20 125:22 bit 146:21 164:4 black 112:14 blew 124:8 blow 118:3 board 1:1,12 4:6 4:14 7:4 10:2,6 10:16,21 11:6,12 12:2 13:16 18:14 19:3 20:19 21:11 22:24 38:3,4 39:6 43:13 44:4 46:18 53:2 69:10,14,18,22 70:1 86:1,9 87:18 91:24 96:5,16,23 99:4 99:7 108:22 117:7 121:2,3 130:6 131:15,19 141:15 142:17 143:4,23,24 144:11 148:18 149:2 152:21 Board's 5:7 10:23 10:24 32:13,13 34:14 38:9 44:24 47:12 117:4,4 143:3 149:24 bonus 76:11,21 border 25:3 30:11 bore 89:3,5 boring 10:20 11:8 20:20,24 22:1,8	22:9,19 25:5 30:13 32:7,10 34:14 43:16,17 43:17,18,19 44:24 45:1,2,8 45:10,12,19 46:4 46:24 47:12,18 64:24 88:3 89:22 102:13 117:8,16,17 118:1,9 122:5,6 122:17 123:3 124:15,24 125:2 125:7,14 127:1,5 128:23 129:4,6,8 129:10,12,18,23 129:24 135:20 137:5,24 142:4 144:2 161:2 borings 7:3 10:18 11:10 12:13,20 16:6 19:16,19 21:9,10,13 22:11 22:24 23:8 38:4 38:9 39:5 44:23 45:5,5 46:3 47:9 48:5 70:2 87:18 104:10,18 108:19,23 117:11,22 119:2 119:14,17,19 120:5,7,16 121:9 122:16,20 123:10 124:5 131:19 141:15 142:19 144:9,11 161:1 bottom 23:13,14 37:4 51:15 52:7 52:8,13 55:3,7 61:4,12 84:7,11 103:3 120:2 123:9 137:9 138:4 162:4 Boulevard 1:15	boundaries 98:9 98:10 99:12 102:13 112:4 114:20 115:4,9 122:19 124:13 141:24 boundary 99:23 100:3,7,11,21 101:2,13 102:3 102:14 104:4,8 104:11,15,17 105:6 107:14,16 112:18 116:20 117:1 118:5,11 118:14 123:11 123:11 125:11 125:13 145:20 148:13 164:12 164:12 box 119:8 boxes 37:10 Bradley 1:11 4:4 Brant 4:3 break 48:24 66:15 139:2 breakdown 64:1 Brice 2:2 3:5 17:7 17:19,20 19:2 20:3 21:15,18 22:5,17 40:11 41:3,11,18 67:5 67:7,13 71:12,17 73:9 74:24 75:3 78:14 80:20 90:4,5 92:5 94:20,23 99:18 113:10,11 126:23 127:18 127:19,24 128:1 128:5 131:1,2 133:2,9 134:9,17 134:21,22 139:7 139:8 143:17 146:11,20 147:12 149:10	150:4,7,17,20 151:4,8,10 154:18 155:18 156:1,9,15 157:4 158:13,17,20,24 159:5,8 163:23 164:1 165:9 bridge 5:22,24 brief 4:4 bring 7:7,8 18:3 111:18 bucket 24:5 25:15 25:20 26:21 29:24 38:7 43:24 44:9 51:10 54:16 55:3 60:14 64:2 64:10,14 82:6 buckets 28:14,24 29:18 30:19 33:6,21 34:11 49:11 53:6,9 62:11 63:20 64:1 81:21,24 82:2 build 6:9 7:6 8:24 22:13 138:8 building 8:18 42:5 42:17 138:17 built 5:21,22,23 6:4 7:14 14:17 140:19 bumpers 5:13 bunch 150:24 buried 69:22,23 butt 136:11 butts 136:8,17,23
C				
C 82:13,15,15 cad 93:6 115:5 calculate 26:14 27:9 31:18 46:1 46:10 151:14,22 154:21 157:22				

<p>calculated 29:4,5 31:10,13 34:5 44:21 45:21 48:16 53:17 54:3 59:4 152:13 153:3 161:22</p> <p>calculating 48:9 48:13 62:12</p> <p>calculation 28:21 29:5 34:16,19 37:3 46:9 48:5 51:5,14 53:19 54:6,9 55:16 56:1,4 59:15 60:22,24 61:11 82:3 155:2 158:2</p> <p>calculations 25:9 29:8 95:20 152:22 156:19 160:10 162:2 163:3,4</p> <p>call 165:8</p> <p>called 1:12 37:23 51:16 104:12 140:19</p> <p>cap 25:20 40:4,6 43:4,6 44:16</p> <p>capped 39:24 40:1</p> <p>capping 39:17,19 39:21 40:5 41:22 42:5,18 44:8,12,12,13,20 46:15 48:3 65:18,19 128:11</p> <p>care 138:23</p> <p>case 48:15 67:16 70:5 72:19 73:21 87:3 88:7 90:7,15 95:21 103:13 109:6 158:11</p> <p>cases 86:19,24</p> <p>cast 90:20</p>	<p>catch 149:8,16</p> <p>causation 88:13</p> <p>cause 1:11</p> <p>cell 57:7</p> <p>cells 53:21 54:10 55:15,18,20,22 56:13 62:17</p> <p>center 8:11,12 13:2 27:8</p> <p>CERCLA 78:18 79:3</p> <p>certain 8:17 70:2 70:2 72:2,3 75:12 91:9 95:15 110:5 111:12,13 117:8 123:10 126:6</p> <p>certainty 66:10 67:24 68:19,22 68:23 69:2,2 70:24 71:3 72:4 72:9</p> <p>certify 167:6,10 167:12</p> <p>cgrant@atg.sta... 2:10</p> <p>change 19:14 42:8 85:5,6 86:7 106:21</p> <p>changed 28:20 39:7 70:18 73:14,16,17 85:5 106:23 107:11 127:2</p> <p>changes 28:21 74:9,11 106:19 107:9 147:16 160:13,15</p> <p>changing 40:18 73:18</p> <p>characterization 118:5,11</p> <p>charged 59:22</p> <p>charging 60:16</p> <p>chart 63:18 65:2</p>	<p>Chicago 2:4,9</p> <p>choice 88:16</p> <p>Christopher 2:7 4:3 115:20</p> <p>circles 121:9</p> <p>City 34:1,13 64:20 110:22</p> <p>claim 100:16 142:17</p> <p>claimed 131:8</p> <p>clarifications 139:24</p> <p>clarify 133:7 134:19 146:17</p> <p>clay 43:7</p> <p>clean 45:2,8,9,9 45:13 89:16 129:4,6,8,10 141:6,8,12 163:10,15,18 164:2,10,16</p> <p>clean-up 45:7,12</p> <p>cleanest 46:4 128:23</p> <p>cleaning 45:1</p> <p>clear 5:8 11:6 12:21 82:11 104:14 134:7 160:24</p> <p>clearing 50:3</p> <p>clearly 150:22</p> <p>Clearwater 1:15 167:18</p> <p>client 76:4,6,7</p> <p>close 21:13 165:10 165:15,22</p> <p>closer 24:7</p> <p>co-exist 100:15</p> <p>co-extensive 100:20,21 104:5</p> <p>colleague 97:6</p> <p>color 25:11</p> <p>colors 26:5,7</p> <p>column 64:10</p> <p>Com 126:15</p>	<p>Com's 127:3</p> <p>combined 37:11 161:23 162:11</p> <p>come 15:9 35:20 35:21 37:8 51:23 54:4 56:19 58:6 59:24 63:5 64:3 83:21 88:1 107:21 111:3 136:9 150:15 154:21 162:6</p> <p>comes 20:5 21:5 25:2 51:24 77:12 161:10</p> <p>coming 53:15 54:14 58:3 62:12 85:10 122:19</p> <p>Commission 167:22</p> <p>common 112:22 113:2 114:3,7</p> <p>communication 110:18 111:3</p> <p>compare 56:3</p> <p>compared 100:4 115:1</p> <p>compares 126:12</p> <p>comparing 116:22</p> <p>compelled 156:8</p> <p>Complainant 1:4</p> <p>computer 53:20</p> <p>concede 141:23</p> <p>concerned 89:2,22</p> <p>concluded 96:4</p> <p>concludes 20:1</p> <p>conclusion 39:22 133:24</p> <p>conclusions 19:10 133:21</p> <p>condition 33:14</p> <p>conditions 43:3</p> <p>confer 66:16</p> <p>confident 72:6</p>	<p>configures 90:21</p> <p>confirm 124:24 125:3 135:1 153:6</p> <p>confusing 93:11</p> <p>connected 130:15</p> <p>connection 7:21 11:13</p> <p>consider 68:21 87:8 88:12,15 130:10 160:23</p> <p>considered 10:2 11:15 13:14 18:13</p> <p>consistent 19:22 96:9 149:1</p> <p>consisting 138:15</p> <p>construction 5:10 5:16 7:12,17 8:1 8:2,23 10:17 12:6,12,19 14:18 14:19 21:3,4,7 22:15 23:10 29:2 33:10 44:11,12,13 50:4 51:18,20 52:3,6 52:9,17,21,24 54:7 55:13 56:8 56:10 57:22 58:1</p> <p>constructional 8:14</p> <p>Consulting 117:18</p> <p>contain 121:9</p> <p>contained 19:10 19:11 47:1 80:9 84:20,23 108:1</p> <p>contains 85:1</p> <p>contaminated 45:6</p> <p>contamination 47:5,8,9 131:18</p> <p>context 98:4</p> <p>continue 6:11</p>
--	---	---	---	--

12:10 13:8 150:14 151:2 165:15,22 continued 4:8,21 continuing 4:1,11 4:24 8:16 67:6,8 130:21 131:11 contractor 23:15 138:14 140:14 contradicting 41:15,18 contributed 53:24 66:3 control 1:1,12 4:6 12:1 13:16 18:14 20:19 21:11 43:13 44:4 50:2,3 conversations 17:21 coordinates 103:16 114:17 116:20,22 117:1 118:22,23 142:4 copy 91:6 copying 53:16 corner 6:20 40:5 43:5 corners 110:2 115:10 116:15 Corporation 1:3 correct 13:7 23:2 24:12 25:18 34:23 35:3 36:15 42:21,22 46:15,20 47:22 56:23 57:2,24 58:7,8,19,23 59:16 60:7,11,13 63:3,12,17 64:15 67:16,17,22 69:8 69:9 70:5,14,16 70:17,19,22 71:22,23 72:15 72:19,20 73:2	74:2,3,15 75:9 75:13,18,19,22 76:2,3,12,16 78:19 79:20 81:10,17,24 82:9 82:19,20,22 83:7 84:23 88:4,20,21 88:24 89:1,24 90:8,16,17 92:7 93:3 94:14 95:1 95:4,14 97:1 99:2,6,9 100:2 100:12,13 103:4 103:13,14 104:24 105:8 106:22 107:1,14 107:22 108:5,16 108:17,19,23 109:8,12,13,16 110:23 112:1,5 112:15 114:11 116:2,9,10 117:2 117:3,9 118:17 120:10 121:4,8 122:1 124:9 125:19 126:6,16 128:9,20,21 129:3,19,23 130:6 131:14 135:6 136:3,9,20 137:2,6,10,14 139:21 141:6,18 141:21 142:8,13 142:21 143:3,8 143:21 144:4,17 146:7 147:3,22 148:1,13,17,23 149:1,6 152:4 154:23 155:16 157:13,16 158:2 158:5 160:21 161:1,3,8,15,16 161:16 163:1,7 163:23 164:21 164:23	corrected 104:20 correcting 104:22 correction 42:19 corridor 11:5 15:2 26:1 33:13 48:7 141:8,12 155:16 155:16 160:9 163:10,13,15,18 163:19 164:3,10 corridors 88:22 89:16 141:6 153:4 164:16 cost 26:15 27:13 27:18,23,24 28:4 29:18 32:3,3,6 35:17 36:1,5,10 36:11,11 37:1,5 37:6,12,13 38:6 38:8,13,23,24 39:8,9 42:9,18 42:18,22 44:2,10 48:10,11,13,13 48:18,20 49:17 50:16 52:3,5,17 52:21,24 53:12 53:23,23 54:7,23 55:13,16 57:7 58:2,5,13 59:24 60:16 61:7,7,9 61:14,16,18,19 61:22,24 62:3 63:1 64:9,10,11 64:11,18,21,22 65:3,5,21,22,24 66:1,6 72:22 74:11 78:17 79:3,13 81:9 85:18 87:3 100:6 150:2 162:5,5 costs 25:14,18 33:1,3 34:12 35:13 37:10,15 38:11 39:11,19 39:20 42:5	43:23 44:8,16,20 48:3 49:16,17,17 49:22 50:9,15,18 50:19,24 51:19 51:20 52:1,2,9 54:24 55:1 56:8 56:10,16 57:22 58:3 59:7,12,18 59:20 60:15,21 63:19 65:19 66:3 73:22 77:23 78:9 81:9 81:11,21,24 82:23 86:19,24 148:19,20 149:3 149:5 counsel 66:16 91:12 132:12 154:12,13 167:13,14 County 1:13 167:2,5 couple 5:1 40:17 41:6 117:14 133:2 135:21 139:9 155:4 course 146:22 court 13:18,21 86:21 90:19 113:19 courts 86:18,23 covered 4:13 CQM 115:20 create 6:10 13:10 33:13 83:18 97:7 107:18 111:10 117:1 120:19 156:8 160:17 created 6:16 39:9 51:14 90:16 97:17 98:2,8,22 99:22 104:2 109:24 164:9 creating 62:14	66:13 80:6 89:16 98:7 108:4 112:21 114:16 141:12 creation 98:5 critical 126:24 cross 3:5 6:4 20:3 67:6 82:15,16 132:3,19 151:3 cross-exam 22:3 150:14 cross-examini... 67:12 68:17 127:11 132:21 139:6 cross-examine 19:2 127:7 132:14 cross-examining 132:5 158:17 cross-section 14:24 23:7 137:10,11 138:13 139:11 crossed 64:23 crosses 7:20 10:16 25:5 cues 129:16 current 85:1 96:15 currently 48:16 76:4 cut 7:7
D				
D 3:2 14:9 45:19 82:14,16 D3 10:24 D3-26 45:1 D315 20:20 21:2 D316 20:20 21:2 D325 20:20 21:2 43:11,19 44:24 D326 43:18 45:19 106:12,14				

D329 43:14	69:1 70:23 72:4	145:9,9 146:7,10	22:15 131:16	134:23
D345 10:20,24	Delaware 1:2	163:20,21	136:1,5,10,13,14	discusses 86:16
11:5,8 20:21,21	demarkating	165:11 167:7,10	136:16,22 137:1	discussing 7:2
21:6 32:11,22	101:11	depth 13:11,13	138:17,23,24	22:19
D350 20:21 21:4	demarking 101:10	15:22 16:5,15	developed 63:21	discussion 42:4
D45 32:7,7	demonstrate 26:6	18:9,11 19:18	dewatering 33:5,8	89:12 162:24
damage 81:2	47:19	describe 7:16	33:9,21 35:5,14	165:12,19
damages 70:5	demonstrated	20:23 22:7	35:15 36:1,3,6,8	discussions 17:22
103:13 125:24	45:15	24:24 28:24	36:19,23 37:1,5	dispute 77:8 80:8
dashed 26:3	demonstrative	30:9 31:5 37:24	37:11,15 65:13	80:21 82:18
112:14	62:19	116:12	65:14	83:5 85:22
date 70:19 103:9	denominator	described 45:15	diagonally 25:4	126:8 135:2,4
dated 70:14 71:10	154:22 155:4,6	57:4 85:10 87:9	diagram 140:3	137:18
73:24	157:13,19,21,23	108:5	different 7:22	disputing 81:16
day 1:15 68:5	158:1 159:18,20	describes 31:7	19:17 21:21,23	82:21 135:12,16
165:8 167:19	163:7 164:20	117:5	29:6 34:11 35:2	distance 45:11
days 32:19 40:18	deny 96:20 97:23	describing 88:16	35:11,12 53:6	122:23 137:4
41:7,10	113:23	description 7:5	54:10 58:17,18	157:9 159:20
deal 92:11	dep 133:19,20	19:6 85:8	60:12 61:21	distances 45:6
dealing 10:20	Department 1:6	108:12 111:22	95:22 102:2	119:17 122:24
77:23 78:8,10	2:11	117:4	112:21 113:15	123:2
85:17 90:11	depend 97:17	descriptions	145:1 155:4	diverted 9:8
115:8	depends 165:10	115:9	159:20	divide 37:7
dealings 97:20	depict 126:5	destroyed 5:14	differential 32:19	divided 26:2 28:1
December 21:12	155:12 157:2	detail 124:10	direct 3:5 4:2,11	31:22 35:19
47:18	depicted 43:21	determination	4:21 41:10	36:9 51:19 56:9
decide 86:5	99:10 137:17,19	81:15	66:21 84:7	61:15 152:16
decided 32:15	depicting 114:23	determine 25:23	87:23 126:18,22	157:10 162:5
97:7 100:6	128:14 137:21	26:20 27:22	127:12,15	division 35:16
131:13	138:16	34:4 44:19	131:22 132:16	document 14:7,15
decides 19:4	deposed 75:8	45:22 51:12	direction 167:9	14:16 23:6,19
decision 54:13	deposition 17:9	114:20 115:4	directly 41:15	68:11 84:15
99:7 117:5,8	17:24 68:3 71:5	123:9	167:15	91:3,6,7 92:2,6
deemed 96:20	71:6,8,19,21,24	determined 57:3	disagree 159:5	92:14,15,18,21
deferred 24:2	72:19,21,24	96:1 99:8,10	disagreed 69:10	92:23,24 93:2,14
define 62:8 115:9	74:20,22 76:15	determining	discovered 19:21	93:22 98:21,22
119:6,7 129:20	76:16 77:9 78:4	45:24 62:3 96:5	130:18	102:23 103:2,15
defined 8:23	78:22 83:13,14	115:11	discuss 28:18	109:1,23 110:15
13:15 18:14	85:15 87:7	detour 6:15,17	41:17 42:2	116:12 117:15
19:12 20:9,12,18	96:11,12 97:10	7:10,11,20 8:13	124:10	117:19,21,24
29:12 38:2	97:11,24 101:4,5	9:6,8 10:5,8,12	discussed 14:13	118:16 122:12
43:12 44:3 53:2	113:6,8,24 115:2	10:19 11:5,13	16:18 37:16	124:8 125:1
64:12,19,24	119:23,24	12:13,19 13:5,10	48:6 68:16	126:19,24
degree 66:10	133:12 134:6,8	14:8,9,10,23	104:1,23 121:12	127:15,21,22
67:24 68:19,22	134:24 143:5,6	17:6 18:9 21:6,8	125:19 131:7,10	135:23 139:18

139:23 147:9,20 148:24,24 149:2 153:7,22,24 154:20 156:4,6 documents 17:1 82:19 94:6,7,9 135:13 142:6 Doherty 147:14 doing 8:17,17 47:4 53:20 78:17 79:3 124:6 132:14 160:20 dollars 73:21 Don 103:23 Dorgan 18:16 21:24 29:4 34:5 34:19,22 35:10 36:16 49:19 51:18 52:1 55:14 56:3 57:5 57:13 58:9,21 61:13,13 62:12 62:20 73:3,11 74:5 81:8,20,23 104:3 110:11,19 114:2,6 125:23 126:15,21 127:3 127:13,20 130:19 131:7 143:22,23 154:13 160:1 161:23 Dorgan's 16:14 17:20,23 27:2 36:1 44:16 48:12 51:4 53:16 54:2,6 55:24 57:10,20 60:3 63:4 80:8 80:15 81:2 83:1 83:3,6 109:5 110:4 120:21 121:6 135:3,5 149:2 160:17	dotted 112:14 doubt 72:13 Douglas 125:23 Dr 82:13 158:10 159:9 draft 102:17 117:19 122:3 drafted 148:24 drafting 111:9 drafts 147:4 draw 133:21 137:23 drawing 140:7,8 140:17,18 153:14 156:14 drawings 84:12 91:11 139:24 140:5,6,21 drew 133:23 drive 91:10 dry 33:14 Due 43:3 duly 4:20 167:6 DWG 91:11 92:15 93:3 <hr/> E <hr/> E 3:2,7 82:17 e-a-s-t-i-n-g-s 116:8 earlier 54:17 58:22 68:16 72:22 83:14 90:6 91:15 95:6 95:24 112:13 134:14,23 136:1 153:16 159:20 easel 99:16 easement 110:2 easements 62:6 116:14 easier 108:9 east 10:21 24:1 30:12,13 43:17 45:20 88:10	136:22 eastern 12:2 45:20 112:18 128:19 137:13,15,19 eastings 116:8,11 Ebihara 82:13 158:10 159:9 Ebihara's 158:16 edge 7:19 12:2 29:13 45:20 46:23 165:5 effort 130:15 efforts 47:13 either 132:6 135:13 elevated 15:4 elevation 15:6,7 33:11 138:8 Ellen 2:7 4:11 147:14 ELM 117:18 ELM-15 108:18 120:3,10 122:13 email 147:13,20 embankment 5:10 5:18,20,21 6:3 6:10,14,15 7:6 7:13,15 8:17,20 8:24 9:1,5,10,11 9:13,17 13:3 20:24 21:14 22:9,14 23:21 40:7 employee 167:13 167:14 encompasses 102:1,2 ended 106:13 ENFORCE 1:6 enforcement 88:19 89:14,21 engineer 123:5 Engineering 76:1 76:5 103:6 ensure 88:23	89:17 enter 17:7 entire 10:5,12 26:7 44:21 45:13 50:6 111:2 141:8,12 143:24 152:2 153:3 155:15 156:2,5,16 157:15,20 158:6 159:11,16 160:8 163:11,13,16 164:10,22,24 environmental 86:19,24 97:4 eolaughlin@atg... 2:10 EPA 49:17 60:14 60:15,21 61:6 141:5 escalation 50:1 essence 9:13 23:21 29:4 35:15 43:16 45:19 51:4 90:13 97:16,18 establish 133:15 161:6 established 21:24 145:3 159:15 evaluating 77:23 78:9 Evan 147:14 everybody 5:12 14:4 evidence 13:14 18:13 46:19 99:5 121:2,3 131:14,22 140:7 exact 62:16 132:13 142:1,3,7 exactly 38:22 53:15 62:20 100:19 124:10 129:12 142:24	159:13 exam 132:20 examination 3:5,5 4:21 66:21 126:18 131:22 132:2,16,18 examine 156:23 example 87:21 105:10 excavate 129:22 138:7 excavation 13:12 15:12,16 18:11 19:21 28:14,19 28:24 29:22 30:8,9,18,21,22 31:2 32:5 33:1 33:12 34:2 65:4 65:9,11 109:2 130:20 164:6,15 164:21 excerpt 121:18 excluded 132:15 excuse 21:10 47:16 59:6 117:5 exhibit 3:8 6:6,18 7:16 8:8 12:8,23 13:17 14:5,12,15 14:21,22 20:23 21:6,19,20,21 22:20,23 23:4 24:10,17,19,20 38:16 39:7 52:7 57:12,21 60:3 63:4 68:1 70:11 71:6,11,12 75:17 82:12,13,14,22 83:4 91:22,23 92:3,20 93:18 94:5,11,24 107:2 109:15 112:1,2 120:12 122:1 126:5 139:10 147:8,10 153:23
---	---	--	--	--

154:4 156:8 160:14 162:20 exhibits 93:20 159:1 exists 14:16 21:6 40:3 47:5 91:7 expansion 18:18 expect 19:20 expected 19:15 expenses 59:2 experience 77:23 78:6,8,17 79:3 80:5 expert 4:11 41:13 41:19,21 43:21 66:11 67:14,19 68:22 69:11 70:4,13 79:19 81:2 90:7,14 91:17 92:7 111:9 125:22 154:1,19 160:11 expertise 77:21 expires 167:22 explain 15:13 17:17 18:17 26:20 45:15 explained 61:13 136:1 explanation 16:15 17:13 exposed 88:24 89:18 extended 44:23,24 extends 45:19 136:6 extensive 30:21 31:2 extensively 95:6 extent 20:21 extra 40:12 extract 85:3,4	63:4 fact 69:21,23 73:3 86:18 96:4 104:4 Facters 79:9 factors 79:13,14 79:15 fair 51:7 fall 21:2 32:14 33:17 falls 21:7 25:11,13 26:10 32:11 far 43:22 86:8 89:4 123:9 150:8 165:9 farthest 43:18 136:22 fast 81:5 150:19 faster 159:2 features 10:19 98:8,10 125:18 126:6,13 141:23 February 74:22 feed 6:10 feet 13:10,12,13 15:10,23 16:10 18:9,10,11 19:19 26:22 27:4,5,8 27:10,11 29:11 29:12 31:12,13 31:15,21,24 32:1 32:17 48:5 88:1 100:1,11 122:18 125:2,4 151:13 151:22 152:11 152:15 154:23 157:9 160:24 161:4,12 163:6 165:4 fell 32:16 144:9 152:14 fence 100:16,22 101:2,7,10,11,12 101:14,18 102:1 104:5	figure 23:17 24:12 24:13,14,21 27:21 28:11 30:3,6,7,16 31:4 37:18,21,22,24 39:11,13,15,16 40:13 45:16,17 61:10 75:12 83:1,3,6,10,17 83:23,23 84:2,2 84:8 89:6 109:5 114:2,7 117:16 117:17 120:21 122:13 123:16 126:9,12 135:7 136:5,12,16,20 137:8,8,22 142:13 150:1 153:11,12,19 154:10 155:9,12 162:20 figures 32:21 43:15 57:14 58:16 67:9 74:15 75:12 79:18 83:7,18 90:15 95:9,14,19 113:5 116:2 120:19,23 121:12 126:11 135:3,4 141:3 147:5,16 file 91:11,11 93:3 files 93:6 fill 5:20 13:9 14:13 18:8 filled 39:24 filling 39:17,19 40:13 41:22 44:5,6,8,11,12 44:13,19 46:15 48:3 65:18,19 128:11 final 15:18,20 16:9 23:9 83:11	108:1,3 109:9 110:1,20 115:21 121:18,23,23 finally 109:9 financially 167:15 financing 8:18 find 11:12 53:11 57:12 119:19 120:7 125:7 152:21 159:1 finding 122:22 finds 148:18 149:3 finish 103:20 151:6 firmed 140:19 first 4:19 10:3 11:16,18 16:11 19:16 20:17 21:20 22:20 23:1 28:15,17 32:15 43:17 64:13 68:4,7 71:24 72:18 76:14 83:13 85:14 87:6 92:19,22 94:18 95:24 96:2,6,12 97:11 99:1,5,20 100:1 101:5 102:17 103:12 106:20 107:3,6 113:7 119:24 120:14 121:2,7 121:15 133:19 133:20 140:20 143:6 144:17 147:15,16 153:3 160:12 163:21 167:6 five 32:17 158:24 five-foot 32:19 Floor 2:8 Florida 1:14,15 167:1,5,18	focus 41:21 focused 88:22 89:16 follow 60:20 95:10 138:4 following 8:13 166:1 follows 4:20 95:18 footage 105:18 106:3,9,10 141:18,18,20,20 152:2 154:8 form 86:15 107:5 forth 11:15 41:16 found 10:4 13:11 15:22 16:1,5,9 18:10 22:20 23:8 34:18 46:18 48:2 69:18,23 70:1 98:24 152:15 foundation 95:9 134:6,18 154:16 Frack 65:16,17 FRANZETTI 2:2 front 68:2 71:8 full 85:8 further 12:11,18 24:1 46:19 66:20 98:16 167:10,12
<hr/> F <hr/> F 57:10,21 60:3				<hr/> G <hr/> G 125:23 G2 145:9 GAFK 10:16 102:4 GALE 2:2 gas 10:6 24:22 25:1,2,9,15,20 26:19,21,23 28:2 28:10,14,24 29:18,24 30:18 33:5,21,24 34:11 38:7 64:13,17,18

65:6 87:23 88:2 105:11,19 106:3 109:10 110:22 general 13:12 49:16,21,23 50:13,14,22 51:6 51:10,16 52:8,15 53:7 54:21 55:4 55:6 56:14,16 57:13,23 58:5,15 58:24 59:1 60:23 61:4 62:9 65:20 generally 128:9 generate 121:11 generated 94:14 94:15 Generation 2:6 geo 116:20 120:22 125:13,13 geography 47:23 getting 131:1 GG 167:22 give 72:8 75:1 76:18 128:1 140:16 given 54:9 91:6,9 91:12,13 120:3 122:17 129:18 gives 14:24 130:1 go 9:22 13:17 18:6 20:15 24:3,10 35:5 54:2 55:24 56:2 71:18 72:10,11 76:14 78:4,5 79:2 81:5 86:4 89:9 96:11 98:15 99:13 101:4,22 107:2 107:18 111:17 119:7,8,22,23 120:2 121:17 122:12 128:3,6 133:4,15,18 135:23 138:3	140:6 141:2 143:20 145:11 148:2 150:5,18 151:17 153:2,20 156:18 157:20 159:21,22,23 162:13,22 164:3 165:11,13,14 Gobelman 3:4 4:2 4:12,18,23 18:6 21:19 22:7 24:19,19 30:3,6 30:16 31:4 37:18 38:19 39:13,15 40:12 49:10 66:21 67:4,9,14 71:6 71:10 73:8 80:17 92:1 98:19 112:8 126:18 127:12 127:14 132:12 139:6 147:13 149:18,21 151:11 153:24 154:13,14,19 156:7,23 158:21 167:6 Gobelman's 93:13 160:10 goes 47:23 126:17 131:21 136:13 136:19 going 4:4 5:16,23 6:19 7:13,19 8:4 10:6 18:2 26:2 28:13 44:7 45:5 46:3 66:23,23 71:6,13 73:10 74:20,21 75:6 76:19 81:4 83:15 85:15 87:7 97:20 106:6 108:8 120:2 121:13	127:7,15 129:1 131:3,23 133:4 133:13 134:1,24 135:22,23 139:1 139:9,12 141:10 142:10 145:10 146:1 150:5 157:18 160:16 161:21 162:23 165:14,21 good 4:23 100:4 165:24 Google 100:16 Gore 79:9 GPS 114:14,20 115:10,17 116:19 118:18 GPS'd 116:16 grade 7:7,9 9:7,15 15:7,7 23:10 Grand 6:4,19 granular 87:15 gray 7:18 136:2 great 49:2 green 8:21,22 25:10,12 26:9 105:23 110:23 111:12 154:4 greenwood 5:10 5:17 6:12,22 7:13,15,17,24 8:5,9,11,21 9:2 9:4,11,15,24 11:11 12:3,5 13:3,4 14:18,23 15:8 16:6 21:1 21:14 22:9,14 23:8,20,22 131:11 136:6,7,8 136:10,17,23 137:10,12,16,20 137:21 138:15 138:20,22 139:11 grid 118:21,22,24	118:24 119:1,5,6 119:7,7 122:18 gridded 119:2 ground 15:1 33:10,12,16,18 159:14 group 49:10 guess 77:18 103:5 Gulf 1:14 guys 82:7,21 <hr/> H <hr/> H 3:7 half 77:11 halfway 25:3 29:13 45:11 46:23,24 47:2,2 47:3,10 161:10 165:5 Halloran 1:12 4:1 4:5 10:10 13:18 14:4 17:11,19 18:2 19:1 20:2,4 21:16 22:2 24:6 30:23 38:18 40:9,19,22 41:4 42:12 49:2,6 66:17,22 67:3,10 71:11,16 73:7 74:23 75:2 80:12,16 89:7,10 94:20 99:17 113:9 127:7,9,18 127:23 128:3 132:17,23 134:16,20 139:1 139:5,7 143:13 146:15,18 149:10,12,15,20 149:23 150:7,10 150:18 151:1,5,9 155:20,23 156:13,22 158:19 165:8,13 165:20	hand 54:1 91:24 111:24 122:16 122:21 139:12 167:17 handing 68:3 happens 91:23 hard 57:10 124:18 hashed 25:7,8 30:14,15,16 140:11 hatched-in 45:17 hatches 45:18 hatching 45:23 46:2,22 head 86:17 health 49:16 59:2 59:6,11,19 65:22 65:23 hear 150:21 heard 16:13,14 19:6 40:17 41:10 90:6 158:10 hearing 1:10,11 4:1,5 7:2 10:3 10:10 11:16,18 13:18 14:4 16:11 17:11,19 18:2 19:1,7,16 20:2,4 21:16,20 22:2,19,20 23:1 24:6 30:23 38:18 40:9,19,22 41:4,12 42:12 49:2,6 66:17,22 67:3,10,15,19 68:4,8 69:12 71:11,16 73:7 74:23 75:2 80:12,16 89:7,10 91:4,5,15 95:24 96:6 99:1,5,17 100:1 107:3,6 113:9 120:14 121:3,8 127:9,18
--	---	---	--	--

127:23 128:3 132:3,10,17,23 133:11 134:16 134:20 135:11 139:1,5 143:13 146:15,18 149:12,15,20,23 150:10,18 151:1 151:5,9 155:20 155:23 156:13 156:22 158:19 165:8,13,20,21 165:22 hearings 131:17 heavily 90:15 help 33:22 helpful 28:16 99:15 hereunto 167:17 Hey 93:5 high 33:11 50:24 68:22 76:23 higher 49:11 68:19 highlighter 154:4 highway 5:22 77:24 78:9,11 hold 38:18 93:10 143:20 152:19 Horan 71:14 horizontal 119:9 119:10 hour 1:16 66:23 hours 76:12 hum 164:7	119:14 identifies 21:12 identify 83:17 135:6 155:2 IDOT 4:3,7 5:1,15 6:9 7:5,6,22,23 8:13,23 10:7,17 11:2,12 12:4,11 12:18 21:10 26:10,15 27:15 27:22,23,24 29:19 34:6,24 35:17,18 36:3,12 37:7 38:5,8,9 42:9 43:24 44:20 45:23 46:11,11,18 47:16,17,23 48:6 48:10 52:18,22 53:11,24 54:8,15 54:24 55:1,17 56:9,10,17,20,24 57:8 58:13 60:4 60:8 61:20,24 62:1,15,22 63:2 63:4,20 64:2,4 64:10,16,21 65:10,14,17,21 66:1,3,6 69:15 69:18,22,23 70:1 75:20,23 76:4,8 76:9 77:12,16 81:3 85:8 86:10 86:11 87:16,19 88:2 89:5 90:3 96:5 104:22 105:7,7,11,18 106:2,11,13 108:15 111:21 125:24 128:10 128:13,18 130:7 131:16 141:16 148:18,19 149:3 149:4 150:1,2 151:14,23 152:3	152:14,21 154:22 IDOT's 4:10 5:6,8 7:2 19:12 20:8 20:12,18 21:3 25:23 26:14,21 27:5,7 29:11 32:6,8,12,14,23 32:24 34:4 36:11,13 37:6,12 37:13 39:1,17 43:11 44:3,22 46:3 47:11 48:20 51:12 52:18 53:1 58:2 61:10,17 63:1 91:12 117:5 131:20 Illinois 1:1,6 2:4,9 2:11 4:5 12:1 13:15 20:19 21:11 43:12 image 100:16 immediately 87:17 impact 19:9 85:12 85:18 86:6,16 impacted 34:10 43:7 86:12 105:6 impacts 89:24 impeaching 146:13 important 117:12 155:3 158:22 inaccuracies 95:20 inaccuracy 96:8 inaccurate 72:13 95:19,21 96:6,20 99:8 159:18 inappropriate 131:24 154:17 include 5:5,6 11:10 18:21	32:8,17 34:12 39:1 42:4 43:23 55:19 131:19 141:11 144:7 152:23 included 5:18,23 10:18 11:8 44:6 46:2,22 53:9,13 62:5 79:23 112:4 132:4 154:10 164:24 includes 20:20 44:11 63:23 including 40:2 100:1 155:6 inconsistent 109:18,19 110:6 111:13 146:10 159:5 incorrect 72:13 160:10 162:11 162:12 increase 18:13,19 increased 73:20 incurred 81:9 indicate 140:9 indicated 23:18 indicates 139:14 indirectly 167:15 individual 56:13 63:20 individually 58:2 inferred 137:15 info 4:4 information 11:17 13:13 14:21 15:17,24 16:8 17:24 18:12,15 18:16,19 19:15 19:22 23:12,16 23:16,17 66:12 66:13 74:5 97:18 99:11 101:14 138:14 140:14 158:21	158:22 initial 67:15 70:13 94:18,24 107:1 115:19 126:13 160:2 inside 31:21 32:22 101:12 105:23 105:23 insight 56:14 install 33:16 43:4 instances 117:7 152:7,8 155:5 intent 140:4 interested 167:15 interface 49:24 interpret 144:13 interpretation 143:2,8 144:3 interpreted 143:23 intersects 136:7 investigation 15:23 16:2,10 18:10 invoice 82:17 involve 10:7 involved 39:23 54:12 62:3 76:20 89:24 164:6 involvement 5:9 28:10 involves 40:15 128:19 involving 22:11 IPCB 11:24 12:1 12:11,18 19:13 20:9,13 issue 83:22 issued 75:16 99:7 it' 89:20 item 55:8
I				J
idea 56:4 Ideally 113:4 identical 61:12 identification 92:4 147:11 identified 40:12 86:1 87:18 112:19 117:8				Jenkins 103:23

JENNIFFER 2:14	142:19 144:2	93:13 94:17,18	line 8:11,12 13:2	101:23 110:12
JM 18:11 27:13	145:19,20	96:11 98:13,15	15:4 24:22 26:3	110:14 111:3,7
38:24 50:16,19	land 1:6 111:21	99:13 101:4,22	26:20,23 28:2,10	111:12 112:3
61:22 81:9,12	language 66:11	102:20 104:19	29:9 33:24 34:1	118:5,12 119:7,8
82:10 89:4	74:17	109:21 113:6	35:24 53:13	119:11 140:11
91:12 132:8,12	large 7:7	117:14 119:22	64:14 65:1	143:6,18 152:10
JM's 15:12	larger 40:14,15	122:12 124:14	68:14 71:18	152:23 157:19
JM0040329 153:5	106:12,16,18,21	124:15,16	72:1 76:19 77:4	157:22 158:3
153:19,23	123:14,23 124:2	125:21 126:12	77:15 78:5,5,15	159:10 160:8
job 60:19 82:17	LaSalle 2:3	128:6 137:24	83:15 85:15	163:12
Johns 1:2 25:19	lateral 92:11	138:3 140:6	86:4 87:7,24	link 34:10
28:2 81:14 90:1	laterally 125:5	145:8,11 148:15	88:3 96:1,12	liquids 33:16
Jr 125:23	latex 13:11	150:16 151:11	97:11,12,13	list 64:10
July 111:23	law 78:19,21 79:4	153:2 160:23	99:11 100:7,22	listed 17:18 36:1
June 68:4	lay 23:20 83:9	164:3 165:2,8	101:3,6,7,10,11	43:17 44:23
	125:8	letting 32:22	101:12,14,19	literature 86:15
K	layed 83:12	liability 5:2,6 7:2	105:11 106:3	litigants 78:18
k@nijmanfranz...	layer 43:6	18:20 25:24	109:7,10 110:17	little 125:10
2:5	laying 32:10	26:10,21 32:15	110:18,20,21,22	146:21 164:3
key 116:1	layout 14:22	32:23,24 34:4,24	110:22 111:11	locate 111:12,12
kind 118:21	84:12 109:19,24	36:3,14 39:2	111:15 112:14	116:20 117:21
149:13	110:1,3,3 111:15	43:13 47:12,16	112:17 113:7	125:14,14
knew 93:1 131:18	lays 26:22	47:17 67:15	114:10 115:3,11	located 43:10,11
know 20:5 36:16	leave 20:21 66:17	69:15 87:17	119:23 120:2	43:14 99:24
38:11 41:4 45:9	left 38:22	105:8,12,18	131:11 133:15	122:20 124:5
48:24 55:18	left-hand 15:5	106:2,20,22	133:18,20 136:2	129:13,18 130:5
62:2 68:11	legal 13:12 49:18	117:6 128:10,14	141:9 143:20	163:1
71:14 77:3 79:9	62:6 63:11 66:2	128:19 131:20	145:11,12 146:1	location 6:23 12:4
79:12,16 83:6	66:3 108:12	142:18 152:15	147:15 148:4,7	24:14,21,22,24
85:13 87:5	111:22 115:8	154:22	148:10 151:14	30:7 34:14
102:5,8 103:5,23	legend 111:18,20	liable 10:17 11:13	152:14 156:16	37:22 39:18
119:8 123:22	118:2 140:11	38:9 46:18	157:14 158:3	43:11 62:17
124:1 129:17	length 27:3 29:9	47:24 69:19	161:10 163:21	64:24 73:17,18
133:23 135:22	29:11 48:7	70:2 86:10 96:6	164:2	74:8 83:11 85:6
143:11,16	141:9 153:3	130:7 148:18,20	lineal 154:7	88:8 102:12
150:13,18 155:5	155:15 156:2,5	149:3,4 150:1,2	linear 26:22 27:4	107:11 110:21
156:11,16	157:15 158:7	152:3,22	27:5,10 29:10,12	111:15 117:17
162:10 164:6	159:11,16 160:8	lieu 43:7	48:5 88:1	118:3,13 119:19
known 142:6	164:24	lift 14:18	141:18,20	124:4,15,23,24
knows 5:12	let's 12:21 24:17	limit 8:23 87:16	151:13,22 152:5	125:1,7 127:3
KRISTIN 2:2	33:5 35:5 49:2	limited 49:23	152:11 154:7,23	129:24 137:24
	49:21 53:8 56:2	132:13	163:6	139:20 147:17
L	57:9 64:3 71:5	limiting 36:13	lined 96:10	160:22
L 103:23	74:19 76:14	limits 21:4,8	lines 31:5,6 33:20	locations 20:20,24
lacks 114:2,7	86:4 87:15,21	110:4	36:21 79:2	22:1,8 32:10
laid 17:20 102:24				

47:19 69:24	maintenance 50:2	96:1,4,16,19,23	meaning 89:20	150:8
92:12 102:13	making 40:21	97:7 100:4	measurable	moment 95:23
117:8,16 118:1,4	41:1,2 101:17,18	107:5 108:1,4	119:17	148:16
118:9,10,10,18	101:24 160:20	109:15,20 110:6	measure 123:2	Monday 16:18
120:7 122:5,6,17	Man 14:23	112:19 113:15	125:11,12	17:14
122:20 127:1,5	managed 33:15	114:16 141:21	measured 124:14	money 76:8 82:5
135:20 141:14	management	141:22	125:10 154:6,6,8	monitoring 59:20
142:1,3,5,7	44:13 49:23	MARIE 2:14	155:11,13 161:4	morning 4:23
locked 104:16	77:1 82:17	mark 90:20 91:22	161:9	150:14
long 75:23	Mansville 1:2	125:6 147:8	measurement	move 24:7,17 33:5
look 9:17 47:6	25:19 28:2	156:4	122:19 161:2,7	90:4 121:13
83:1 85:2,7,9,14	81:14 90:1	marked 3:8 15:5	161:15	127:19,23 134:9
86:18,21,23 87:2	manual 82:17	74:8 92:2 147:9	measurements	145:3,5,7 146:6
87:15 93:18	115:5	155:8	123:17 142:5	146:14
98:13 102:20	map 7:19 8:22	markup 121:5	152:6 157:2	moved 42:2 100:3
104:19 105:10	22:18 24:23	markups 140:22	measuring 122:24	100:5,10,11,15
120:12 134:10	32:11 38:17	Mary 115:20	124:4	104:12,12,13
134:12 135:8	40:12 42:19	Marzullo 1:13	mediation 18:11	105:5 107:15,20
143:5 145:8	47:11 67:9	2:23 167:4,21	meeting 4:9	125:18 146:12
153:6 157:6	90:20 94:19	match 15:7 56:5	memorandum	148:12
looked 16:19 19:7	95:1,4,19 96:19	material 10:4 18:8	89:15,21	moving 26:19
19:23 26:1	97:17,20 98:2,7	19:21 47:1 83:7	merely 141:24	30:3 37:18
53:24 127:14	98:8,10,13 99:8	83:18 98:23	mess 123:15 159:3	39:10,13 44:5
153:17	99:11,14,19,22	121:10 135:6	method 57:4	46:21 55:6
looking 36:22	99:24 102:18,18	139:15 140:12	85:24	multiple 6:10
38:15,16 61:2,3	103:18 104:19	141:2,4	methodology	mystery 16:13
85:17 86:8 87:9	104:20,22 106:4	materials 13:9	34:22 35:4,9	
90:2 112:3	106:19,20 107:1	16:5 19:18	36:4 49:15,19	N
133:22,24	107:18 108:2,21	83:20 96:24	57:22 58:24	N 3:2
145:23 146:3	110:13,24	139:20 140:10	59:3 60:12,20	N-g-u-y-e-n 90:20
153:9,9	111:11 112:4,13	math 161:19	82:8 85:10	n-o-r-t-h-i-n-g-s
looks 9:23 106:11	112:21 114:3,8	matrix 74:9	86:16 87:16	116:8
losing 151:18	115:19 117:12	Matt 147:14	middle 8:8 98:16	name 4:4
lost 20:10	117:17 119:12	matter 4:6,8	Midwest 2:6	near 6:23 12:3,4
lot 5:13 98:16	119:13,16,18,21	71:19,22 163:10	mind 69:4 126:24	144:9
109:6 122:14	120:6,13,16,18	163:16 164:10	mine 59:4	necessarily 124:22
low 43:8 148:7	120:19 121:1,5,6	maximum 128:13	minute 152:20	necessary 22:13
lunch 66:23	121:11,12	McGinley 147:14	minutes 49:3,4	79:21 138:15,16
	122:22 123:1,13	mean 10:24 17:15	150:9 158:24	need 85:2 112:22
M	124:13 125:14	18:15 22:23	misleading 22:1	112:24 113:2,13
Madam 13:18	129:19 141:24	31:9,14 72:5	mismanaged 5:15	125:6 129:22
magic 66:11	147:4 151:16	115:8 140:12	misplaced 104:8	149:21 155:5
main 6:15,15	157:2 160:16,21	144:20 158:24	104:16	157:14 158:3,23
maintain 70:21	maps 79:18,24	159:3 161:15	mistakes 104:2	162:22
74:14	90:15 95:8,14	165:9	misunderstood	needed 5:18 8:24

14:14 18:17 33:13,21 35:15 39:23 40:1 44:11 97:21 107:1 157:19 needs 68:2 161:2 never 41:16 98:2 98:6 115:1 127:21 142:22 new 13:13,14 18:12,13,15,19 41:3 75:16 97:7 102:14 107:18 107:19 131:13 160:18 Nguyen 90:18 97:7 107:9 nice 113:4 Nicor 10:6,16 33:24 64:13,17 64:18 109:11 110:21 night 165:24 NIJMAN 2:2 no.' 79:6 nonresponsive 90:4 normal 45:4 151:6 north 24:22,24 25:2,9,15,19 26:19 28:10 33:18,24 48:7 65:6 87:23 88:2 100:2,3,12 105:6 105:11,19 106:3 109:10 110:22 153:3 155:15 156:3,5,17 157:15,20 158:4 159:11,16 160:8 164:22,24 northeast 6:21 10:13 15:16 25:4 30:8,9,18 32:5 33:1 34:2	40:5 65:9,11 109:2 136:3 northeastern 114:17 northern 30:11 99:23 100:11,21 101:2 102:14 104:4,7,11,15,17 107:13,15 110:2 112:18 116:14 116:20 117:1 123:11 125:11 148:13 154:7 164:11 northings 116:7 116:11 northwest 6:20 38:1 43:5 Notary 1:13 167:4 167:21 note 23:14 84:12 103:2 noted 8:1 137:5 146:24 notes 66:15 67:11 notice 84:3 noting 28:9 39:11 November 1:1 74:1 84:19,22 126:14 147:5,22 147:23 number 36:18 51:23 55:2 67:18 70:7 71:13 75:1 79:18 94:3,5 153:10,10,23 163:17 numbers 6:24 31:16 35:2 53:4 54:16 71:15 73:19,20 149:9 149:16,17 154:11,21 161:24 162:1,10	numerator 152:19 160:23 161:1,4,7 161:14,16 165:2 165:3,4 <hr/> O <hr/> o'clock 1:17 166:3 O'Laughlin 2:7 3:5 4:11,15,16 4:22 10:14 13:23 14:6 17:11,12 18:5,22 19:5 20:6 22:6 24:9 31:3 38:21 40:19,20,24 41:12,20,23 42:16 48:23 49:8,9 66:14,20 75:1 78:13 80:11,14 89:9,13 126:17 127:9,11 130:22 131:21 132:21,24 134:5 146:9,17 147:14 149:7,14,17 154:12 155:17 156:7,14,21 158:12 159:3 163:22 oath 4:12 67:5 object 133:5 objected 132:8 158:13 objection 17:7 18:3 21:15,17,18 22:17 40:10,11 41:1,21 67:8 80:11,14 115:6 126:17 130:22 131:4,21 132:8 134:5 146:9,15 149:7,13,14 154:12 155:17 156:7,21,24 158:12 159:7	objectionable 156:12 objects 160:4 obtain 15:17,24 115:10 obviously 58:16 occasions 71:21 occurred 29:22 43:9 October 1:16,16 4:7,8 165:16,17 165:23 166:2 167:19 off-site 43:8 offer 18:3,4,22 19:2,3 20:1 41:5 80:15 130:23 131:23 132:2,3,4 132:11,17,19,22 133:1,3,4,10,13 134:3 135:18 offered 67:18 70:4 131:23 offering 77:22 78:7 80:9 158:16 offhand 36:16 62:2 office 167:18 Officer 1:11 4:1,5 10:10 13:18 14:4 17:11,19 18:2 19:1 20:2,4 21:16 22:2 24:6 30:23 38:18 40:9,19,22 41:4 41:12 42:12 49:2,6 66:17,22 67:3,10 71:11,16 73:7 74:23 75:2 80:12,16 89:7,10 99:17 113:9 127:9,18,23 128:3 132:3,10 132:17,23	134:16,20 139:1 139:5 143:13 146:15,18 149:12,15,20,23 150:10,18 151:1 151:5,9 155:20 155:23 156:13 156:22 158:19 165:8,13,20,21 offset 137:3 Oh 25:22 okay 5:4 6:14,17 8:19 9:20,22 10:2,15 11:12,19 11:21 12:7,15,21 13:5,17,19 14:20 16:8,13 17:2 19:1 20:14,16 22:17 23:3,18,24 24:3 25:14 26:9 26:12,24 27:9,12 28:5,23 29:7,21 30:6 31:4,20 32:7 33:5,7,20 34:3,15 35:4 36:2,6,13,16 37:1,20 39:10 42:23 43:1,20,23 45:14,22 46:5,8 46:12,14,17,21 47:11 48:11,22 48:23 50:5,11 51:2,11 53:8,9 53:10,18 54:19 55:2,18,23 56:2 56:15,19 57:9,20 58:6,12,16,20,24 59:5,10,14,17,23 60:8,14,18 61:9 62:2,18,22 63:3 63:7,15,23 65:4 67:14 68:1,10,14 68:15 69:18 70:10,13,21 71:1 71:5,24 72:5,8
--	---	--	---	--

72:12,18 74:14 74:19 75:5,11,16 75:20 76:11,14 76:20 77:5,14,15 77:21 78:3,22 79:1 80:5 84:11 85:16 86:4 87:6 87:15 88:6 89:15 91:2,3,9 91:15,20,22 92:13,18 93:15 93:19 94:5,22 95:3,23 96:11 97:10 98:21 99:13 100:9 101:4,10,16,22 102:23 103:2,9 103:12,15 104:7 104:14 105:17 106:6 107:13 108:8,10 109:1 110:11,19 111:24 112:7,17 113:6,18 114:6 115:12,24 116:1 116:4,16 117:14 119:4,18,22 120:18 121:1 123:18 124:6,17 124:19 125:9,17 125:21,24 126:3 126:4,12 128:9 128:18 129:1 130:9,13 131:6 133:6,17 134:2 135:18,21 136:9 136:19 137:17 137:23 138:1,18 139:13,18,23 140:24 142:7,22 143:2,5,20 144:19,22 145:2 145:8 146:11,22 147:8,19 148:2,6 148:12,15	149:20,23 151:5 151:8,11,17 152:5,19 153:2 153:20 155:1,14 156:2 157:5,12 157:18,24 159:15 161:12 161:21 162:9,18 163:3,20 164:3 165:2 old 9:18 once 74:14 106:24 125:3 164:20 ones 161:23 open 12:12,19 68:1 71:5 opine 131:13 opinion 17:8 40:18 41:3,9,13 66:7,9 69:16 72:22 73:19 80:15,18 85:2 88:12 96:14,17 107:24 108:2 126:10,21 127:20 130:9 131:15 135:14 141:17 142:23 158:14,18 opinions 17:9 67:18,22 68:18 68:18 69:11,12 70:8,18,22 72:13 73:15,16 74:15 77:22 78:7 80:9 84:20,23 85:3,11 95:13 133:10,13 134:3 158:16 opportunity 41:17 order 5:20 6:9,11 7:6 21:11 22:9 22:13 33:13 45:7 47:18 100:6 113:14 158:1,2 160:24	161:16 original 5:12 9:15 19:15 99:19 106:13 131:17 135:11 138:13 originally 110:8 132:19 out-- 27:21 outside 11:9 13:3 21:7 25:12 31:8 31:12 32:11,14 32:16 34:13 38:3,4,8 39:5 43:11 51:14 64:23 105:22 132:16 133:4 135:18 144:11 overall 35:1,11 57:23 59:15,24 overlay 115:5 overrule 80:16 overruled 22:3 146:16 156:24 oversight 49:17 50:1 60:15,15,21 61:7 65:24	<hr/> P <hr/> pace 151:6 page 3:3 25:17 38:16 39:7 55:7 68:10,14,14 71:9 71:13,14,24 74:20,21,22 75:6 76:15 77:3,4,14 78:3 79:1 83:15 85:15 87:6 88:9 95:3 96:12 97:10,12 101:5,6 101:23 112:12 113:7,9 115:2 119:22 120:1,2 121:15 123:14 133:15,18 134:11 140:2,13	140:20 143:5,11 143:12,15,18 146:3 163:20 pages 17:1 94:17 117:14 121:17 paid 25:19 28:2 50:19 81:10,12 81:12,18 Pamela 1:13 2:23 24:7 42:12 49:3 165:13 167:4,21 paper 91:7 119:1 119:5 124:2 paper-wise 123:14 papers 86:21 paragraph 11:20 11:23 18:7 43:2 parcel 20:19,22 43:9 108:12 145:3 147:17 149:4 parking 5:13 part 16:1 21:5 22:18 24:22 34:15,16 80:1 131:16 132:6 158:14 162:2,4 partial 111:1 particular 37:2 60:19 parties 167:13 party's 6:13 Pause 38:20 128:2 pavement 136:17 PCB 1:4 pdf 92:24 102:24 120:20,23 123:3 124:1 pdfs 94:8,12 peat 138:7 139:19 141:2,3 peer 86:15 people 4:14 percent 26:11,13	28:4 29:15,16,17 31:21 32:1,2 35:16,23 36:10 36:23 46:7,9 48:8 52:18 54:4 54:5,20,21,23 55:8,9,12 56:7 56:15,24 57:1 58:7,11,20,21 59:11,23 60:5 61:1,1 63:1,4,6 63:7,10 67:23 68:19,23 70:22 71:2,3 72:10,11 74:15 77:18,18 85:11 152:16 157:6,8 percentage 27:10 28:3,7 29:14 31:18 32:1 34:24 35:12,20 35:21,22 36:10 37:8 42:22 46:5 46:10 48:2,4,8 48:19 54:14 57:6 58:3,7,9,13 58:17 59:11,14 60:4,10,12 62:24 72:8 76:23 77:15 85:18 86:6 87:10 159:21,22,23 162:13 percentages 34:9 35:1 51:5 54:11 54:12 56:3 58:4 61:6 62:14 perfectly 82:11 personal 167:9 pertains 29:24 30:1 pertinent 22:21 37:14 45:3 Peterson 17:22 82:14,16 130:20
---	---	---	---	---	--

131:7,23 132:9 134:15 158:14 159:6,10 Peterson's 16:14 17:13 18:23 19:6 phase 70:5 phone 161:9 photo 106:13 photograph 134:12 photographs 16:15,17,22 17:10,14,16,21 19:7,8 131:8 133:8,11,14,22 134:4,18 photos 16:20,21 17:2,4 131:3,5 134:7,10,11,14 picks 8:15 picture 24:20 pictures 147:18 piece 119:1,5 124:2 Pinellas 1:14 167:2,5 pink 25:10,11 place 8:16 9:6 30:12 40:6 116:1 126:13,14 147:1 167:11 placed 35:24 43:7 81:20,23 98:11 126:16 placement 117:11 places 21:23,23 145:1 plan 8:1 9:18 16:9 59:19 93:23 121:16,19,24 138:7 plane 103:15 118:22,23 125:5 planning 134:2	plans 8:18 138:13 140:18 plat 111:22 112:10 113:5 play 17:6 played 90:11 please 10:11 12:10 13:8 14:12 42:13,14 68:10 78:4 79:1 80:24 83:14 84:6 86:14 93:9 96:13 97:11 101:5 111:17 112:7,12 113:7 116:12 119:23 121:14 125:21 128:6 130:2 134:18,20 144:17 146:22 148:2 156:6 162:14 plot 108:12,15,19 108:22 109:1,7 109:10 114:10 114:14 120:4 122:16 124:20 plus 7:18,21,23 8:6,6 9:14,14,19 9:24 12:4 13:2 23:23 31:23 136:24 point 6:18 7:15 9:1,14 29:14 30:12,13 40:20 40:23 41:2 46:23 47:2 91:6 91:9 97:14,16 107:9,24 110:5 111:10 112:22 113:2,14 114:3,7 126:19 127:12 127:19 135:7 150:6,17 156:19 157:1 160:13	161:9,10 162:9 pointed 104:3 130:6 160:1,19 pointing 21:24 73:4,11 118:8 points 123:10 150:23 Pollution 1:1,12 4:5 12:1 13:15 18:14 20:19 21:11 43:12 44:4 port 61:9 portion 28:2 38:1 43:22 48:13 128:19 136:22 137:11,13,15,20 138:12 140:2 portions 152:13 possession 84:16 92:19,22 94:10 94:12 111:9 possible 69:21 156:12 potential 59:19 practical 43:4 practice 45:4 47:4 47:10 50:2 premised 161:24 prep 51:16 53:7 54:22 56:14 58:5,15 60:23 61:4 62:10 preparation 49:16 49:22 50:4,13,14 51:7,10 52:9,15 55:4,7 56:16 57:14,24 59:1 65:20 prepare 113:14 prepared 115:19 121:24 154:14 PRESENT 2:1,13 presented 22:24 62:19 99:4	120:13 121:2 pretty 33:11 50:19 72:6 153:17 165:10 previously 19:23 29:1 104:23 111:5,8 price 16:5 print 123:14 printed 123:13,23 124:1 prior 11:20 92:19 106:13 111:9 probably 77:17 78:20 problem 81:6 82:24 83:9,16 150:20 151:2 156:20 problems 73:4,12 84:1 165:17 proceed 14:5 19:4 134:20 155:23 proceedings 1:10 166:1 process 5:12 36:7 36:23 45:24 48:12 processed 63:21 produced 103:4 135:10 producing 114:18 professional 49:24 66:10 profile 23:21 profitable 76:24 project 14:18,19 33:10 39:21 49:23 50:1,18 77:1 proof 18:4,23 19:2 19:3 20:1 41:5 96:8 130:24 131:24 132:2,3,5 132:11,18,19,22	133:1,3,4 135:19 proper 127:17 properties 115:8 property 6:21 98:9 111:23 114:14,20 115:4 115:9 proposed 5:22 Protection 97:4 protocol 82:9 provide 86:14 112:7 152:1 provided 11:17 19:16 23:16 42:20 48:19 55:14 62:20 73:3 91:16 121:5 140:13 provides 140:11 Public 1:13 167:4 167:21 pull 6:6 57:9 105:14 153:21 pulled 61:24 153:21 pumping 33:17 purportedly 50:19 purports 126:5 purpose 32:21 put 37:9 99:15 101:2 102:8 123:14 127:4
Q				
Quail 115:20 qualifications 80:9,15,19,22 quarter 150:11 question 42:10,13 66:8 68:15,23 69:1 72:1,5,12 76:21 83:4,16,22 84:1 86:22,23 96:14 100:9 101:16 102:2				

103:20 106:7,24 113:12,17 115:3 116:24 119:4 122:21 123:18 133:21 134:1,2 138:18,20 140:24 144:3 145:14,17 149:8 149:11,19 157:24 158:1,15 159:2 163:14,14 164:5,8,11 questioning 132:12 158:13 questions 5:1 66:20 81:4 132:9 133:3 135:19,22 139:9 152:20 158:20 quick 66:14 quite 12:17	42:10,13,15 43:2 43:21 88:19 111:17,19 124:18 134:24 160:4 reading 11:23 12:16 57:11 60:6 146:10 realized 107:1 really 123:18 129:22 reason 28:16 80:21 158:12 reasonability 81:15 reasonable 66:9 67:23 68:22 69:1 70:23 72:4 81:10,13,17 rebut 160:16 rebuttal 125:22 160:2,17 rebutted 73:6,11 recalculate 160:16 recalculating 54:1 recall 68:20 69:5 69:13 71:19 78:24 79:17 86:3 91:18 102:19 134:16 142:24 155:20 159:9,13 received 17:22 120:21 receiving 74:5 recess 49:5 66:19 67:2 139:4 reciting 40:16 recollection 91:20 reconstruction 12:3 record 12:22 13:20 42:15 49:7 67:4,10 87:22 89:9,11,12	93:9,21 94:2 111:5 119:14 139:6 148:1 149:2 159:23 160:4,7 165:12 165:14,15,16,19 165:21,22 recorded 167:7 records 96:1 recreate 156:10 red 111:11 redirect 146:19 156:23 158:20 158:23 redrawing 38:17 reduce 123:15 reduced 167:8 refer 151:16 reference 36:19 92:15 108:10 112:22 113:3,12 113:14 114:3,7 126:19 134:18 153:14 referenced 15:20 16:4 21:9,10 22:8 47:12 134:7 references 21:12 47:14,18 153:18 referencing 112:1 referring 6:7,18 7:1 8:7 10:8 12:23 125:20 reflect 23:15 111:6 140:3 148:1 159:23 reflected 7:24 131:17 reflection 130:23 reflects 23:9 54:15 64:9 111:6 140:12,22 141:14 148:1 159:24	regard 74:18 regarding 22:18 28:2,10 29:2 37:11 39:16,17 41:22 44:23 61:20,23 62:14 63:20 64:1 79:5 99:12 108:2 126:10 regards 59:20 61:7,14 62:5 128:11 regulatory 49:24 reiterate 12:15 related 48:20 relates 22:9 51:17 150:3 relation 20:24 21:13 42:8 47:16 relationships 100:5 relative 167:12,14 relevant 45:2 reliability 115:1 reliable 114:14,19 114:24 115:4 relied 90:15,18 96:5,23 108:6 121:3 141:17 153:5 relieved 49:3 rely 14:21 116:19 relying 77:22 78:6 remainder 152:23 remedial 39:22 93:22 remediated 15:14 remedy 88:16 remember 68:5,7 69:6 75:8 78:20 79:15 85:20,21 98:12 114:4 155:8 removal 121:15	121:18,24 removed 139:15 139:20 140:10 140:13 render 96:16 renewing 67:8 repeat 148:22 rephrase 66:8 73:10 report 1:10 5:3 6:7 15:19,20 16:14 17:21,23 18:17 19:10 20:7 21:22 22:18,22 24:4 27:2 28:15,17,19 32:15 33:22 34:20 40:13 41:14,16,19,21 42:4,20 43:21 44:17 50:11 54:2,7 55:14,24 67:19 69:11 70:14,16 72:23 73:4,4,6,11,12 73:23,24 74:2,4 75:7,13,17 77:14 78:4 79:19,24 80:10 81:2 82:12,19 83:11 84:16,19,22 85:4 85:11 86:20 90:21 91:17 92:7,20,22,24 94:2,4,13 96:2 96:15,15 99:20 103:13 108:1,3 110:1,21 111:9 116:4 117:18 120:21 121:23 124:7,8 125:18 125:23 126:13 126:15 127:13 130:19 131:14 135:3,5 144:17
--	---	--	--	--

R**R1** 147:16**R2** 147:17**railroad** 5:24**ramp** 37:23 38:7

38:12,13,23,24

39:8,11 40:2,3

40:15 42:18

43:20,24 50:20

ran 159:11**ratio** 152:2**re-boundary**

102:5

reach 66:9 154:7

154:9 158:2

reached 68:18

70:7

reaching 82:8

130:9 141:17

reaction 132:9**read** 11:22 12:10

13:8 18:6 19:11

20:17 23:12

145:2 146:23 147:5 152:9 153:8,13,14,18 154:1,20 156:11 157:6 160:2,11 160:12,14,17,18 161:5 REPORTED 2:22 reporter 13:19,21 90:19 113:19 reporting 27:1,2 reports 16:2 75:16 85:9 90:14 93:24 94:8 95:10 97:19 147:21,24 represent 26:7 52:4,23 93:9,21 94:2 140:15 representation 102:11 120:23 130:1 representative 129:14,21 represented 123:16 140:4 144:12 representing 118:15 represents 110:24 required 5:11 6:3 30:20 33:9 43:4 46:15 141:11 163:10,15,18 requirements 141:5 rescale 124:23 resolve 89:4 respect 67:8 83:23 106:8 133:3 134:15 respective 58:13 95:10 respond 17:12 126:23 127:10	respondent 1:7 responding 41:6 response 73:14 85:16 86:19,24 160:11,12 responsibility 19:12 20:9,12,18 27:6,7 29:12,19 34:4 43:12 44:3 44:22 46:3 48:20 53:1 58:3 88:2 responsible 90:3 rest 97:19 111:5 result 160:9 resurface 8:4 review 15:12 16:17 49:10 60:17 66:15 87:1 133:14 134:3 reviewed 86:15 reviewing 11:16 revised 32:11 147:15 Revision 93:23 121:16 right 4:10 14:7 16:11 22:22 23:13 49:6 52:7 52:8,13 59:8 60:6 61:5 63:8 67:19 69:12 70:8 71:15,16 73:12 74:6,9,16 75:21 78:1 79:6 82:3 84:17,20 85:12 86:2 87:4 87:19 88:10 90:9,12,21,23 92:20 93:1,5 95:11 96:2,7 97:8 100:17 102:15 104:9,20 105:3 106:15	107:6,17 108:1 108:13 109:2,7 109:15 110:7,12 110:16 111:4,14 112:23 113:1,17 114:15 115:16 115:21,22 116:5 117:12,22 118:14 119:15 124:17 128:23 128:24 131:9 137:3,5,5,8,9,13 137:20 138:21 139:11,14 141:1 141:9,13 142:20 144:10,19,21,23 145:3,6 147:1,2 150:20 151:15 151:22 152:11 152:17,24 157:6 157:10,18,19 161:3,17,19 162:1,7,12 163:4 163:11 165:6 right-hand 23:14 51:15 right-of-way 5:9 5:19 11:1,3,4,9 22:12 31:8 32:12,18,20 38:2 45:18,20 70:3 73:17,19 74:7 85:6 104:10 107:12 111:21 143:21,24 rising 9:10 road 6:4,15,17,19 7:10,11,20 8:13 8:14,16 9:6,8 10:8,12,19 11:6 11:8,13 12:13,19 13:5,10 14:8,9 14:10,23 17:6 18:9 21:6,8 22:16 131:16	136:2,5,10,13,14 136:17,22 137:1 138:17,23,24 roads 6:10 roadway 12:5 room 66:18 72:12 roughly 25:3 105:3,4 row 55:3 124:17 125:4 rows 55:7 rubbing 50:3 rule 32:13 86:9 ruled 12:2,11,18 131:15 132:4,10 rules 5:7 ruling 10:23,24 32:14 34:14 38:9 142:19 143:3,23 144:2 144:12,14 149:24 run 152:23 159:16 160:8 running 8:8 47:20 115:10 130:21 150:21 runs 8:10 10:5,13 30:12 38:1 51:3 rush 143:14 150:12 151:6 rushed 149:18	96:15,21 97:23 113:23 138:11 says 54:2 68:15 72:1 76:20 77:15 78:6 83:16 84:11 85:16 86:5 87:7 88:9 103:3,6,10 111:18,21 113:20 117:24 118:8,10 120:3 124:8 125:1 126:21 140:20 143:8 145:11 147:15 160:7 sb@jmanfranze... 2:5 scale 109:2 123:6 123:8,9 124:9,14 124:24 125:6,12 125:13 scaled 124:2 scaling 122:16,21 122:22 123:15 124:3,21 scan 120:24 scientific 69:2 72:4 scope 126:22 scratch 97:8,18 117:6 screen 153:22 seal 167:18 seam 131:8 second 12:16 31:19 38:18 43:16 74:19,22 75:7,8 76:18 85:4 102:18 104:19 128:1 140:16 145:9 section 19:11 20:8 20:11 43:4,6 87:24 97:15 98:16
---	---	---	--	--

<p>see 13:13 15:3 18:12 19:3 47:15 52:11 55:10 66:24 70:11 72:16 77:2,6,19 78:12 78:15 79:7 84:4 84:11,13 85:8 86:12 87:13 94:4,6 102:6,21 103:10 105:24 113:21 115:14 118:6,24 119:1,5 119:10 120:8 121:15 129:22 133:24 136:13 136:15 139:16 141:2 143:10 144:5 145:22,23 146:4 148:2,8,8 153:12 155:6 156:22 157:2 164:18 seen 91:3 127:22 139:13 segregated 49:12 49:13 50:5,7 selected 17:4 sentence 12:17 18:7 20:17 separated 48:14 series 17:16 81:4 135:19 serve 95:9 service 29:2 50:1 services 49:18 52:24 61:9 63:11 set 11:15 41:15 167:17 sets 31:5,5 setup 89:8 seven 7:21,23 121:17 SG003644 103:3</p>	<p>shaded 7:18 shape 139:14 share 25:23 shift 145:12,15,17 Shore 24:22 25:1 25:2,9,15,20 26:19 28:10 33:24 65:6 87:23 88:2 105:11,19 106:3 109:10 110:22 short 48:24 87:21 159:19 shout 80:13 show 12:22 17:16 17:17 78:22 84:17 98:23 110:5,13 138:10 141:3 159:1 showed 111:5 131:8 showing 24:21 30:7 39:16 45:13 109:23,24 138:5,6,12,12 140:23 shown 8:7 16:4 37:3 55:2 111:7 116:14 137:22 shows 14:7,9,22 22:23,23 24:14 47:11,20 51:4 110:16,17,18 111:1 136:16 138:11 side 6:13 7:4 10:22 11:10 15:5 16:6 23:15 27:3 33:18,19 51:15 92:14 144:21 154:9 156:3,3,5,5,17 156:17 157:15 157:15,20,20 158:4,4 159:11</p>	<p>159:12,16,17 164:22,22 165:1 sides 29:22 33:15 significance 89:5 significant 50:20 similar 57:13,21 82:7 113:14 163:4 similarly 60:14 61:9 simple 54:5 90:11 100:9 single 89:3,22 124:23 134:12 sir 96:21 98:21 115:14 site 7:4 10:5 15:23 16:9,16 18:10,18 18:20 20:8,11 25:2,4,5,19 26:2 26:4,19,21,23 27:4,6,18,24 28:1,6,6,7 29:3 29:9,10,13,22 30:1,11,18 32:4 32:4,11 33:2,4 33:18,19,23 34:3 35:22 36:4,5,6,9 36:11,19,24 37:9 37:12 38:2,17 40:1,5 43:3,5,22 44:9 45:17,18 46:6,7,11,14,21 46:22,23 47:15 47:20,21 48:3,4 48:8,11,16,16,18 48:18 49:12,13 49:14 50:3,6,8,9 50:16,17,22,24 51:6,16,17,19,21 52:6,10 53:7,12 54:7,22,22,22 55:3,4,6,6,8 56:9,14,16 58:6 59:6,11,15 60:5</p>	<p>60:23,24 61:1,1 61:8,8,16 62:10 62:10 64:11,11 69:22 83:12 84:12 87:24 88:3 92:12 98:24 99:10,12 99:24 100:7,8 101:12,13,18 102:1,3,4,13,14 103:1 104:4,8,12 104:15 105:5,18 106:2 107:14,16 108:19,23 109:9 109:19,24 110:4 110:21 111:1,2 111:15 112:4 115:21 116:2,15 116:21 117:2,17 117:18,22 118:14 119:14 122:16 123:3 125:11,18 127:1 127:2 128:18 129:1 130:5,13 137:22 145:21 150:3 151:12,13 151:23 152:2,10 153:2,2 154:7,22 156:17,17 157:16,21,22 158:3,4 159:12 159:12,17,17 160:9 161:1,2,10 161:22,24,24 162:6,10,11,11 163:11,16 164:6 164:8,10,12,13 164:23 165:5 site/preparations 50:23 site/site 49:16,21 50:13,14 51:10 52:8,15 56:16 57:14,23 58:5,15</p>	<p>59:1 60:23 61:4 65:20 sites 27:19,22 28:3 37:2,5 44:22 48:21 50:10 56:23 59:7 61:18 62:7 64:12 70:3 126:6 sits 11:5 situations 95:16 six 121:17 size 47:15 skipped 150:23 slightly 21:7 30:13 smaller 106:20 smooth 8:5 soft 141:2,4 soil 12:3 20:20 23:7 28:14,23 43:7,10 87:17 88:8,10 117:16 117:17 129:12 129:18,23,24 soils 29:3 33:15 162:15,20,24 solely 132:22 133:1 solved 16:13 somebody 94:15 sorce 83:6 sorry 27:11 30:24 44:15 56:22 71:12 73:24 74:21 76:19 80:14 84:21 97:13 98:14 113:20 115:23 117:6 121:20 128:4 130:4 135:3,18 143:20 145:23 146:3,11 146:21 148:22 149:13 151:18 151:18,21 156:9</p>
---	---	---	--	--

164:3 sort 8:21 47:6 115:5 139:14 152:20 156:13 sounds 41:6 source 83:17,20 135:6 sources 108:6 109:14,17 112:22 south 2:3 7:4 11:10 16:6 27:3 33:19 48:7 107:16 144:21 146:6,12,14 148:12 153:4 154:8 155:16 156:3,5,17 157:15,20 158:4 159:12,17 160:9 164:22 165:1 southern 164:12 southwest 6:20 10:13 136:3 spacing 119:3 125:3 spatial 120:22 speak 73:8 127:8 speaker 24:7 speaking 159:7 specific 21:9,10 21:12 27:24 54:10 62:8 84:1 86:9 specifically 10:19 10:21 51:9 53:14 55:21 62:16 79:5 86:1 87:18 132:15 142:17,22 144:1 specifics 42:3 specified 167:11 specimen-conta... 19:18 121:10 spell 90:19	spend 32:18 spent 29:18 37:11 spot 129:13,24 square 31:11,13 31:15,21,24,24 105:17 106:3,9 106:10 141:18 141:20 SS 167:1 sss 4:17 stage 8:12,17 stages 7:18 8:6 12:4 125:1 stand 67:5 80:12 standard 47:4,10 start 4:15 9:5 49:21 67:7 107:18 started 107:17,20 starting 64:6 107:8 115:3 151:2 starts 9:13,18,19 14:2 state 1:14 8:16 53:14 78:19,21 79:4,5 88:8 103:15 118:22 118:23 167:1,5 stated 10:21,23,24 27:3 39:6 130:19 142:17 143:4 144:1 149:24 statement 76:15 states 23:13 97:3 stating 38:23 station 7:23 13:2 136:14,19 137:6 stationing 108:16 136:21,24 stay 57:11 93:13 Staying 165:3 steal 7:8 steep 40:7	stenographically 167:8 Steven 3:4 4:2,12 4:18 147:13 167:6 stick 95:23 147:19 stone 43:6 stop 139:1 storm 50:2 straddling 144:20 144:21 145:7 147:1 148:3,7,10 street 2:3,8 6:5 14:23 23:9 streets 23:11 strike 90:4 122:10 structure 7:22 stuff 23:22 45:7 50:8 90:11 150:24 sub-box 37:3 subject 130:23 132:13 submit 16:21 submitted 16:20 32:16 96:24 120:22 147:21 147:23 substance 13:11 132:8 subsurface 118:5 118:11 Suite 2:3 summary 51:7 63:19,23 64:6 65:2 summation 35:13 supplemental 21:22 22:18 28:19 42:3,20 74:2,4 75:13,17 87:22 95:4 125:17,23 126:15 131:14 145:2 146:23	147:18 152:9 160:14 supplementing 41:19 support 47:17 49:18,24 66:2,3 supposed 41:13 93:17 sure 12:17 38:22 71:2 74:17 98:4 99:17 100:19,23 112:13 118:15 123:22 124:12 125:20 135:9 142:9 149:12 150:21 151:17 153:17 160:20 surface 6:2 15:1 23:9 118:4,11 surrounding 87:17 survey 8:16 15:1 83:10 109:10 110:3,9 115:21 116:9,23 surveyed 111:23 surveys 79:19,22 79:22,24 80:6 Susan 2:2 67:5 suspect 77:17 sustain 18:2 sworn 4:20 167:6 system 33:17 53:17 59:22	tables 34:19 tabulation 82:15 82:16 take 6:7 35:18 66:14,23 74:19 83:1 85:14 87:15,21 105:10 116:17 120:12 124:15,16 130:13,14,17 137:24 141:1 143:5 144:7 145:8,10 154:3 158:24 taken 1:12 49:5 66:19 67:2 71:7 71:19,21 129:13 139:4 146:21 167:11 talk 94:17 122:15 124:6 142:10 151:11 165:2 talked 12:7 17:4 24:15 52:20 54:16 63:22 72:21 81:7 98:15 109:6 120:4,13 127:4 talking 11:7 75:7 83:3 84:9 89:14 94:22 114:4 122:13 134:10 138:23 139:10 143:7,21 talks 134:11 task 24:5 43:24 44:9 49:11 51:10 53:6,8 54:16 55:3 58:22 60:14 63:20 64:1,2,14 81:21,24 82:2,6 87:10 telephone 53:13 tell 79:11 85:17
--	---	---	--	--

88:6 92:9,14 101:7 128:6 129:12 154:6 155:11 162:15 telling 142:4 146:13 term 83:8 terms 8:20 9:2 50:18 test 15:12 29:3 testified 4:20 17:8 40:14 67:21 68:17 71:4 95:5 95:24 99:23 111:8 112:13 121:7 123:12 133:6 134:14 146:11 153:16 155:19 156:9 testify 125:9 135:20 158:11 167:6 testifying 21:19 32:19 68:5,7 testimony 18:24 40:17 41:7,10 61:14 69:5 91:16 131:5 134:6 146:9 155:21 158:16 thank 4:16 20:2 22:4,5 24:3 53:3 67:1,11 69:10 110:19 125:17 127:24 132:24 133:2 134:17 139:7 141:5 146:19 148:15 149:23 151:8,9 159:6 165:23 theme 130:21 thing 41:8 68:24 69:3 125:6 139:19 things 36:18 45:4	63:24 86:8 93:11 107:21 111:12,13 160:18 think 4:13,14 14:4 15:15 16:22 17:1 22:2 39:6 41:7 66:15,22 68:2,15 70:23 71:15 76:17 81:6 83:8 87:2 87:11 90:6 93:14 108:5 109:2,21 111:4 129:11 134:23 136:12 153:16 159:22 162:19 165:14 thinks 156:16 third 65:1 124:16 124:17 thought 5:7 16:23 97:21 100:15 101:1 119:13 thoughts 159:4 thousand 73:21 three 13:12 15:23 16:10 18:10 33:15 100:4 112:3,4 throttle 150:15 throw 48:21 thumb 91:10 tie 112:24 113:5 tie-in 8:5 tied 95:14 102:12 104:7,11,15 105:7 107:13 145:18,19 ties 6:22 time 10:10 20:4 50:20 57:11 66:13 72:2 75:9 84:16 91:6 94:11 102:10	127:4 149:21 167:11 times 165:10 TIPSORD 2:14 today 40:17 63:24 64:8 77:22 165:22 told 54:6 130:20 141:15 tolerate 33:12 tomorrow 150:14 151:2 165:16,17 165:23 top 8:22 43:7 75:6 83:12 86:17 109:3 124:17 125:4 162:2 total 25:14,16,18 26:3 27:13 28:1 29:9,18,21 30:12 31:22,23,24 32:3 35:18,19 36:2,9 36:10 37:4,6 38:24 39:9 44:10 48:7,9,17 48:18 50:14,16 51:17,18,20 52:3 52:5,9,17,17,20 52:22 53:11,23 54:7,15,24 55:13 56:8,10,20 58:1 59:24 61:14,16 61:20,22 62:3,22 64:4 65:3,5,10 66:6 152:10 162:4 totals 44:14,15 62:13,15 touchdown 6:1 touches 88:3 traffic 9:8 trailing 30:23 transcript 68:3 69:7 transite 10:4	Transportation 1:6 2:12 traverse 6:12 158:3 traversed 26:3 traverses 25:4 26:23 treat 32:9 38:6 treatise 86:14 trick 128:15 tripod 24:7 true 11:7 73:1 77:11 140:3 142:2 152:7 trumps 95:15 truth 167:7 try 18:17 150:15 156:14 trying 15:6 48:24 89:6 97:14 128:15 133:7,14 149:8,16 150:10 150:17,23 154:10 155:1 156:10 161:6 162:9 turn 5:2 11:19 14:12 23:3 28:15 33:22 34:21 41:24 42:23,24 63:15 68:10 70:10 73:23 77:14 78:3 79:1 80:24 83:13,15 84:6 87:6,22 90:23 92:13 93:8 94:1 94:18 95:3 97:10 100:10 108:9 109:21 112:12 113:6 115:2,22 117:14 121:14,15 125:21 126:2 130:2 142:10,12	144:16,16 146:22 147:20 148:6 160:3,3,5 162:14 163:20 turned 72:24 159:19 turning 20:7,23 50:11 51:2,9 59:5 60:3 63:3 71:8 turns 104:1 two 5:16 26:5,7 31:4,5 32:18 41:10 45:5 56:5 71:21 94:17 95:8 152:23 type 164:5 types 5:16 134:1 typewriting 167:8 typically 8:10 9:19 45:8 <hr/> U <hr/> Uh-huh 69:4 113:16 138:2 unclear 132:24 underground 88:23 89:17 underneath 31:11 131:11 understand 40:20 40:22,24 41:1 77:21 82:24 90:10 95:8 100:14 107:23 114:13 119:12 124:12 127:6 146:14 149:8,19 157:8 understanding 83:5 95:15 128:16 163:12 164:2,9 understood 111:4 unfair 131:24
--	---	---	--	--

unfortunately 16:19 134:13	variety 19:17	144:20 145:6,14	165:17	61:15,16,19,21
United 97:3	various 73:12	146:6,12,23	went 45:12 47:2	61:22 62:4,6,7
unsuitable 139:15	81:21,24 96:1	148:3,17,21	82:6 104:23	62:23 69:4
139:20 140:9	97:19	149:6 150:3	105:2 128:22	75:20,23 76:1,8
use 6:11 7:4 24:4	versus 4:6 85:12	Waukegan 34:1	136:2 155:2	76:9 77:12,16
49:18 86:6	85:18 152:3	34:13 55:19,20	163:12	78:10,21 93:22
90:20 100:7	vertical 119:9,10	64:20,23 109:11	weren't 40:6 71:2	105:7 113:1
103:18 116:24	vigorous 22:3	110:22 142:13	91:5 96:9	121:16,18,24
120:3,18 121:11	visual 129:16	144:8,9,20 145:5	100:19,23	130:15 134:1
122:8 123:8		145:14 146:5,12	west 2:8 7:19 9:14	141:11 148:19
151:22 155:3	W	146:23 148:3,17	9:23 13:1 43:10	149:4 157:14
USEPA 60:16	waiver 40:4	148:20 149:5	43:18 46:4	164:6,21
65:24 77:24	waiving 131:4	way 6:1 12:19	129:2	workers 6:11
96:24 97:3 98:9	walk 35:8 53:8	24:6 26:22 29:4	western 25:3	88:23 89:18
163:10,15	64:3 124:21	34:5 51:18	29:13 43:22	worth 28:9 39:11
USEPA's 88:16	walking 64:7	62:21 72:14	46:23 123:11	wouldn't 79:21
utilities 33:23	want 20:15 32:18	80:3 86:8 96:9	125:13 165:5	123:14,15
35:14,17 36:7	49:10 54:2	98:8 105:10	wet 43:8	wrap 150:16
62:2,8 88:23	72:10 83:1	106:17 114:14	whatsoever	wrapping 150:8
89:17 153:17	85:14 87:22	114:18,19,22,24	138:24	writing 86:20
163:19	88:6 93:18	115:4 132:19	whereof 167:17	92:19
utilities/ACM	108:8 118:3	136:13 144:13	WIE 2:14	written 55:21
65:4	122:15 124:12	152:6 159:2	withdraw 28:18	62:16 85:21,23
utility 28:19,23	126:20 127:10	161:23 164:16	41:20	147:21,24
29:21 33:20	132:14,14	ways 12:12 87:2	withdrew 66:7	wrong 74:8
61:15,16,19,21	133:16 134:9	132:1,6,14	within's 43:9	wrote 70:16 74:5
61:22 62:4,7,23	135:21 137:23	we'll 19:3 56:3,23	witness 3:3 4:19	84:16 91:17
88:23 89:17	140:24 143:13	66:24 139:2	10:12 13:22	92:22 94:11
141:9 145:12	150:12,21,22	151:6	31:1 80:18	
utility/ACM	156:16 160:2,5	we're 4:1,23 22:19	113:20 115:7	X
28:14	wanted 18:21	46:2 48:24 49:7	126:20 143:15	X 3:2,7
utilized 29:8	46:18 85:8	66:23,23 67:3	149:22,24	Y
48:12 62:11	141:8 152:1	71:5,8,12 74:20	155:22,24 157:1	Yeah 68:21
82:9 116:22	wants 127:12,16	74:21 75:7	167:17	years 75:24
141:10	Washington 2:8	76:19 87:7	witnesses 40:14	yes' 113:20
utilizes 58:1	wasn't 11:6 62:16	89:10 119:24	word 139:19	yesterday 4:9,24
utilizing 58:2	69:19 86:22	134:9 139:1,5	wording 142:24	16:18 17:5
96:18	91:16 102:17	143:7,21 150:10	words 142:23	24:15 63:24
V	138:18 160:16	165:14,16,20,21	157:12	64:8
v 1:5 139:14	water 33:10,12,17	we've 35:9 63:24	work 6:13 8:3,17	Z
vague 115:6 134:5	33:17,18 50:2	64:7 66:22 89:7	9:9 10:17 16:9	zero 19:18
149:7,14	waterline 34:1,13	104:1 120:13	23:21,22 28:22	zoning 8:12
VAN 2:14	55:19,20 64:20	121:12 122:13	29:3 33:19	Zoom 1:14
	64:23 109:11,11	145:3 159:15	39:22 43:9 50:7	
	142:13 144:8,10	Webex 4:10,14	53:7 59:20	

0	17:2 134:10,11 134:14 10/31/2022 167:22 100 67:23 68:23 70:22 71:2,3 72:11 74:15 100-percent 67:21 69:2 72:1,3,23 75:11 100:23 100,000 73:20 102,734 65:15 106,587 36:11 1060 152:10 11 21:3 133:18,20 163:21 11,173 48:10 11.6 62:24 63:7,10 11:29 49:7 113 143:5,18 12 85:16 12,583 32:6 65:12 1230 1:14 124,676 55:1 125-24 164:5 126 163:20,22 13 82:2 130,682 26:18 13th 147:22,23	17 78:5 115:3 175 37:10 175,617 65:21 18 78:5,15 133:18 133:20 18,657 48:21 18.8 152:16 1889 31:9,22,23 18th 2:8 19 77:15 190,281 62:1 197 29:12 165:4 1971 7:24 199 152:15 1S 9:2 47:14 92:12 129:2 130:21 131:9 1st 1:1	2	204 57:12 80:24 90:24 204-110 57:17,18 57:20 60:4 204-111 63:4 204-38 83:2,4 84:6,8,8 109:6 204-40 135:9 204-41A 139:10 141:1 204.38 84:15 205 21:22 70:11 92:20 94:11 95:15 98:13 105:20 108:5 151:17 162:23 163:1 205-11 28:16 162:14,16 165:3 205-15 39:7 41:24 42:3,23 205-22 94:18,24 95:23 98:13 99:13,19 100:10 102:14,17 103:21 104:2,8 104:16 105:6 107:2,8,17,20,21 109:15 111:17 112:1,2 117:2 205-24 144:16,18 205-26 105:11,17 105:21 205-42 109:22 110:23 112:5,10 205-43 109:21 112:9,12,19 205-45 108:18 115:22 117:15 122:12 123:3 205-46 91:23 92:7 110:16 111:1 205-49 153:5,6 154:1,5 205-515 38:16	205-7 108:9 205-8 109:3 205-9 11:19,22 18:6 205-D 20:7,11 206-13 160:2 207 21:22 24:11 24:12 39:7 73:23 74:15 75:18 95:15 105:14 151:17 160:14 162:20 163:1 207-10 63:15,18 207-13 95:3 104:20 107:21 109:15 207-15 142:12 146:22 207-16 24:12 151:18,19 207-17 24:18 105:15 106:7,8 207-18 30:4 130:2 130:5 207-19 37:19 207-20 39:13 128:6,8 207-22 34:21 51:3 55:3 207-23 35:6 207-24 51:9 52:7 52:13 57:21 61:3 207-25 51:3 61:2 207-5 25:21 87:22 207-7 33:22 207-8 50:11 207.24 59:5 2070-17 24:19 208 125:21 208-11 126:2 21 68:14 21.7 35:22,23,24 213-1261 153:23
1	1 34:16,17,18 51:2 55:3 57:21 59:6 71:6,10 75:12 79:2 83:1,3,6,17 84:8 109:5 110:11 114:2,7 1,232,059 55:15 1,476,454 51:22 52:4,10 1,638,836 61:21 1.6 157:6,8 1.8 75:12 1:05 66:24 1:15 67:4 10 2:3 76:19 77:4 96:12 100:1,11 10,000 16:22,23	14 83:15 14-3 1:4 14-3JM 4:6 147 3:9 15 49:3,4 78:3 86:4 117:16,17 122:13 136:14 136:19,24 137:6 15-minute 139:2 15.8 54:4,5,14 153,385 65:8 155,318 29:19 1550 136:19 156897 167:22 16 79:1 143:6 16.8 54:20,21,23 58:7,21 61:1	2 7:16 8:12 45:24 46:6,17 93:23 111:19,20 143:6 143:15,18 2,000 27:4 2.5 13:10 15:10 18:9 20,000 50:21 20,880 38:14,24 44:2 2016 21:12 47:18 68:4 2018 70:14,19 74:1 103:10 111:23 147:22 2019 74:22 202 6:6,18 8:8 12:8,23 16:4 20:23 21:6,19 22:1,20,23 98:15 98:19 100:1,10 107:2 120:12 135:23,24 2020 1:1,16,16 4:8 166:3 167:19	205-515 38:16	

213E1261 153:20 153:21 217 3:9 147:8,10 151:18 217-05 148:16 217-1 147:13 217-14 148:6,6 217-5 147:20 148:2 217-51 148:23 21A 13:22 14:5,7 14:11,12,15 140:8,20 21A-23 14:21 21A-24 13:17 21A-26 23:4 139:23 21A-26A 139:12 22 75:24 83:15 22.4 37:8 2205-9 5:2 221 102:20 225 93:8 94:1 225-1110 94:5 229 78:15 229A 71:12 229D 74:20 75:2 229D-31 75:4 229S 90:23 229S-377 91:1 22nd 70:14,19 111:23 23 14:11,12 23.5 36:10 23rd 68:4 24 13:24 14:5,7 119:23 120:2 145:11 24.5 28:4 247,616 53:2 25-45 120:10 25.2 32:1,2 26 68:11,14 133:18,19,20 134:11	2613 160:5 262-5523 2:4 2650 154:9 27,707 46:13 2820 154:8 28th 1:15,16 4:7,8 29 71:11 29,934 32:5 29th 165:16,17,23 166:2 2S 9:2 47:14 <hr/> 3 <hr/> 3 19:19 20:8,12 22:18 25:2,19 26:2,4 27:18,19 27:22,24 28:3,6 28:7 30:11 32:4 33:18,23 34:3 35:22 36:4,5 37:2,5,9,12 38:2 40:1,5 43:5,22 44:9,22 45:18 46:6,7,11,14 47:15 48:11,16 48:18 49:12,14 50:6,8,10,16 51:17,19,21 52:6 52:10 53:12 54:7,22 55:3 56:24 58:6 59:6 59:7,11 60:5,23 61:1,8,18 62:7 64:11,12 69:22 74:20 83:12,23 84:2 87:7 97:13 99:10,12,24 100:7,8 101:12 101:13,18 102:1 102:3,13,14 104:4,8,12,15 105:5,18 106:2 107:14,16 108:19 109:19 110:1,4 111:1,2	111:15 112:4 116:15,21 117:2 117:17,18,22 118:14 119:14 122:16 123:3 125:11,18 126:6 127:2 128:18 130:5 135:4 136:12 150:3 151:13,23 152:10 161:22 161:24 162:1,6 162:10,12 3-inch 43:6 3,133 66:4 3.5 50:13 3.5S 157:9 161:5 3.6 27:11 29:15,16 29:17 48:8 3:20 139:3 30 74:21,22 75:7 30,000 16:24 17:1 31,303 65:3 312 2:4,9 31st 167:19 3278 105:23 332,000 25:21 332,005.4 25:22 3600 2:3 37,738 36:12 38,879 48:17 39,000 37:10 39.3 26:11,13 393 145:3 3939 143:24 3A 151:12 3S 9:2 25:5 30:13 47:14 <hr/> 4 <hr/> 4 3:5 24:10,12 31:4 79:2 83:23 84:2 101:6,23 121:16 135:4 137:8,8 153:14	163:21 164:2 4.25S 161:5 4.5S 129:2 157:10 4:30 150:11,16 151:7 400 73:20 41 135:9 145:10 145:11,23 146:1 146:3 42 145:10 146:2 426,254 44:10,15 426,500 44:15 4271 106:11 44,403 56:22 45 85:15 86:4 150:9 46 87:6 46,191 66:1 47 115:23 47.5 63:6 48 71:9,13,18 72:1 489,000 105:2 49 77:14 4S 9:2 10:1 12:4 25:6 27:8 29:14 46:24 47:14 88:3,8,10 130:13 161:10 165:5 <hr/> 5 <hr/> 5 24:17,19,20 28:11 97:11,12 5,000 31:14 5,470 29:10 5,591 29:20 65:5 5,611 31:15 5.1 97:15 5.2 20:8,11 5.3 48:19 5.356 19:11 5.5 55:9,12 56:7 56:11,12,15 61:1 5:00 150:11 50 35:16 36:23 77:4,18 122:18	125:2,4 136:24 50-foot 119:2 5470 154:23 155:3 157:10,13,21,23 163:6,17 55 97:10,12 56,221 36:5 5611 31:24 57-534 121:21,22 57,537 65:19 58 101:5,6 587 138:9 590 15:5 5S 6:23,24 9:3 10:1 11:11 12:13,20,23 13:1 13:6 18:21 19:16 27:8 29:14 46:24,24 47:10 129:4 131:18 161:11 165:6 5SAS 5:6 <hr/> 6 <hr/> 6 7:4 8:22 11:20 14:3 18:18,20 25:5 26:19,21,23 27:4,6,11,18,20 27:22 28:1,4,6 29:3,9,10,13,22 30:1,3,16 32:23 33:2,4,19 36:6,9 36:11,19,24 37:2 37:5,9,12 46:21 46:22,23 47:20 47:21 48:3,4,8 48:16,18,21 49:13,14 50:6,9 50:10,17 55:6,8 56:9,16,24 59:7 59:11,15 60:5,24 61:1,8,16,18 64:11,12 69:22 87:24 88:3
---	---	---	--	--

92:12 108:23	699 3:9	9:00-ish 151:2	
125:18 126:6	6S 6:23 11:11	9:42 4:7	
127:1 129:1	30:13 129:6	90 157:9 160:24	
130:13 137:22	6Sm 6:24	161:4,12	
143:18 151:18	<hr/>	92 3:9	
153:2,2 154:7,22	7	93,000 37:7	
156:17 157:16	7 7:18 8:6,6,7 9:14	932,730 50:17,24	
157:22 158:3,4	9:14,24 12:4	98 119:22 120:1	
159:12,12,17,17	13:2 23:23	99 120:3	
160:9 161:1,2,10	37:18,24 44:5	9S 92:12	
161:22,24 162:1	7,500 31:24		
162:6,11,12	7.5 13:13		
163:11,16 164:6	72 27:8 88:1		
164:8,12,13,23	736,607 48:19		
165:5	74.2 58:11,20		
6,538 56:20 57:8	75 93:19		
6,611 31:13	77,000 59:24		
6,776 60:2 65:23	79 115:2		
6.5 46:7,9	7S 6:23,24 11:11		
6.8 42:24	129:8 137:5,24		
6/site 55:6	138:3 141:1		
60 7:18,21,23 8:6	7th 74:1,22		
9:14,14 10:1	<hr/>		
12:5 23:23	8		
76:15 77:18	8 9:19 30:6 39:13		
101:23 157:21	39:15 45:16,17		
600,050 66:6	72:1 75:12		
105:3	113:7		
60602 2:9	8,333 63:2,14		
627.5C 15:13	8,455 27:17		
63 96:12	8,775 37:13		
63.1 60:5,8	8.8 57:1 59:11,23		
66 93:14,20 111:5	807,328 50:17		
111:7	814-2087 2:9		
66-73 93:18	85 113:7,10		
66-74 93:19	8S 6:23,24 11:11		
66-99 91:22 93:19	12:14,20,24 13:1		
108:21	13:6 18:21		
6699 92:3	19:17 129:10		
67 3:5 121:14,15	130:21 131:9,19		
122:1	<hr/>		
67-534 121:17	9		
67.5 18:11	9 71:18 101:23		
67534 122:5	143:20		
69 2:8	9:00 1:16 165:18		
	165:23 166:3		