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ILLINOIS POLLUTION CONTROL BOARD

CITIZENS AGAINST LANDFILL)
EXPANSION (CALE),)

Petitioner,)

vs.) PCB No. 03-236

AMERICAN DISPOSAL SERVICES OF) Facility Siting
ILLINOIS, INC., and LIVINGSTON) Appeal)

COUNTY BOARD,)

Respondents.)

The following is the transcript of a hearing held in the above-entitled matter, taken stenographically by Gale G. Everhart, CSR-RPR, a notary public within and for the County of Peoria and State of Illinois, before Bradley P. Halloran, Hearing Officer, at the Pontiac City Hall, 115 West Howard Street, Pontiac, Illinois, on the 9th day of September, A.D. 2003, commencing at 8:01 a.m.

1 PRESENT:

2 HEARING TAKEN BEFORE:
3 ILLINOIS POLLUTION CONTROL BOARD
4 100 West Randolph Street
5 James R. Thompson Center, Suite 11-500
6 Chicago, Illinois 60601
7 (312) 814-8917
8 BY: MR. BRADLEY P. HALLORAN

9 APPEARANCES:

10 CAROLYN GERWIN, ESQUIRE
11 Attorney at Law
12 705 South Locust Street
13 Pontiac, Illinois 61764
14 (815) 842-2486
15 On Behalf of the Petitioner.
16 EHRMANN, GEHLBACH, BADGER & LEE
17 BY: DOUGLAS E. LEE, ESQUIRE
18 Attorney at Law
19 P.O. Box 447
20 Dixon, Illinois 61021
21 (815) 288-4949
22 On Behalf of the Respondent American Disposal
23 Services of Illinois, Inc.

24 LAW OFFICES OF LARRY M. CLARK
BY: LARRY M. CLARK, ESQUIRE
Attorney at Law
700 North Lake Street, Suite 200
Mundelein, Illinois 60060
(847) 949-9396

- and -
BLAKEMAN, SCHROCK, BAUKNECHT
BY: C. THOMAS BLAKEMAN, ESQUIRE
Attorney at Law
307 West Washington Street
Pontiac, Illinois 61764
(815) 844-6177
On Behalf of the Respondent the Livingston
County Board.

24

1 ALSO PRESENT:

2 David Bryant

John McDonnell

3 Jeanne Rapp

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1 HEARING OFFICER HALLORAN: Good morning everyone.
2 My name is Bradley Halloran. I am a hearing officer
3 with the Illinois Pollution Control Board. I'm also
4 assigned to this matter entitled Citizens Against
5 Landfill Expansion, Petitioner, versus American Disposal
6 Services of Illinois, Inc., and Livingston County Board,
7 with the corresponding Board number PCB 03-236. And
8 this matter is continued on record from yesterday,
9 September 8th, 2003. Today is September 9th, 2003.

10 It's my understanding -- and I'll let the
11 parties introduce themselves and state their position.
12 It's my understanding that the parties are close to
13 resolving this issue. I guess there are a few
14 settlement terms that need to be ironed out. Is it fair
15 to say, Ms. Gerwin, that you are optimistic that the
16 motion to withdraw will be filed by or before 4:30
17 today?

18 MS. GERWIN: Yes.

19 HEARING OFFICER HALLORAN: Okay. Thank you. With
20 that said, Ms. Gerwin, would you like to introduce
21 yourself just for the record.

22 MS. GERWIN: Yes. My name is Carolyn Gerwin. I
23 represent Citizens Against Landfill Expansion, the
24 petitioner in this matter. And we would be moving for

1 adjournment of this hearing until tomorrow at 8 a.m., if
2 necessary.

3 HEARING OFFICER HALLORAN: Thank you.

4 Mr. Lee.

5 MR. LEE: Thank you, Mr. Hearing Officer. My name
6 is Douglas Lee. I represent American Disposal Services
7 of Illinois, Inc., and we would join in Ms. Gerwin's
8 motion.

9 HEARING OFFICER HALLORAN: County Board.

10 MR. CLARK: Larry Clark on behalf of Livingston
11 County Board along with Thomas Blakeman. The County
12 stands ready and able to go forward with this. We do
13 not join in the motion. We are ready for the hearing,
14 Mr. Hearing Officer. And we would ask that the
15 petitioner call their witnesses.

16 HEARING OFFICER HALLORAN: Okay. When you say you
17 will not join in the motion, the motion to withdraw?

18 MR. CLARK: The motion to continue.

19 HEARING OFFICER HALLORAN: Okay. All right.

20 MR. BLAKEMAN: We are prepared to proceed right
21 now.

22 HEARING OFFICER HALLORAN: Okay. Thank you. And,
23 Mr. Blakeman, I neglected to introduce you yesterday.
24 But Mr. Blakeman was here on September 8th for the

1 County, yesterday; and he is here today.

2 With that said, and based on the County's
3 representation, we definitely need to go forward
4 tomorrow morning at 8 a.m. if this matter does not get
5 resolved because we only have two days left and that's
6 it. And we will do the posthearing briefs and the
7 record closes.

8 If there are no other comments or questions
9 or issues -- by the way, the County's motion is denied,
10 and we will take it up tomorrow morning. Presumably,
11 the petitioners will file a motion to withdraw, and the
12 Board will accept that by fax with hard copies to
13 follow.

14 With that said, this hearing is adjourned and
15 stayed and continued until tomorrow morning at 8 a.m.,
16 September 10th. And if a motion to withdraw is not
17 filed by today, then the petitioners are asked to be
18 ready to call their first witness tomorrow by 8 a.m.
19 Thank you very much, and thanks for showing up.

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21 (Whereupon, the proceedings concluded
22 at 8:05 a.m.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF PEORIA)
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CERTIFICATE OF REPORTER

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I, GALE G. EVERHART, CSR-RPR, Notary Public
in and for the County of Peoria, State of Illinois, do
hereby certify that the foregoing transcript, consisting
of pages 1 through 6, both inclusive, constitutes a true
and accurate transcript of the original stenographic
notes recorded by me of the foregoing proceedings had
before Hearing Officer Bradley P. Halloran, in Pontiac,
Illinois, on the 9th of September, A.D. 2003.

Dated this 9th day of September, A.D. 2003.

Gale G. Everhart

GALE G. EVERHART, CSR-RPR

Illinois License No. 084-004217

