

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CDT LANDFILL CORP.,)
)
 Petitioner,)
)
 vs) No. PCB 98-60
) (Landfill Siting Appeal)
CITY OF JOLIET,)
)
 Respondent.)

The following is the transcript of a hearing held in the above-entitled matter, taken stenographically by Geanna M. Iaquina, CSR, a notary public within and for the County of Cook and State of Illinois, before Ms. Deborah L. Feinen, Hearing Officer, at 150 West Jefferson Street, Joliet, Illinois, on the 19th day of December, 1997, A.D., scheduled to commence at 10:00 o'clock a.m., commencing at 10:10 a.m.

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

HEARING TAKEN BEFORE:
ILLINOIS POLLUTION CONTROL BOARD
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- and -

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and MR. THOMAS W. DIMOND

Appeared on behalf of the Respondent.

ALSO PRESENT:
Mr. Danny Geiss
Mr. Calvin Geiss
Ms. Colleen McFadden

AUDIENCE MEMBERS WERE PRESENT, BUT NOT LISTED ON
APPEARANCE PAGE.

L.A. REPORTING (312) 419-9292

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THE HEARING OFFICER: Good morning, and welcome to the hearing in CDT Landfill vs. the City of Joliet, PCB 98-60.

My name is Deborah Feinen, and I am the hearing officer for the Illinois Pollution Control Board for this case.

For the record, I would note that it's 10:10 on December 19th and that there are members of the public present.

Before we begin, I would like to explain a little bit about the board's hearing process.

First, you should know that it is the board and not me that makes the decision in this case. My job consists of guiding the hearing transcript and record in the case in an orderly manner so that it is easy for the board to follow, and assess the credibility of witnesses.

At times, I may ask for clarification for the record or ask questions which I believe are necessary for the board to fully understand what is taking place, and this is provided for in the board's procedural rules.

CDT's complaint alleges that the city's decision on the nine criteria used to cite the landfill was against the manifest weight of the evidence. The parties and the public are cautioned that the Illinois Environmental

Protection Act specifically states that no new or additional evidence in support of or in opposition to any finding or their determination or decision of the appropriate county board or governing body of the municipality shall be heard by the Pollution Control Board.

This means no new evidence on the site in criteria. The board's procedural rules in the Environmental Protection Act do allow for members of the public to speak or submit written statements at hearing.

However, any person speaking shall be subject to cross-examination and must be sworn in. The statement must be relevant to the case and the issues pending before the board.

I will call for statements from the members of the public after the parties present their case and then again at 6:00 o'clock this evening.

If there's any member of the public who has to leave and the parties have not completed their portion of the presentation, please let me know by raising your hand or, you know, just letting the court reporter know, and we will get you in before you leave, and if there is any other kind of timing issue for the public, please let me know. It's very important to us that you get your

opportunity.

Yes, sir?

MR. REEVES: I need to leave here by 11:15 at the latest.

THE HEARING OFFICER: Okay. Well, maybe what we'll do then is once we get everything rolling and get all the parties introduced, we'll go ahead and take your statement before you leave.

MR. REEVES: Thank you very much.

THE HEARING OFFICER: Okay.

At this time, I'd like to go ahead and have the parties introduce themselves, all the attorneys, and if there are any preliminary matters, I will hear them at this time.

MS. HARVEY: Madam Hearing Officer, my name is Elizabeth Harvey on behalf of the petitioner CDT Landfill. I am joined by Park Davis and John Kobus as well, and for the record, Mr. Danny Geiss and Mr. Calvin Geiss, the owners of CDT Landfill, are also present today along with the paralegal, Colleen McFadden.

MS. ANGELO: My name is Percy Angelo. I'm representing the City of Joliet. I'm accompanied by Kevin Desharnais and Tom Dimond this morning.

THE HEARING OFFICER: Okay. Are there any

preliminary matters before we get to opening statements?

MS. ANGELO: I do have a question I'd like to raise, Madam Hearing Officer, about the issue of public comments, and that is your view that the public must be sworn in order to make a comment.

My experience with the board is that that has not been the case. That the public has been allowed to make comments in either a sworn statement, in which case they are subject to cross-examination, or in an unsworn statement, in which case it is given different weight, but still accepted, and that that is consistent with the board's practice as well as of taking written comments which, of course, would not be sworn.

Therefore, I would ask that you allow the public in this proceeding to have the same possibilities of making that kind of presentation to you.

THE HEARING OFFICER: Okay. Is there any comment from counsel?

MS. HARVEY: My experience with the board is slightly different. I am not aware of a situation where the public testified orally at the hearing in which they were not sworn and subject of cross-examination.

Of course, they can present a written comment that is not sworn or subject to cross-examination, but I would

object to allowing a member of the public to testify without the opportunity to cross-question them.

THE HEARING OFFICER: My ruling is going to stand. If the public does not wish to be sworn in, they may file a written public statement and state whatever it is that they wish to state, but if they want to testify at hearing, they are going to need to be sworn in.

MS. ANGELO: You understand, Madam Hearing Officer, that by using the word testify, you're deciding the issue by that use of the term.

My point was, and I think the practice of the board has been, that when people testify, of course, they're under oath and of course they're subject to cross-examination, but they are also allowed to make comments either orally or in writing, and that was the point that I was making.

THE HEARING OFFICER: I understand that. I have never at any hearing allowed any member to make an unsworn statement. If a member of the public wishes to do it and you wish to do that as an offer of proof and take that objection to the board, you may do that. We'll cross that bridge if and when we come to it.

I've never had a member of the public refuse to be sworn in so that their statement has full weight of being

a sworn statement and we've never had any problem with badgering by attorneys or anything that would make the public uncomfortable to come forward and make a statement.

If that, indeed, happens and we have an objection from the public, we'll handle it at that time. Okay.

Is there anything further? Okay. Then would you like to go ahead and make opening statements?

MS. HARVEY: Madam Hearing Officer, I have a very brief opening statement. We will reserve the bulk of our statement and our positions for filing of written briefs as we, I believe, have previously discussed the issue of filing of briefs.

CDT Landfill filed an application for siting approval, which was denied after an extensive hearing and submission of evidence and comments by the City of Joliet in October of 1997.

We have filed a petition for review alleging that that denial is against the manifest weight of the evidence that was presented. CDT Landfill presented overwhelming and unrebutted expert testimony and expert evidence that shows that the proposed expansion satisfies all of the applicable criteria under the Section 39.2 of the Act.

Therefore, the City of Joliet was required to find

that those criteria had been satisfied and to grant siting approval.

We contend that that decision was against the manifest weight of the evidence, and we will more fully explain and provide the board with a detailed argument and record citation in our written briefs.

I don't have anything further.

THE HEARING OFFICER: Okay. City?

MS. ANGELO: I do have an opening statement, Madam Hearing Officer, and I intended my opening statement to outline some of the problems and the central problems we think exist with the application that was made by CDT Landfill here.

I think it is important before I begin because there has been the emphasis made by the hearing officer and made by CDT Landfill that it's understood by everyone that I am talking about what's in the record in my opening statement and in the arguments we will make so that there should be no impression left with anyone that there is somehow some effort that we have to make to add materials to the record to support the decision that was made by the city, and I will not be doing that today.

The application that was made here was troublesome on several scores, and as those involved no -- it was denied

for several reasons, and those reasons were stated in the city's decision, and I want to just briefly outline some of the problems that arise under those reasons that were given and were denied.

First, the issue of need, and, as you know, CDT had to make a showing that the landfill was necessary to serve the area it was intended to, and that its expansion is necessary as well.

In this area, there was a very serious flaw with showing that was made by the landfill. They made a showing based on long-term need over a period of 24 years, when, in fact, the landfill that they are proposing is a landfill that's intended to operate for seven and a half to eight years.

That simply is not an adequate showing of need for the kind of landfill they actually intend to operate. There is no short-term need for that landfill, and as to long-term need, their showing specifically excluded the availability of the Joliet Army Ammunition Plant Landfill which is part of the county's plan for long-term landfill needs in the area, and as a result of those flaws, I think there is a fundamental failing in the showing that was made as to need.

They also excluded other facilities that were

available, which they discounted for other reasons, and that we can go into further in our briefing, and I won't take your time with that this morning.

They also did a number of things which inaccurately represented the demand for the landfill. For example, they defined the area that the landfill was intended to serve as the Will County service area, but they defined the Will County service area to include numerous communities on the borders of Will County whose population, in effect, pretty much overwhelms the population of Will County.

For example, they include Aurora, Naperville, Tinley Park, and a number of others. The actual Will County area, and, again, I'm relying on their own record evidence, is apparently much smaller.

Their actual service area, based on their historical service, has apparently been much smaller, and that, again, is admitted by them in the record.

Accordingly, what they are proposing to do, although they don't say this as forthrightly as I think they might, is substantially expand the service area they intend to serve in order to try to show need. I think that's an improper way of going about that process.

Bottom line, the last year for which they presented

data they showed that they accepted 764,000 gateyards of waste. They propose to show -- to accept one million gateyards of waste annually. That's a substantial increase, and yet it is one that they never explained in the record that they provided to the board below.

Basically, I think when the record is reviewed, it will be clear that they have not met the requirement that they show need for this landfill facility.

The next criteria that they were supposed to provide support for was that the landfill would adequately protect health and safety. This presentation that was made has, again, a major flaw, a number of major flaws, but there was an overriding flaw with the presentation that they made both on this issue and on several other of the issues in which they presented, and that was that their consultants made the argument that because the existing landfill is present and by assumption must be okay that any expansion of that existing landfill must also be okay.

That's not an adequate showing. That is, by the board's own decisions, is not an adequate showing. You are supposed to deal with this new landfill request as if it will have -- as it -- if it is a new facility will have an impact on the area. It is not sufficient to say

because there's already a landfill there, although it's about to close, it's okay to continue that landfill at great length.

If I can use an analogy that came to me yesterday as I was sitting at the dentist, it's like saying because it's reasonable to expect someone to go to the dentist for half an hour, it's also reasonable to expect them to go to the dentist for several hours.

My feeling at that time was that's not a reasonable expectation, but I think it's true here, too, because people have been asked to put up with the landfill facility for five years in connection with the last expansion. It doesn't mean that it automatically must be okay to ask them to put up with an additional seven and a half or eight years, and you had at the hearing below individual after individual after individual coming in and saying they told us five years ago that would be the end. Why do we have to come up and face this again now?

And our contention is that their failure to address the actual impact, to just say that because it's there now, the impact must be okay is a fatal flaw in the application. Indeed, we suggest it indicates the application itself is not even complete.

We know also that the application by being focused on

the current situation also fails to deal with the fact that's clearly present in the record that the waste increase will go from 700 -- waste accepted will go from 764,000 in the last year for which they gave data to 1.0 million per year. That's an increase of at least 30 percent by my math, and it hasn't been addressed.

Additionally, their evidence, their record evidence shows that this landfill expansion is being placed in an area that used to be, at least, a sand and gravel aquifer. They rely on nothing to protect the landfill other than engineered barriers pursuant to the regulations of the board.

They have a situation where there are drainage ways through that landfill facility, drainage ways apparently out from under I-80 based on their own materials.

Those drainage ways are such as to interfere with the ability to develop that landfill further. In other words, there is evidence in their own record that whether or not they follow the Environmental Protection Agency's rules for putting in a landfill, the location that they have chosen may, as far as the city counsel was concerned, may not be the ideal location for such a facility.

Further, there's the issue of height, and here there

is great confusion in their own record as to what they are doing with regard to height.

Just so it's clear, my comments are clear, they have asked for an expansion of something they call area three, but they've also asked to expand the height of area two, and what I have had great difficulty finding in their own application is any indication of how much they intend to extend the height of area two.

Their application materials, as far as I can see, don't forthrightly address that issue. Indeed, they presented for the record a topographic map of what they called the existing site, and yet that topographic map, which was prepared in '96, relies, if you look at the small print, on topo contours for area two from 1991.

MS. HARVEY: Excuse me. Counsel, could you tell us where on the record that's located or if there's an exhibit number on that?

MS. ANGELO: It is sheet two of 12 of your consultant's exhibit, Mr. Reger's exhibit, and I don't have an exhibit number for you.

MS. HARVEY: Thank you.

MS. ANGELO: Although, I can certainly get it.

So that at least based on their own documentation, they have failed to show what the present height of the

landfill is and how much of a height increase they're actually seeking.

I think this is a fatal flaw when you're trying to explain why you are justified in having such a height increase and why there will be no impact by height increase.

I might add that this exhibit is on its face very difficult to follow because for CDT Landfill area two it relies on '91 topographic contours. For landfill area three, it relies on '95 topographic contours.

That means that as far as I can tell this, quote, unquote, existing site topographic map represents a situation that never existed in reality and never can exist in reality, and I leave it to others to try and determine why a document of that kind would have been provided for the record.

The only thing that I have been able to find in the record about the existing height of the landfill comes from some questioning that was done of CDT's witnesses, and someone finally said that the height increase would go from up -- the height increase would be 66 feet up to 100 feet above I-80.

By subtracting, that tells me that the existing height of the landfill is 33 feet. That suggests that the

increase that they're asking for is an increase of 200 percent, a very substantial increase not to have addressed forthrightly in their documents, and we will get a little bit later to the administrative notice that we have asked the board to take, but part of that administrative notice is directed to letting the board see what everyone else in Joliet knows which is how high that thing is now and get a picture of how high it's going to be when it's completed, and the reason why it is perfectly plain to everyone, it's sitting right out there on I-80. Everyone knows how high that is now, and unless the board sees it by administrative notice, this record will be unnecessarily impacted, I believe.

Why is there this big hole as to height? I don't know for sure, but one of the things they did put in the record was an enforcement case that's been brought by the City of Joliet -- not the City of Joliet, I'm sorry, by the County of Will for overheight.

In other words, claiming that they have filled their existing landfill too high. That was case was decided against them. It's in the record. There is no evidence -- there is evidence of continuing administrative citations for overheight and no evidence that that landfill height has been corrected, and I leave it to our

arguments to address why they might have done such a thing.

We'll talk about height again a little bit when I get to the land use impact portion of the discussion, but I wanted to add just one additional matter with regard to protection of public health and safety, and that is that the road that services the landfill is Mound Road.

The record shows that it is an unimproved road. It's gravel. It's narrow at many spots. It has potholes, and the record shows there is dust everywhere, and so when you have citizens complaining below, as they did, about dust, there's good basis for those complaints.

They've similarly complained about odors. That's also certainly an issue under this area of the discussion, but I will reserve that just momentarily.

Another thing that CDT had to show is that there is-- that they've done what they can to minimize impact on the surrounding communities. As we've said before, and as everyone said at the hearing, people were told five years ago that it would be five years of additional landfilling at this location, and then it would be over, and they're understandably concerned that that no longer seems to be the case.

CDT is now saying it's okay to extend it because it's

okay five years ago, it's perfectly okay as well, but, again, we say our position is that you have to deal with the current circumstance, and you have to deal with the actual length of time that people are expected to put up with an impact like that, and that they have not -- CDT has not made an adequate showing that there has been an attempt to minimize impact in these communities. Indeed, we think there's been a failure to address that issue entirely.

CDT's own expert said that residential areas here are encroaching on the area of the landfill. I suggest to you that right there there's an admission that there's been a change in circumstances, but beyond that, he also says, and there are comments by local business persons as well, that they are opposed to landfill expansions and they have been impacted by the landfill.

In particular, you had comments by businessmen associated with a development called Rock Run, and Rock Run -- the Rock Run individuals were concerned about the impact the landfill would have on the development they are trying to make very near the landfill.

The expert for CDT said that there was no problem for Rock Run because he knew of a similar business park located near another landfill called Mallard Lake and

that Mallard Lake hadn't been impacted, the Mallard Lake Business Park hadn't been impacted.

The Rock Run individual came in to the record below and said I was associated with Mallard Lake, and I know there was an impact there. In response to that debate between these two individuals over whether or not there actually was an impact at this other landfill and whether there would be one at Rock Run, the expert for CDT opined that the people at Rock Run would be no more impacted by having that landfill expanded than a gambler going to the river boats at the Empress, and that that meant that there was really no impact that had to concern anyone here.

We suggest that that indicates the level of thoughtful consideration that was given to this issue by the expert that was presented.

We will indicate in the record at the time of our briefing the very substantial discussion of the impacts on businesses in the area, residences in the area, and Rock Run.

We have also provided via our request for administrative notice a series of materials, official actions by the City of Joliet, with regard to Rock Run, which we believe clearly show that the area has changed,

the city's plans for that area has changed, that that area is intended to be developed in a way that would encourage that business park and the employment it would bring in.

MS. HARVEY: Madam Hearing Officer, I have an objection to discussion of items that are not currently in the record.

THE HEARING OFFICER: Ms. Angelo?

MS. ANGELO: And I'm making very clear where I'm talking about a matter of administrative notice, and I'm making very clear where I'm dealing with matters that are already in your record, and I do not agree, by the way, that matters of administrative notice are not part of the record, but I would add that the discussion as to the support that has been given Rock Run is in the record as assembled below and what we are merely doing by administrative notice is to provide the actual official actions that constitute that support by the city.

THE HEARING OFFICER: I'm going to overrule the objection, although I do not agree with you that the items on administrative notice are in the record yet. There is a motion to take official notice that is pending. So they are not currently in the record. Please, continue.

MS. ANGELO: I think what is clear -- what will be clear is that the city's plan for that area is consistent with the development of the businesses that have grown up there over the last five years with the expansion of the residential areas that have occurred, all of which were noted by CDT's own expert, and that that clearly indicates that by simply saying, as CDT did, you know, it was okay five years ago, it ought to be okay now, they have fundamentally failed to meet this requirement of the showing that they need to make.

We talked about height a little bit earlier. I simply want to add here as well that height is an element not only of health and safety, but also an element of impact on a surrounding community, and that this is one that's a very noticeable impact as well.

I want to add, however, with regard to height that there are several areas in this record where we talk -- there was discussion of berms, berming, that the landfill will be bermed on the north and the western sides.

I am unable by looking through I think very carefully the site drawings to find any evidence of plans for berming, with one exception, which I will tell you about. On one of the large plans, there is in the legend a dotted line that indicates that it's supposed to show

berming, but I have not been able to find anywhere on that plan an actual berm.

I think the point is important because the myth or the idea that this landfill can somehow be screened from the population and that its impacts can be mitigated by berming or landscaping is simply not borne out by their own plans or by the idea that an eight-foot berm, apparently below the level of I-80, is going to have any impact on screening a hundred foot landfill.

The citizens have also complained about odors. That is in the record. There is testimony from Mr. Geiss of the landfill that although he agrees and the -- 80 percent of the odors, as far as I can tell his testimony, do come from his facility. I think his position seems to be that they're all associated with his composting activities.

The citizens disagree. I think in a circumstance like that, the city council is certainly entitled to weigh the evidence, and that is clearly within that.

Similarly with issues such as blowing dust, I don't know that that was even addressed by Mr. Geiss. It was certainly addressed by citizens who made presentations or submissions in writing.

We also want to make sure you note for your record

that the dust issues are not simply associated with the landfill itself, but are also associated with traffic on Mound Road going into the landfill.

Mound Road, as you, again, will see from the pictures that we've provided as part of our request for administrative notice and which everyone in this area can see all the time is narrow at many spots, has potholes, and the record shows it's a gravel road.

MS. HARVEY: Madam Hearing Officer, if you'd just note a continuing objection to reference to anything that's contained in that request for the administrative notice.

THE HEARING OFFICER: So noted.

MS. ANGELO: We have in the record a comment by the neighbor of the landfill that he has to wash off his grandchild's toys just so that she can play with them. He comments on the frequency of the traffic. I believe his testimony was that the trucks increased from -- to one every 50 or 60 seconds passed his home.

Of course, we recognize that that road is shared with other industries, but the question here is, is the impact that is presented by the landfill a reasonable impact and one that's been properly assessed, and we note for your record that I don't know of anyplace in the presentation

made by CDT that they indicate how many trucks are actually using their landfill, with one exception I found, and that is a place where they agree that between 12:30 and 1:30 on one day that was counted, they had a hundred trucks.

That seems like quite an impact, and I think their failure to address that issue more completely is a serious failure in their showing. With that kind of impact, it was reasonable for the citizens to continue asking isn't five years enough, why do we have to deal with this further? And they did ask that on the record below.

Finally, on this issue of impact on the surrounding community, is the whole area of property values. This is an area where you did have citizens comment that they felt there had been an impact, and CDT did present an expert on that issue, and that expert did a study. That expert has done a lot of other studies of similar kinds where he takes a control area and he takes an area near a landfill and he shows their rates of appreciation, and he has found in the past, and he said in his report that the rates of appreciation near the landfills often were higher than in the control area he had found.

He didn't get that result when he did the same thing

here. Indeed, he found that the rate of appreciation of the subdivision closest to the landfill was lower than in his control area, and what he said is he didn't think the difference was significant.

The difference is the difference between three percent and 3.91 percent. By my math, that's about a 30 percent difference. I don't know that anyone would say that's insignificant.

I think that CDT's own expert has supported the citizens in their concern about that issue. We've already talked a little bit about traffic. I won't go into it again except to note that there is a separate category that deals with traffic.

I will note again, however, that despite what they have said about traffic, which is that traffic is already existing, what does it matter if it goes on for another year -- couple of years, eight years to be certain, to be clear.

They do also have an increase in their own data in capacity that they're planning to accept, and they haven't dealt with that in their traffic study. Again, that increase is from 764,000 gateyards in the last year as to which they commented to one million, which is what they plan to accept under the expansion.

Again, my math says that's about a 30 percent increase, and it seems to me that that deserves some discussion, but it never got any.

Just so you understand, again, where I'm digressing strictly from the record. We have provided in the materials for administrative notice city council action indicating that the council approved a truck terminal for the Houbolt Road, Mound Road area. That is something that when we're talking about administrative notice, that's something that everyone on the city council knew when they were dealing with this application, and it is our -- again, our belief that that is something the board should know when it is reviewing the city council's action, but the point is that obviously there is a serious traffic issue there and one that has not been adequately addressed by the studies presented by CDT.

I will note that I believe the studies presented by CDT go back to data that they collected in 1995, which is not all that current in any event.

Finally, on the issue of the solid waste management plan, they're supposed to show that their plan is consistent with the county plan -- that their expansion, excuse me, is consistent with the county plan, and what they have provided is a number of statements that deal

with that issue indirectly.

What they don't address is the fact that the county plan calls for reliance on the Joliet Army Ammunition Landfill. They specifically reject that in their consideration because they say it hasn't been finally decided yet, and, therefore, we are not going to consider it.

I'm not sure how you can be consistent with a county plan unless you address that issue.

Further, they say that the county plan calls for interim landfill capacity before the Joliet Army Arsenal Landfill is developed. The fact is that that interim capacity is to be provided according to the county plan by the contractor who has the contract for the county, and that is -- that contractor has been chosen, and it's that contractor's job to provide interim capacity, not CDT.

In summary, that's what we think the major problems with the record that CDT has prepared are. We believe that their application is flawed on many levels, including a failure to make basic submissions on the very central issues that are dealt with by the statute.

We look forward to providing you a full argument on these issues in our briefs, and thank you.

THE HEARING OFFICER: Before we continue, we did have one member of the public who said he needed to leave.

Sir, if you'd like to come up, and you can just use the microphone over here.

And if you could state your name and spell it for our court reporter, please.

MR. REEVES: My name is Howard Reeves, R-e-e-v-e-s. I live at 3607 Bankview in Joliet, Illinois.

THE HEARING OFFICER: Okay. Would you please swear the witness?

(Witness sworn.)

WHEREUPON:

H O W A R D R E E V E S,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. Reeves

Q. My business was formerly Crown Trade Corporation, which I closed down approximately five years ago, which was located on Route 6 next to Caterpillar.

I only give you that information to let you know where I've spent the last 30-some years of my life.

THE HEARING OFFICER: Sir, I hate to do this to you, but if you could slow down a little bit for our court reporter --

MR. REEVES: Sorry.

THE HEARING OFFICER: -- to make sure she gets it.

MR. REEVES: I wanted to hurry so I didn't get anything left out.

I have spent these last 30-some years on Route 6 next to Caterpillar, which is approximately one mile south of the landfill under discussion today.

My home is at 3607 Bankview, which is approximately two miles north of the landfill, maybe three. These are crow flight miles, direct miles. I have never smelled any obnoxious odor from this landfill, either at my work or my home or traveling from one or the other place.

By necessity, having been in the construction business all of my adult life, I spent some time in and out of that landfill. I spent some time in and out of Joliet Sand and Gravel, which is their neighbor. Obviously, we bought material over the years. I've been up and down that road hundreds of times.

It seems to me that there's been a real disservice to Cal and all the rest of the businesses that are down

there by someone that wasn't responsible for that road in not improving it so they didn't have such a -- to beat their trucks up to get in and out of there.

I think that the issue of the landfill, the need for a landfill, is always there. I think we neglect too often the economics of a landfill. We want to get it down to where there's only one landfill. I think the landfill should be where it is today because we don't need to continue to scatter landfills all over this country.

I think if we keep them concentrated in the area they're in today, allow them to raise their height, allow them to expand in those areas, we're much further ahead to reduce the pollution of this country, not expand it and scatter it all over the area.

It seems to me regardless of what's going to happen at the arsenal, regardless of what's going to happen with the other landfills in the area, it seems to me as though that a little competition would be good for these issues.

I think we should have more than one or two landfills going at the same time. I know if there's only one business, I know what happens to the price, and I think the price of getting rid of our debris in this country is getting a little out of hand.

I think that, you know, we sit here and condemn people

that we live next to an obnoxious industry. Well, I've been in an obnoxious industry all my life, and we worked very hard to keep the industry clean, and I'm sure that most people that are conscientious and been in business as long as what CDT has work towards those same goals, and I think that we are very quick to criticize.

I think, you know, it's like O'Hare Field. People you see in the paper every day about people criticizing O'Hare Field, and they weren't there when O'Hare Field was built. These people -- there's been a landfill, I believe, in that area ever since I can remember before CDT was there.

I had a -- the Environmental Protection Agency called me several years ago about testing my well. I happen to have a well at my office, and they wanted to test my well to see the results of a landfill that had been closed some 30 years.

So I know that there are at least 30-some years that there's been a landfill in that area.

These are about the only comments that I have to make, but I do get a little emotional about this. I do get a little emotional about people trying to keep business down and not allowing business to run. I think that business should be controlled. I think that it's

wonderful that business is controlled, but sometimes we stifle business and it's to our discomfort that we do that because it costs us more money in the long run, and I think that it should be controlled and maintained in an orderly and clean fashion.

THE HEARING OFFICER: Are there any questions from the attorneys?

MS. ANGELO: Can I ask for instructions from the hearing officer on how she want's to proceed. I don't know

whether -- I'm sorry, sir. I didn't get your name.

MR. REEVES: Howard Reeves.

MS. ANGELO: Mr. Reeves. I didn't -- couldn't tell whether Mr. Reeves had testified below or presented any comments below. By some view of the situation, one might say that Mr. Reeves had provided a substantial amount of additional evidence.

Is this evidence you're intending to take for your record? If not, how are you going to handle it? I just think we all should have some guidance before we go forward.

THE HEARING OFFICER: It is generally my practice to give as much leeway as possible to the public. I believe that the board is more than capable of

looking at the public testimony and discerning what is new and additional evidence.

They are interested in public comment and allowing the public a chance to speak. If there is an objection, I'd be willing to hear it. Otherwise, I'm going to go ahead and allow the testimony to stand. If you wish to ask Mr. Reeves if he spoke below you, you are free to do that.

MS. ANGELO: My interest is primarily in making sure that whatever precedent we're setting now is one that will continue for the remainder of the hearing.

THE HEARING OFFICER: That is my intention.

Can everybody hear me without the mike? Okay.

MS. ANGELO: In that case, I have a very limited number of questions.

THE HEARING OFFICER: Okay.

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

by Ms. Angelo

Q. Mr. Reeves, did you provide any testimony or any comments in the proceeding to this before this date?

A. No, I didn't.

Q. You indicated that you're in an industry that's located a mile south of the landfill?

A. That is correct. Route 6 next to Caterpillar.

Q. And what is your industry?

A. It was an asphalt paving business.

Q. Okay. And what was its name?

A. Crown Tree Corporation.

Q. And is that still there?

A. No.

Q. Were you or are you a customer of the landfill?

A. Yes.

Q. Okay. You indicated, I believe, in your comments that you had been in the landfill?

A. Yes.

Q. And is that in connection with your business as a customer?

A. Yes.

Q. Have you discussed your testimony this morning or your intention to provide testimony this morning with anyone from the landfill or their lawyers?

A. Yes.

Q. And did you discuss what you intended to provide for the board in your testimony with those individuals?

A. I told them what my -- generally, what my ideas were, yes.

Q. Did they contact you about testifying this morning?

A. No.

Q. Thank you.

MS. ANGELO: Thank you.

MR. REEVES: Thank you.

THE HEARING OFFICER: Thank you.

MS. HARVEY: I have one follow-up question if I may.

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

by Ms. Harvey

Q. Mr. Reeves, did anyone from the landfill, either CDT or any of their lawyers, tell you what to say?

A. No.

Q. Okay. I don't have anything else.

A. And anybody that knows me, it wouldn't have made any difference anyway.

THE HEARING OFFICER: Ma'am, you had your hand up. Do you also have to leave?

MS. GEARHART: Yes, I do.

THE HEARING OFFICER: Okay. If you'd like to come up then and we'll you --

MR. FLOOD: I have to leave.

THE HEARING OFFICER: If you could state your name and spell it for our court reporter, please.

MS. GEARHART: Yes. Good morning. My name is Maryann Gearhart. M-a-r-y-a-n-n, and then

G-e-a-r-h-a-r-t.

I live at 3676 Ayrline, A-y-r, in Crete, Illinois. I am a member of the Will County board representing that district. I have been on the Will County board for 13 years.

THE HEARING OFFICER: Okay. Could you please swear the witness?

(Witness sworn.)

THE HEARING OFFICER: Please continue.

WHEREUPON:

M A R Y A N N G E A R H A R T,
called as a witness herein, having been first duly sworn, deposes and saith as follows:

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

by Ms. Gearhart

Q. Thank you. As a member of the Will County board, I'm here to reaffirm a resolution that we adopted in October endorsing the expansion of the CDT Landfill because it met the needs and was within the capacities that we were dependent on as a Will County community and our solid waste management plan.

I also am here, I can tell you, as the Crete township supervisor, CDT Landfill provided a service through an

intergovernmental agreement with the county to do some clean up and did it in the most judiciously and coordinated the efforts of all the agencies that were required to get that clean up done.

That, again, as my hat as a county board member, we are dependent upon the need of the capacity of CDT's expansion. We have several -- Beecher-Sexton Landfill in Will County has closed. We are in the process of trying to site our own landfill.

We have sited it for what we consider to be the space needs of the county, and that interim period of time, we are looking to have this capacity available even over and above that capacity that we are going to require under our contract for our contractor that deemed to be successful as an interim, and those are my comments.

THE HEARING OFFICER: Are there any questions?

MS. ANGELO: Yes.

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

by Ms. Angelo

Q. Mrs. Gearhart, you indicated that there had been a resolution of the county board. Was that provided for the record in this case?

A. I believe it was. We sent it.

Q. Do you know the date of it?

A. October. If not, we can -- I'll make sure it gets there.

Q. You made a comment with regard to the Joliet Army Ammunition Plant Landfill and the intentions for that landfill.

Is it correct that your contractor for that landfill is going to be Waste Management?

A. We have voted to make that contract, but it is -- that's in litigation right now as we speak, but that is who we have endorsed as being our contractor.

Q. Okay. And so that's who has been selected by your board?

A. Yes, ma'am.

Q. And has Waste Management designated Wheatland Prairie as the interim facility that would be made available?

A. No, they have not.

Q. Have they suggested that that was the one they'd

--

A. No, they have.

Q. -- like to designate?

Have they designated CDT?

A. I can't tell you that. I think we're looking to have that taken care of in the future, but I would assume

that that capacity was there. It's something that they would depend upon.

Q. You're making an assumption about what you think Waste Management is assuming?

A. Yes.

Q. And, finally, does the county receive a fee from the -- from CDT for disposal of waste in this expansion if it is granted?

A. I believe there's an agreement with the expansion, and that I think is part of the entire community working out to meet our space needs that they worked out a host fee agreement in the expansion process, and so the county will receive a host fee.

Q. And do you know how much that is?

A. You know what, I apologize. I do not off the top of my head.

Q. Has there been some action by the county to authorize your presentation this morning?

A. I came here by resolution --
by -- to reaffirm our resolution.

Q. To -- the resolution that -- those documents?

A. That were passed by the board, yes.

Q. Thank you.

THE HEARING OFFICER: Is there anything

further? Do you have anything?

MS. HARVEY: I don't have anything. Thank you.

THE HEARING OFFICER: Thank you.

MS. GEARHART: Thank you.

THE HEARING OFFICER: Yes, ma'am. Oh, can we let him go next, and then you can?

MS. KONICKI: Sure.

MR. FLOOD: My name is Bob Flood, and I'm with a company called Flood Brothers Disposal. We operate out of DuPage County.

THE HEARING OFFICER: Can you be sworn, please?

(Witness sworn.)

WHEREUPON:

B O B F L O O D,

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

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

by Mr. Flood

Q. We are a customer of CDT Landfill. I've been in the landfill. I was not told to come here to speak, and what I am giving you right now is just my thoughts and my 30 years in this industry, and it's all my thoughts, and

it's not given to me by the Geiss family.

The Geiss family to us is competition as the gentleman earlier had spoken. The Geiss family, everybody that uses their landfill and, for that matter, to the people that live in Will County can find the Geiss people.

They can go right to their house if they have to. All right. I don't think they're going to put their name on the line to run a shabby type of operation.

To me, my expert opinion in 30 years in this industry, I've seen 300 companies go by the wayside. I've seen public-traded companies take over our industry.

The name of the game that I see, yes, there's traffic matters, yes, there's dust matters. Those can be overcome. The name of the game here is competition. They don't want the Geiss family in this business here in Will County. There's a national conglomerate that wants to come into this community, and if they come into this community and the Geiss family is here, the stockholders aren't going to make money.

All right. The Geiss family is here to keep the prices down on taxpayers and Will County and in the City of Joliet. If the Geiss family is here and gets their expansion, the large conglomerates cannot raise their prices, and if they can't raise their prices, they can't

make the stockholders more money.

If there's two gas stations on the corner, is the gas price going to be a \$1.40? No. It's the same thing in the garbage business. If there's two landfills in the neighborhood or in the area, it's going to be a \$22.00 a ton figure as opposed to in Lake County or in Cook County where the tonnage figures are \$40.00 and \$50.00 a ton.

That's what this is all about. That's my opinion. I've been in this business for 30 years, and I've got an idea of what's going on. That's just my expert opinion.

THE HEARING OFFICER: Are there any questions?

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

by Ms. Angelo

Q. Mr. Flood, did you testify or provide any comments on the proceeding below?

A. Yes.

Q. Did you testify or provide comments, written comments?

A. I came up here and just talked the way I talked now.

Q. You said that to you the Geiss family is competition, and I'm not sure I understood that comment.

Are you saying that you are in competition with them?

A. No. I'm saying that the large national

conglomerates are competitive with the Geiss family. If the Geiss family is in business, the prices of garbage hauling in this county are going to be less if the Geiss family continues to go in business.

If the Geiss family is not here, the prices are going to accelerate.

Q. Are you a waste hauler?

A. Yes.

Q. Are you -- do you run any kind of waste disposal facility?

A. No.

Q. You said the traffic, the dust can be overcome. Are you aware of anything that's in the record here indicating that the traffic and the dust will be overcome?

A. No.

Q. Thank you.

A. Thank you.

THE HEARING OFFICER: Thank you, sir.

Please state your name for the record. I think it's the other one that's on.

MS. KONICKI: My name is Kathleen Konicki, K-a-t-h-l-e-e-n, K-o-n-i-c-k-i. I live at 13325 167th Street in Homer Township, and I also am a member of the

Will County board like --

THE HEARING OFFICER: Okay. Can we get you sworn in before you start?

(Witness sworn.)

THE HEARING OFFICER: Okay.

Please continue.

WHEREUPON:

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

DIRECT EXAMINATION

by Ms. Konicki

Q. I also am a member of the Will County board, and I came here partly for the same reason as Ms. Gearhart, which was to support the resolution we passed in October.

In passing that resolution, we made a finding that there was a need in our county for CDT to be granted this expansion. We made a further finding that the expansion was consistent about our waste disposal plan for the county.

I won't go over the testimony Ms. Gearhart gave, but I do want to add that the reputation of CDT within our county is very good. I'm aware of the complaint that the

opposing counsel mentioned earlier, but I can tell you that ranked among their peers, they run a very good operation, and the county has found them very cooperative, and any problems that have arisen, we've gotten them resolved fairly quickly and to our satisfaction.

I've toured their facility. They have a first-rate recycling program in place, and -- excuse me, given, I think everyone here is already aware, the problems the county is having in getting our Joliet Arsenal disposal underway because of the litigation that's been initiated, we really hope to see CDT granted this expansion.

THE HEARING OFFICER: Okay. Are there any questions?

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

by Ms. Angelo

Q. I guess I have to start out with an apology. I could not hear your name when you were giving it, and I probably should know what it is.

A. It's Kathleen Konicki, and I know you'll ask, I did not testify at the lower level in the proceeding.

Q. You indicated that you were here to support the resolution that had been passed by the Will County board?

A. That's correct.

Q. So your testimony this morning is, in your mind, consistent with the resolution that's been passed?

A. Correct, in terms of the need and the consistency, yes.

Q. You've indicated that the reputation of the landfill is good?

A. Of CDT.

Q. Of CDT?

A. And their Landfill, yes.

Q. Have you ever done any environmental investigation of the landfill itself?

A. I know the record of problems within the county of CDT and its peers, and I know that CDT is one of the top operators.

Q. And I guess I want to make sure that I get an answer to my question and that is whether you've ever done or reviewed an investigation of the environmental compliance of CDT?

A. No. I testified to the reputation within our community.

Q. And when did you tour the landfill?

A. Oh, I toured the landfill probably six months ago.

Q. Have you ever observed the landfill from the residential area across I-80?

A. No, I have not.

Q. Have you ever visited the residential area across I-80 to determine the impact on that area?

A. No. I'm not testifying to that, and I have not.

Q. Thank you.

THE HEARING OFFICER: Do you have anything, Ms. Harvey?

MS. HARVEY: I don't have anything. Thank you.

THE HEARING OFFICER: Okay. I see there was a hand in the far back. Do you also have to leave, sir? No. Okay. Will you please come up and then this man with the red tie.

MS. GRAY: Good morning. My name is Tana Gray, and --

THE HEARING OFFICER: Okay. You need to spell your name for our court reporter.

MS. GRAY: T-a-n-a, G-r-a-y.

THE HEARING OFFICER: Okay. And would you be sworn, please?

(Witness sworn.)

WHEREUPON:

T A N A G R A Y,

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

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

by Ms. Gray

Q. I'm one of the owners of Modern Builders Industrial Concrete Company, and we're a 50-year-old construction business located about a half a mile or so from the CDT Landfill.

We've been at that location for about 25 years. As a side, I never have noticed any odors coming from the CDT Landfill. However, our company does make use of the landfill. We are not one of the largest users. We are an occasional regular user. We're probably very similar to lots of users in our category.

We've done business with the Geiss family for many, many years, and they have enjoy a fine reputation in the community.

I'm wondering what we're going to do if this is denied because it will be more money for us to find some place else to go. I'm not even sure where we'd go.

It's apparent that there is no arsenal landfill yet. From what I read in the paper, it may be a long time

off. So that means the bottom line for us it would be more dollars and, of course, finally to the consumer. Whoever we're doing business with will have to raise the price of our projects, and just as a member of the general public, aside from the fact that I'm in the construction business, I haven't seen anything that I am aware of in the newspaper that, in my opinion, from what I can read that they're making an unreasonable request for what they asked for in their expansion.

So I hope that you will consider my comments, and, for the record, we are in support of this request being granted.

THE HEARING OFFICER: Okay. Are there any questions?

MS. ANGELO: Yes. Thank you.

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

by Ms. Angelo

Q. It's Ms. Gray?

A. Right.

Q. And did you provide any testimony or comment in the proceeding so far?

A. We sent a letter in the prior effort.

Q. So there's a letter in the record?

A. There's a letter in the record. There should be,

right.

Q. What does Modern Builders Industrial Concrete Company do?

A. We are a general construction firm, and we do -- we've been doing business in the greater Joliet area for many, many years, 50 years.

Q. And so the waste for which you're a customer of the landfill is construction debris?

A. Right. Probably things like broken up pieces of concrete and demolition-type things, right.

Q. And you indicated you're a half mile from CDT?

A. Right, about.

Q. What's your address?

A. 1026 Moen Avenue.

Q. Can you tell me, because I'm not that familiar with the area, what direction that is?

A. That would be to the east.

Q. Have you done any investigation of the environmental compliance status of the landfill?

A. No, I have not. As I said before, it's just what I've read in the newspaper.

Q. And have you ever observed the landfill from the residential area across I-80?

A. Yes, I have, and it doesn't seem to me to be

anything unusual. I've been in other areas where there are landfills, and I don't think this landfill looks too different than any other landfill.

Q. Thank you very much.

A. Thank you.

THE HEARING OFFICER: Ms. Harvey, do you have any questions?

MS. HARVEY: I don't have any questions.

THE HEARING OFFICER: Thank you. Okay. The man in the red tie and then stripes and then the man in the vest.

MR. SMITH: Hi. My name is Jeff Smith, and I represent the Industrial Developments International, the owners of Rock Run Business Park.

THE HEARING OFFICER: Okay, can we please have you sworn in?

(Witness sworn.)

WHEREUPON:

J E F F S M I T H,

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

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

by Mr. Smith

Q. IDI is very concerned with the effect that this

landfill expansion is going to have on our ability to make this park that we currently have about a \$20 million investment in successful.

I personally have been involved in three of the parks that were mentioned by the CDT consultant. One being Mallard Lake Business Park. I was the project manager on that park from about 1989 to 1997 when I was working for Opus.

The last two years, I've been involved very heavily in Turnberry International Business Park, which is about, oh, let's say, a mile, and a quarter of a mile to a half as the crow flies from the Mallard Lake Business Park and we also have land and done many developments in Carol Stream, Carol Point, which is probably about two miles from a landfill, and what I can tell you from our experience and what I have seen personally is that the landfill adjacent to a business park just has a catastrophic effect on its ability to be successful, and we're very concerned about it.

We have a \$20 million investment today. That investment is going to probably grow to about \$125 to \$150 million dollars over the next one to ten years, and that's what I wanted to let you know.

THE HEARING OFFICER: Okay. Are there any

questions?

MS. HARVEY: I have a couple of questions.

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

by Ms. Harvey

Q. Mr. Smith was it? I'm sorry.

A. Yes.

Q. Did you testify at the hearing?

A. I did not testify. We had sent letters, a few letters when we heard about it.

Q. So you submitted written copies?

A. Yes.

Q. Were you involved with Rock Run or with the company that develops Rock Run at the time that the property near the CDT Landfill was purchased?

A. No, I was not.

MS. HARVEY: I don't have anything else.

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

by Ms. Angelo

Q. Do you know, Mr. Smith, when the city initially approved the development of Rock Run Business Park?

A. It was in -- a lot of the discussions were happening in 1989. I believe the park was finally purchased in December of '89. So it was basically 1990 when we started the

park.

Q. Thank you.

THE HEARING OFFICER: Thank you for that.

The man in the stripe sweater, do you want to come up?

MR. POLCYN: Good morning. My name is Patrick Polcyn, P-o-l-c-y-n. I'm the vice-president of Rendels, Incorporated business that's been in existence in Joliet not owned by our family for 70 years, but it's been in Joliet for 70 years.

THE HEARING OFFICER: Okay. Can we have you sworn in before you testify?

(Witness sworn.)

THE HEARING OFFICER: Thank you.

WHEREUPON:

P A T R I C K P O L C Y N,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. Polcyn

Q. I'd like to start off by saying that I've known the Geiss family for my entire life, grown up with Dan, have known Cal for years. I don't know anyone that's any harder working and honest in what they do and have been

that way their entire lives.

Secondly, I'd like to say that I would consider it an insult to the Pollution Control Board and the Environmental Protection Agency to even insinuate that at this point in time after this landfill being in existence for as long as it's been, five or seven or eight years, that there would be any indication that anything that they have done has not been proper nor would they be capable of carrying out the mission that they have into the future for any period of time.

If I thought that, I just can't fathom that anything they've done has not been proper to date, number one.

Number two, to do anything to stifle competition and increase cost to the citizens of Joliet or the county I see it as a political game that we as taxpayers and citizens again are going to lose at.

The point being brought that the waste people are now national publically-owned conglomerate companies, and we have people that are the salt of the earth that have given their life to this community for this effort.

It's typical of the bureaucracy and the games that these big companies play that we pay for in the end. I've been to the landfill. I've been on top of the landfill. I've dumped garbage at the landfill.

When you talk about smell, odor, dust, the gravel pit -- I have a business on Route 53 which is south of Joliet which was across from Material Service, and that was a -- not Material Service, Vulcan Gravel Pit, and the dust and the dirt that came out of that gravel pit were phenomenal, enormous.

When the wind came out of the south, it literally picked the dust up and placed it on my trucks. I fought that battle for years and never did win it. The amount of dust that has to come out of the gravel pit has to be much greater than is ever generated by the landfill.

In terms of odor, if anyone has been down that road and smelled the Rendering Plant that's right at the corner of the gravel pit, that smell -- that smell is atrocious. It's rot. It's stench. It's decay.

Their garbage is covered up every day with dirt. I just don't see -- I just don't see them being singled out as a problem there. It's not fair. The road is used by hundreds of different kinds of trucks; Rendering trucks, gravel trucks, dump trucks, general public.

Again, you know, it just doesn't all make sense to me that this is even an issue. Where are we going to dump our garbage? They're fighting over the landfill down in Elwood. I live in Elwood. Okay?

We have to have landfills. We have to have places to dump our garbage, and we need to sit -- we need to keep the cost down.

To me, it's a no-brainer. I don't know why we even have to have this problem. These are credible individuals that have -- you've heard the testimony that they're, you know, great people, and anything that they've done wrong, if there's anything they've done wrong, and I don't know that they have, but it's all been monitored and checked by people that get paid to do that, and it's an insult to suggest that anything they do beyond this point or previous to this point was wrong because they've literally jumped through hoops to do everything I know that they have to do to be right.

None of my discussion, none of my testimony was ever discussed. They did not ask me to come here, and for the record, I do have a letter in there that I sent that said that I support them in the past and I'll continue to do so.

THE HEARING OFFICER: Are there any questions?

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

by Ms. Angelo

Q. Mr. Polcyn?

A. Polcyn.

Q. You say you live in Elwood?

A. I live in Elwood, 19316 Timber Drive.

Q. And how far is that from the landfill?

A. I'm probably southwest -- no, southeast of the landfill by the way the crow flies ten miles maybe.

Q. But it's your business that uses the landfill as a customer of the landfill?

A. This is -- they've collected our garbage in our home and our business. They've been -- they've done our disposal work forever.

Q. What kind of business do you have?

A. We have a -- I'm the light duty or the -- excuse me, the medium duty commercial GMC truck dealer in Joliet, and we have several body shops, leasing company, and other things.

Q. So is it the CDT hauling company then that is -- hauling operation that has collected your waste?

A. Yes.

Q. Have you ever done any investigation of the environmental compliance status of the landfill?

A. No, I didn't do that.

Q. Do you know that the landfill was fined by the Pollution Control Board for expanding its operations in violation of the Environmental Protection Act?

A. I'm not aware of that, ma'am, and as far as I'm concerned, that's -- the boards that take care of that, that's their job, and if there was a fine, they paid it. That -- you know, their dues are paid.

Q. So you don't think that should have any impact on this proceeding?

A. Again, I'm not going to get into all those issues with you. I'm speaking as a concerned citizen in support of the whole issue.

Q. Do you know if the problem that was identified in that enforcement case has been corrected?

A. Ma'am, I don't know the specifics in that. I really don't.

Q. You said that the dust and dirt from a gravel pit that you're familiar with has to be much greater than that from the landfill?

A. Absolutely.

Q. Have you done any studies or analysis to determine that that has to be the case?

A. The reason I say that is I've -- we've had a truck lot that was across the street from Vulcan Material for probably 20 years, and I -- the trucks, not only was the exterior of the truck covered with dust on a daily basis, the dust would permeate under the hood into the air vents

and settle literally everywhere on those trucks, and if I washed them one day, two days later I could expect to have to wash them again.

If I didn't open the hood and spray under the hood once a week, if someone were to go there, open the hood, and look at the -- check the engine out, which they do when they buy a truck, they'd think the truck was five years old because of the amount of dust.

The debris at the landfill is covered every day with hard clay, and soft moist clay does not blow. Gravel dust does. The wind will pick up gravel dust like any part of dust in your house and carry it for miles.

Q. What's your basis for believing that this -- that the waste is covered with soft, moist clay?

A. Well, I've been up there. I don't know exactly what it is, but they have to cover it every day.

Q. Again, what's your basis for believing that it's covered with soft, moist clay?

A. I've been up there.

Q. Every day you've seen --

A. Of course not every day --

Q. -- them cover it with --

A. -- but I've been up there, you know.

Q. Have you observed the landfill from the

residential area across I-80?

A. Other than driving that way, not really.

Q. Thank you.

THE HEARING OFFICER: Ms. Harvey, do you have anything?

MS. HARVEY: I don't have any questions.

THE HEARING OFFICER: Thank you, Mr. Polcyn.

MR. POLCYN: Thank you.

MR. LACIAK: My name is John Laciak.

THE HEARING OFFICER: Okay. Can we have you sworn in?

MR. LACIAK: That would be great.

(Witness sworn.)

THE REPORTER: Sir, could you spell your last name for me?

MR. LACIAK: For the record, the last name is spelled L-a-c-i-a-k.

WHEREUPON:

J O H N L A C I A K,

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

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

by Mr. Laciak

Q. I've been a resident of Joliet for several years residing at 1111 Terra Court. In addition to that, I am a member of the Transportation Lawyers Association practicing before the Surface Transportation Board of the U.S. Department of Transportation.

What I am going to read into the record this morning is simply facts that have been reported by the news media.

The vote by the city council not to expand the present landfill site is contrary to the study and recommendations of their own consultants.

It is contrary to the recommendations of the city management. It has immediately cost --

MS. ANGELO: Madam Hearing Officer, I'm sorry to interject, but I understand your ruling as to the scope of the testimony that you allow people to give, but my understanding is that this is basically reading news reports into the record of the board, and I question

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whether that is a valuable use of record space whether or not the board is entitled to consider it or not consider it.

THE HEARING OFFICER: Mr. Harvey?

MS. HARVEY: Well, I'm not sure we can tell at this point whether his comment is any more or less valuable than anybody else who might want to make a comment.

I don't have any knowledge of what he's actually reading from. So I can't address that issue.

THE HEARING OFFICER: Mr. Laciak, is it possible for you to summarize in your own words the information you wish to provide for the board?

MR. LACIAK: No, ma'am, because I'm going to dwell or hit the issue of lost tax revenue and what it's going to cost us as taxpayers.

THE HEARING OFFICER: Okay.

BY MR. LACIAK:

Q. And I'm going to do that quickly by saying that the board's decision has cost us \$400,000 immediately under the current site provisions and agreements.

The statement by the city council that the loss revenue is not important in comparison to the gambling revenue and tax revenue is irresponsible and a deliberate

attempt at spin control of direct attention from the real issues.

The one short-term benefit that the city council alluded to is a reduction of traffic was immediately given away by the approval of construction of a trucking terminal for U.S. Holland.

While I don't know the exact extent of the trucking terminal, it will bring larger and heavier trucks and the operations will probably be conducted on a 24 hour, seven day a week basis.

My concern as a citizen is what happens if the current site is not allowed to expand and it will close in October of '98. While the city council denies this, it offers no reports or documentations to the contrary.

So where is the rubbish going to go if it closes in '98? Will County's present alternative site is in litigation, and even if it weren't, it wouldn't be ready.

Will County has provided no assurances or contracts that that site will be developed by Waste Management or anyone else. Waste Management's current financial status is under assault by its own stockholders and furthermore it has not been able to retain the services of the president of that company on a continuing basis for any

period of time.

Will County has an agreement with a downstate landfill, but I'm not aware of any assurances or contract that requires them to accept rubbish from the county or the city.

It is has been reported that disposal fees and transportation costs of that downstate site will exceed current annual costs of the current site between 300,000 to \$1.2 million.

The taxpayers of Joliet will, therefore, in the first year of operation of the downstate landfill stand to lose tax revenues of between 800,000 to 1.6 million. So my question here so is how is the city going to make up this shortfall because the council is already on record as saying they're not going to raise my property taxes.

So here's some interesting suggestions. Will they have increased revenue from the gambling boats? That's speculative. Raise taxes on hotels, businesses, gambling boats, raise city fees, raise the sales tax? Maybe they'll even decide to take back the \$5.00 credit on the water bills to pay for this.

I'm here to ask the board to renew the facts and decide whether or not the city council's decision was in the public interest of all the cities, of Joliet and Will

County, and I think you'll find it's not, and you should overturn it.

THE HEARING OFFICER: I'm going to allow his testimony.

Did you have any questions?

MS. ANGELO: Yes, I do. Just a moment.

THE HEARING OFFICER: Okay.

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

by Ms. Angelo

Q. Mr. Laciak, you indicated you live on Terra Court?

A. Correct.

Q. Can you describe where that is in relationship to the landfill?

A. About ten miles to the north, I believe.

Q. Are you related to T'rese Laciak?

A. Yes.

Q. And what's your relationship with her?

A. I'm her husband.

Q. And did she provide evidence as an expert witness in the proceeding before the county board?

A. I don't have access to that, but I believe so.

Q. Are you familiar with the city's economic investment in the Rock Run Business Park?

A. I didn't testify to that. I'm not familiar with

it, and let me say this. I'm going to draw the analogy of the O'Hare situation. Who was there first?

MS. ANGELO: Move to strike as unresponsive.

THE HEARING OFFICER: I'm going to allow it because he's allowed to make statements on the record. So he could just come back up and state it later if he wished to.

BY MS. ANGELO:

Q. Have you observed the landfill from the area across I-80, the residential area across I-80?

A. No, ma'am.

Q. And have you made -- have you made any analysis of the finances of the city and the revenue streams available to the city?

A. No, ma'am. I told you my testimony was based on reports of the news media.

Q. Thank you.

THE HEARING OFFICER: Anything further, Ms. Harvey?

MS. HARVEY: I have one question.

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

by Ms. Harvey

Q. Mr. Laciak, did you appear today at the request of either the Geiss family or their attorneys?

A. No.

Q. Thank you.

THE HEARING OFFICER: Thank you.

Is there anyone else who is not available later who wishes to testify now?

Sir, please state your name and spell it for the record.

MR. WUNDERLICH: My name is Robert Wunderlich, W-u-n-d-e-r-l-i-c-h. I live at 1220 Campbell Street in Joliet.

THE HEARING OFFICER: Okay. Can we swear you, please?

(Witness sworn.)

WHEREUPON:

R O B E R T W U N D E R L I C H,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. Wunderlich

Q. First off, I'd like to state that I'm a taxpayer, which I'm sure most of us are in this building. I've been to CDT Landfill. I've been to the gravel pit adjoining it. I've been to the Rendering Plant at the opposite end of the road.

I would rather spend most of my time in the landfill because there's less dust and less smell. I've gone down the road in front of the landfill that the employees of CDT take their water truck many times a day and wet down the road so that the dust in front of their property is not flying all over the air.

They don't seem to do that in front of the gravel pit, and there's no barrier that I can see in front of the Rendering Plant. I've done some construction work. I'm in the construction business. I'm the president of Wunderlich Construction Company in Joliet.

I built a house in the subdivision -- at the College Park subdivision and that same day I had smells come from the south, and they were bad smells, while I was working on a house in the subdivision. I also took some of my debris in my dump truck to the landfill.

Well, the landfill is not where the smells were coming from. The landfill is not where the dust was coming from. I've been doing business with the members of CDT Landfill since they've started in business and with the landfills or dumps before that on the same road.

CDT is an excellent landfill. They go by the book, and when they go by the book, they look for another book to go by. In my opinion, I would wholeheartedly support

their expansion.

I've got one more hat that I wear. I'm a senior board member at Joliet Junior College, which is adjacent to the landfill. I'm not sure if there was a letter sent. I think there may have been.

The college, at that time, did not support or oppose the expansion. We took a neutral stand on that because the college felt that there would be no immediate impact or foreseeable impact on Joliet Junior College because of the landfill expansion.

THE HEARING OFFICER: Okay. Are there questions?

MS. ANGELO: Thank you

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

by Ms. Angelo

Q. Mr. Wunderlich, are you speaking on behalf of Joliet Junior College today?

A. No, I'm not. I'm speaking on behalf that at the time I was the chairman of the board, and I'm a senior board member right now. I just wanted to clarify the record of what happened.

Q. The board has not authorized you to make a statement on their behalf?

A. No.

Q. And when you say you built a house, that's not your own home?

A. No, it's not.

Q. Okay. Where is your home located in relationship to the landfill?

A. Probably two and a half miles to the northeast.

Q. You indicated that you had visited a gravel pit adjacent to the landfill. Is that east or west of the landfill?

A. Directly east.

Q. Directly east. And that you commented on the landfill employees wetting down the road?

A. Yes, they do.

Q. Is this the road in front of the landfill?

A. Yes. It's Mound Road in front of the landfill, yes.

Q. Okay. But that road is not similarly wetted down in front of the other facilities along Mound Road?

A. No, it is not.

Q. Do the trucks that come into the landfill, however, have to drive down the remainder of Mound Road to get to the landfill?

A. In my experience in my own truck and seeing other trucks, they have to go through the wet road several

hundred yards before they get to the entrance of the landfill from either direction.

Q. My question though, Mr. Wunderlich, is in order to get to the area in front of the landfill, those trucks have to traverse an area of gravel road that is in front of these other facilities that have not been wetted down; is that correct?

A. Well, it's more gravel if you come from the east. It's more of a blacktop-type muddy gravel if you come from the west.

Q. All right. But it's true, is it not, that in order to get to that area to the road in front of the landfill, those trucks --

A. Oh, yes.

Q. -- have to go down that road?

A. Yes.

Q. That road that has not been wetted down?

A. Yes.

Q. Have you done any environmental investigation of the -- are you familiar with any environmental investigation done of the landfill operations?

A. No, I'm not.

Q. Did you know that the landfill was fined by the Pollution Control Board for expanding its operation in

violation of the Environmental Protection Act?

A. No. I was not.

Q. Are you aware of any action that they have taken to correct the condition that lead to that violation?

A. No.

Q. Thank you very much.

THE HEARING OFFICER: Ms. Harvey?

MS. HARVEY: I have one question.

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

by Ms. Harvey

Q. Mr. Wunderlich, the sand and gravel operation that you referred to, is that owned by CDT?

A. No. It's Joliet Sand and Gravel.

Q. Okay. Thanks very much?

THE HEARING OFFICER: Thank you, Mr. Wunderlich.

Is there anyone else? I believe there were two people. Sir, yes.

MR. HAMPTON: My name is Boyd Hampton, B-o-y-d, H-a-m-p-t-o-n.

(Witness sworn.)

WHEREUPON:

B O Y D H A M P T O N ,

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

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

by Mr. Hampton

Q. I am a small business owner, and I came to work with CDT Landfill probably late April, and I've been welcomed in as somewhat of a family member, and I feel that way.

I do business with them trying to keep their trucks clean. I wash their trucks and some of the other equipment. I am in favor of this landfill expansion being a small business person. That's a percentage of my income. I also spend my money in the Will County area, and I am a taxpayer for Will County.

Like I said, I do spend my money in Will County. So small business is where it's at here in Will County. Them being a small business, starting out as a small business, I relate with them and they respect me for that.

I hope to be here in the years to come. If CDT Landfill is going to be there, it's going to be a percentage of my income, and I appreciate that.

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THE HEARING OFFICER: Are there any questions?

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

by Ms. Angelo

Q. Mr. Hampton, where do you live?

A. I live in Lockport, Illinois.

Q. And how far is that from the landfill?

A. Approximately, ten to 15 miles.

Q. And where is your business located?

A. My business is located out of the house.

Q. So your business is located in Lockport as well?

A. Correct.

Q. And that's where you do the service for the landfill?

A. Oh, no. It's a mobile unit. It's a cleaning company. I power wash and clean homes and businesses, equipment, walks.

Q. So you provide your service at the landfill?

A. Correct.

Q. Okay. Have you done any environmental investigation of the compliance status of the landfill?

A. I have not. I learn a little bit more every day as I go there. They're more than open to let me know what's going on. They're not hiding anything.

Q. Did you know that the landfill was fined by the

Pollution Control Board for expanding its operation in violation of the Environmental Protection Act?

A. No, I was not.

Q. And do you know whether they have corrected the condition that led to that violation?

A. I'm sure if it was presented to them to correct it, I'm sure they would.

Q. But you don't know yourself whether it was or not?

A. I do not know, no.

Q. And have you ever observed the landfill from the residential area across I-80?

A. That I have. I've cleaned several homes in the College Park area. I also have a friend that lives on the far east side right across from the college, and at no time has he mentioned any smell, and cleaning the homes, it was probably late April, I cleaned several homes over there, and I didn't notice the smell.

I do business on Mound Road. The businesses on Mound Road have been there for 75 years. It's beyond me -- when I bought my house, I looked at the surrounding areas where I was going to raise my kids and reside.

These people must have come from Chicago. I'm not saying anything about Chicago residents at all, but Mound Road is going to be there. The businesses have been

there. There's very reputable businesses there and...

Q. So you think these people should have known better than to buy their homes there?

THE HEARING OFFICER: You need to make a statement. The court reporter can't record gestures.

MR. HAMPTON: Gestures.

BY THE WITNESS:

A. My personal opinion, I wouldn't have bought there.

BY MS. ANGELO:

Q. Thank you.

THE HEARING OFFICER: Is there anything further?

MS. HARVEY: I don't have any questions.

MR. HAMPTON: Thank you.

THE HEARING OFFICER: Thank you, Mr. Hampton.

In the back, there was a woman and a man.

MR. FROST: Good morning.

THE HEARING OFFICER: Hi.

MR. FROST: My name is Steven Frost, F-r-o-s-t. I live at 3219 Cathy Drive in the Cambridge subdivision.

THE HEARING OFFICER: Okay. We need to swear you in.

(Witness sworn.)

WHEREUPON:

S T E V E N F R O S T,

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

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

by Mr. Frost

Q. I bought in the subdivision in March of 1990. Our house was built and we moved in in February of 1991.

When we purchased the house back in 1990, the corporation which -- from which we built it had a real estate -- some real estate people working for them selling their properties.

At that point in time, they had told us that the landfill would be closing in X amount of years, that being in the five to six year range. That was the life expectancy of the landfill.

Currently now, I'm here today. I have nothing against the Geiss family whatsoever. I firmly believe that they are extremely reputable for their business and their doings, but I can testify today that the odors and the smells that come from the area south of Interstate 80 at times our families cannot be outside whatsoever. We have to go inside the house and turn the air conditioner on.

It's really terrible.

There's been family doings that we've had to bring inside because we couldn't be outside with our family get-togethers. In the last two weeks, I believe there was one instance one evening while driving down Interstate 80 and headed home as soon as we came across the railroad trestle that's there headed west towards Houbolt Road to get off, the stench was unbearable. It was unbearable all the way to the house, and we spent that evening in the house also.

Like I said, whenever we have a southeast wind or we have no wind whatsoever on a calm day, it seems to be that the odor from south of Interstate 80 is very noticeable to the residents of the community.

My personal feelings if they move this more to the west of their current location, a south or a southern breeze will effect the residents of that subdivision also. That's all I've got to say.

THE HEARING OFFICER: Questions?

MS. HARVEY: Yes, I have a couple.

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

by Ms. Harvey

Q. Mr. Frost, did you testify or submit a comment in the proceedings before the city?

A. No, I have not.

Q. Okay. Did anyone from CDT Landfill ever tell you that the landfill was going to close at the time that you brought your house or any time after that?

A. No, they did not.

Q. Have you ever conducted any investigation to determine if the odor that you've testified to is coming from the landfill?

A. Have I, no.

Q. Okay. Do you know if CDT Landfill has ever received any citation from any governmental enforcement agency for odor problems?

A. I haven't read any information on that at all.

THE HEARING OFFICER: Ms. Angelo?

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

by Ms. Angelo

Q. Mr. Frost, did you sign a petition about the landfill?

A. Yes, we did.

Q. And do you know whether that petition was submitted to the record in the proceeding here?

A. I believe that it was, yes.

Q. Thank you.

THE HEARING OFFICER: Anything further? Thank

you, Mr. Frost.

Ma'am, please come up.

Okay. Can we hold off just a second. Our court reporter needs to change paper. Let's take five minutes.

(Break taken.)

THE HEARING OFFICER: We're going to go ahead and go back on the record, and we have someone who's prepared to testify. So if you could state your name and spell it for our court reporter, please.

MS. DIESING: Okay. My name is Heather Diesing, D-i-e-s-i-n-g.

THE HEARING OFFICER: Okay. And would you be sworn?

MS. DIESING: Sure.

(Witness sworn.)

WHEREUPON:

H E A T H E R D I E S I N G,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Ms. Diesing

Q. Okay. I also live in the Cambridge subdivision that's directly north of the landfill at 3230 Cathy Drive. My husband and I bought our house in July of

1994, and at no time did we know that there was a landfill there.

We weren't told by our realtor, the seller's realtor, the people that owned the house, and until we smelled it for the first time did we investigate a little bit and found out that that's what it was, indeed, it was a landfill.

I just want to address two issues, one being the odor and the dust. I have a little rebuttal to Mr. Olson (sic) who talked earlier that had the truck business that said, you know, you don't -- that dust has got to be worse where he had his business when you lifted the truck hoods and everything, and unless he's lived a week in my house, he doesn't know what the dust and odor is.

My daughter is two. She plays outside, and I also have to wash her toys off constantly. We have a pool that's very high maintenance due to the dust, and I'm kind of fed up with it, and also we put our house on the market last September, and we had two prospective buyers, but once they found that there was a landfill that would be in their backyard that they look after -- if you stand on our deck, you can see trucks and you can see a landfill, they've decided not to buy our house, and the other issue I just want to address was the market value.

There's a lot of young families like ourselves who only work in the area for three to five years and then we get a promotion or transfer someplace else, and we're just concerned that we won't have enough equity built up in our house that when we turn to sell, the appreciation is not going to be as great as it would be in some other subdivision where they wouldn't smell or see the effects of the landfill. So that was all I wanted to say.

THE HEARING OFFICER: Are there questions?

MS. HARVEY: I have just a couple questions.

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

by Ms. Harvey

Q. Is it Diesing?

A. D-i-e-s-i-n-g, Diesing.

Q. Okay. I want to be certain I'm saying it right.

Did you testify or file a comment in the proceedings before the city?

A. I signed a petition.

Q. Okay. And you said that you bought your house in July of '94?

A. Yes.

Q. And that you didn't know that there was a landfill there?

A. We did not know. We thought that -- honestly, we

thought the trucks there were building a new subdivision and like a month and a half after we had lived there, we finally found out that that was, indeed, a landfill.

Q. So when you looked at the house, you didn't notice landfill activity or notice any smell?

A. No, we did not.

Q. Have you done any kind of investigation to determine if that smell that you smell at your home is coming from the landfill?

A. No, I have not done any investigating.

Q. And, similarly, have you done any investigation to determine if the dust that you have is coming from the landfill?

A. No, I have not.

Q. Okay. I don't have anything else.

A. Okay.

MS. ANGELO: I have one question.

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

by Ms. Angelo

Q. Ms. Diesing?

A. Yes.

Q. You said you thought the trucks there were building a new subdivision?

A. Right.

Q. Were these trucks that you observed operating in the area that you now know to be the landfill?

A. Correct.

Q. So you did see truck activity up there?

A. Yes, we did.

Q. Thank you.

THE HEARING OFFICER: Thank you.

MS. DIESING: Thank you.

THE HEARING OFFICER: Sir, there's someone who's -- you can be next.

MR. DOOLAN: Good morning. My name is Thomas Doolan, D-o-o-l-a-n.

THE HEARING OFFICER: And will you please be sworn by the court reporter?

(Witness sworn.)

WHEREUPON:

T H O M A S D O O L A N,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. Doolan

Q. I represent Alessio & Sons Company. We're an excavating contractor located here in Rockdale, Illinois. We're about, oh, three-quarters of a mile to

the east of the landfill.

I also live in Channahon, Illinois, at 24427 Edwin Drive. That's located at Route 6 and I-55. That's about four miles to the west of the landfill.

Alessio & Sons Company, a great deal of our work comes from environmental consulting engineers. We're often asked to bid on projects requiring excavation, transportation, and the disposal of nonhazardous special waste petroleum contaminated soils.

The disposal facility that we recommend is often taken into consideration by the environmental consultants as to its liability of their client, and if we're working with an environmental consultant we haven't worked with in the past, they often ask us to arrange a tour or at least get some information on the landfill.

We've never had an environmental consulting company deny our recommendations of CDT Landfill, and we feel that CDT Landfill's responsible commitment to environmental safety, their competitive pricing, and the shrinking available disposal capacity for solid waste in Illinois is why we support the expansion. Thank you.

THE HEARING OFFICER: Okay. Are there any questions?

MS. ANGELO: Thank you.

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

by Ms. Angelo

Q. Mr. -- it's Doolan?

A. Doolan, yes.

Q. Did you submit any comments or testimony in the proceeding that's before the city?

A. I provided a letter.

Q. You provided a letter?

A. Yeah.

Q. And you indicated that your company is Alessio Excavating Company?

A. It's Alessio & Sons Company.

Q. And Sons Company?

A. Yes, ma'am.

Q. And what does that company do?

A. We're an excavating contractor.

Q. So you actually do the excavation?

A. Correct.

Q. And --

A. We do underground storage tank removals.

Q. I see.

A. That type of work.

Q. Okay. So you are using --

A. Road building.

Q. I'm sorry. I didn't mean to cut you off.

A. That's all right.

Q. You're using the landfill then for disposal of the contaminated soils that you excavate?

A. Petroleum contaminated soils, yes.

Q. Have you yourself done any investigation of the environmental status or the compliance status of the landfill?

A. No.

Q. Did you know that the landfill was fined by the Pollution Control Board for expanding its operation in violation of the Environmental Protection Act?

A. Yes, recently, yes.

Q. You said yes recently?

A. I found that information out, yes.

Q. And how did you find that out?

A. By talking to Danny Geiss. I found that information by talking to the owner.

Q. And when did you learn that?

A. I just learned that just recently.

Q. Can you give me a time frame?

A. As we were talking just now. I knew there was a violation. I didn't know exactly what it was all about.

Q. Okay. So you learned about it from him today?

A. Yes.

Q. Do you know whether the circumstance for which the company was fined has been corrected?

A. Yes, it has as far as I know. I mean, that's what I was told.

Q. What were you told?

A. That it had been corrected.

Q. Are you aware that the violation was for -- was based on the fact that the landfill was too high?

A. Yes.

Q. What do you understand that they did to correct that?

A. My understanding was the trenches surrounding the landfill and that was because the permit -- I'm not completely sure on this. What I was told was that it was -- the elevation was brought down to the correct level, I believe.

Q. Are you aware that they were -- they received subsequent citations for overheight violations after the initial one for which they were found guilty?

A. No, I wasn't.

MS. HARVEY: Your Honor -- Madam Hearing Officer, just for the record, I'd ask if we're going to have a lot more discussion about violations if counsel

could provide us with a record cite or some kind of indication of which citation she's referring to.

MS. ANGELO: The discussion of violations is in the record. I'm taking it straight from their own --

MS. HARVEY: I'm not challenging that's in the record. I'd like to know which specific violation she's discussing.

THE HEARING OFFICER: Are you -- can you give us a record cite to where they're found in the record?

MS. ANGELO: My questions to Mr. Doolan relate to what he knows.

THE HEARING OFFICER: I understand.

MS. ANGELO: So I will be happy to provide a record cite at some point if CDT's lawyers are unable to find it in their own application.

MS. HARVEY: I would like the record --

MS. ANGELO: But it has not -- it's not relevant, it seems to me, to my questions to Mr. Doolan about what he knows.

THE HEARING OFFICER: I agree with you that they are not relevant to your questions to Mr. Doolan. If you could provide that cite by the end of the day --

MS. ANGELO: I'd be delighted.

THE HEARING OFFICER: -- that would be

appreciated.

BY MS. ANGELO:

Q. I think your last answer was that you weren't aware of any further violations --

A. Any other violation.

Q. Have you ever observed the landfill from the residential area across I-80?

A. Yes, I have. My in-laws live there.

Q. Your -- I'm sorry. Your in-laws?

A. My in-laws live there.

Q. And what's their address?

A. I couldn't tell you.

Q. You Couldn't tell me. What street do they live on?

A. It's Christine Court, I believe.

Q. Christine Court?

A. It's the third street in. That's all. I never paid attention.

Q. Do you know whether your in-laws have provided any comment to the city with regard to the landfill in connection with this proceeding?

A. No, they haven't.

MS. HARVEY: I'd object on the grounds of relevance as to what he's talking about. What his

in-laws did or didn't provide isn't really relevant to his comments today.

THE HEARING OFFICER: I'm going to allow it.

BY THE WITNESS:

A. No, they haven't.

BY MS. ANGELO:

Q. They have not?

A. Yes, that's correct.

Q. Thank you very much?

THE HEARING OFFICER: Ms. Harvey, did you have any questions?

MS. HARVEY: No, I don't.

THE HEARING OFFICER: Thank you.

MS. HARVEY: I would like to state for the record, though, that my intent in asking for record citations is not because we are unable to find the location, but for the board's convenience in reviewing the transcript.

THE HEARING OFFICER: I understand that, and we will have it by the end of the day is my understanding.

Sir, please come forward and then the man in the green jacket.

MR. LARDNER: Okay. My name is John Lardner, L-a-r-d-n-e-r.

(Witness sworn.)

WHEREUPON:

J O H N L A R D N E R,

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

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

by Mr. Lardner

Q. I live at 755 Arlington in Naperville and I'm a resident of Will County, and I just want to make two points. One, I live about a mile and a half from the Green Valley Landfill, which has just closed recently, and in the five years that I've lived down there, I experienced no problems during the operation and closure of the landfill.

As a matter of fact, in the time that I have lived there, I've seen subdivisions go in, these are brand new subdivisions, with new homes less than 150 feet from the property boundary of the landfill.

Lately, people have expressed to me that they enjoy seeing the green space there, the open space in the landfill, rather than more subdivisions in Naperville.

Second of all, I'm concerned about disposal options in the area. They're minimal now that Green Valley has closed and the Joliet Arsenal that I see is coming down

the line is still three to five years away from what people tell me because of the litigation.

I'd kind of like to see a landfill that's already in operation stay open rather than start a new landfill to provide disposal capacity for Will County, and also I'd like to reiterate that competition in the area I think is good, and to see another operator other than Waste Management be in the business of disposing of waste in Will County, I would support that. That's all.

THE HEARING OFFICER: Are there questions?

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

by Ms. Angelo

Q. Mr. Lardner?

A. Yes.

Q. You indicated that Green Valley was closed?

A. Yes. That landfill closed I think last year.

Q. And you commented that it's nice to see the green space of the closed landfill, did you not?

A. It's nice to see that -- that landfill is about three times higher and about three times larger than this one from what I saw in the newspaper article, and right now, it's better to see that open space than more subdivision in my opinion.

Q. And has that landfill now been closed and covered?

A. It's been covered. I think they still -- I still see a little activity up there, but it looks pretty much like it's been closed.

Q. So it's basically just passive open space now?

A. Right.

Q. Do you have any business relationship with the CDT Landfill?

A. No, I do not.

Q. Thank you.

THE HEARING OFFICER: Ms. Harvey?

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

by Ms. Harvey

Q. Mr. Lardner, I just have a couple of questions.

A. Sure.

Q. You testified that you've lived in your home for how long? I'm sorry.

A. About five years.

Q. And when you bought your home, was the Green Valley Landfill operating?

A. Yes.

Q. And did you experience any problems while the landfill was operating?

A. No, I did not.

Q. I don't have any other questions. Thank you.

A. Okay.

THE HEARING OFFICER: Thank you, Mr. Lardner.
Sir?

MR. MCGUIRE: My name is Paul McGuire.

THE HEARING OFFICER: Can you spell your last
name, please?

MR. MCGUIRE: M-c-G-u-i-r-e.

THE HEARING OFFICER: And would you please be
sworn in?

(Witness sworn.)

WHEREUPON:

P A U L M c G U I R E,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. McGuire

Q. I currently live in Manhattan, rural Manhattan
township, the east side of Manhattan. In the last month,
I've moved from New Lenox where CNA Disposal picked up my
rubbish. That's the business relationship so far. No
monies have ever changed hands between C&A Disposal, CDT
Landfill, and myself. So there's where the checks come
from, my home.

In this past month, I've moved from my home in New

Lenox to a home I just built this last summer out in Manhattan. I spent nearly \$200,000 of my own money building this house. Four hundred feet to the east of me is a sheep farmer, a mile and a half to the south of me is a dairy farmer, and two miles is a pig farmer, and I think it would be hoot for me to go to my neighbors and say cease and desist your hobbies because I didn't look around first before I brought my bride into the neighborhood. She'd have my neck.

So that being said, my business is liquid waste treatment and chemical treatment of boilers and cooling systems. I called on a number of the industries down Mound Road. I've been in many Rendering plants, slaughterhouses, gravel pits, and I do tour landfill sites, and I can say in my personal opinion and experience that CDT Landfill is one of the cleanest operations in Illinois and Indiana that I've been to.

A number of projects that I've worked on and I've met -- in my dealings, I've met the Geiss family mostly out of curiosity and other things that I'm working on. I found the Geiss family and members of CDT Landfill to be very open and honest, unlike any other facility I've ever gone to.

If you have a question, the door swings both ways.

Come on in and ask. In fact, when their recycling center was going up, curiosity, again, I'd like to see it, and the president of CDT Landfill Danny Geiss personally brought me in to show me the workings and the assembly of the plant.

I was working on a project in the past on composting materials, and I had some questions and some things I'd like to work out. At the time, they had a consulting company from the east coast come in just for training and to operate a compost facility.

In touring the top of the landfill, I've been to other composting facilities. They're swarming with flies and stench. This operation is clean. There wasn't a fly in the bunch.

Where I live now with sheep and cattle and hogs, there are flies and there's stink. Down at the end of the row, you'll have that problem. On the CDT Landfill, you don't have that problem.

In between is a gravel pit, and I've had to pull over because I couldn't see front-end loaders and the trucks coming through. I don't know that they could see me. So I pulled off into the ditch. It gets so dusty down there.

In my dealings just on a personal level with the Geiss

family, I, like the gentleman who spoke previous to me, I feel that they have become more like family and friends. Again, we don't have this business relationship. They're an asset to the community.

In fact, 30 years ago or 30-some years ago as entrepreneurs they started their business, and by the sweat of their brow and breaking their back they have provided for their families working with other families providing for their families, money coming from Will County and distributing back to Will County and not to the big surrounding areas and other states.

To keep this going I think would be a huge benefit to the community and many families around. To not let this expansion to continue I think would be -- that would be a terrible wrong, not only to the Geiss family, but the communities surrounding Joliet and all entities associated with the landfill.

THE HEARING OFFICER: Thank you. Are there questions?

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

by Ms. Angelo

Q. Mr. McGuire, what was the reason that you toured -- you said you visited the top of the landfill. What was the reason for your visit?

A. I -- at the time, I was working on -- in liquid wastes working on bacteria to reduce amounts of nitrogen, nitrification or anything to do with nitrogen in waters or soils or whatever the case may be and knowing that this process is also associated in composting, I had that ability to go on up and check out what they were doing, and they were very, very open, very honest.

In fact, I had a short meeting with their consultant from I believe it was New York at the time. I was picking up things. So very open, very open. There were no business dealings there at all, but I learned an awful lot of things just by actually what CDT Landfill was paying for. I learned, and I learned things to take on to other industries.

Q. So you went up there to see the composting operation?

A. Exactly right, and knowing that there were some concerns in composting, a lot of concerns across the country because a lot of composting sites aren't operated properly. There can be an odor if they're not operated properly.

So I did drive myself over to the neighborhood across from Joliet Junior College and toured around that area and could smell nothing. I've -- like I said, I've been

into the industries up and down that road. I do business with those people on the south side of Joliet, other companies. I used to work for Howard Reeves at Crown Trade myself.

THE HEARING OFFICER: Okay. Mr. McGuire, you had made your statement. Do you mind answering some questions now from the attorney?

MR. MCGUIRE: Okay.

BY MS. ANGELO:

Q. You made a reference to Mr. Reeves. He's the individual who testified earlier today?

A. Right.

Q. Okay. You said you visited the area, residential area, across from the Joliet Junior College.

Do you know what direction the wind was blowing that day you visited?

A. It was coming from the south.

Q. From the south?

A. From the south.

Q. How did you determine that?

A. Because I was up on top of the landfill, and I thought this would be a perfect opportunity.

Q. Have you done any environmental investigation to

determine the compliance status of the landfill?

A. That's not my position, no.

Q. Your interest was the compost operation?

A. Yes.

Q. I think you probably -- I couldn't hear an answer.

A. Right.

Q. Were you aware that CDT Landfill was fined by the Pollution Control Board for expanding its operation in violation of the Environmental Protection Act?

A. That's not my position, no.

Q. I'm sorry. I couldn't hear you.

A. That's not my position, no, only from what you've said today.

Q. So you didn't know that before?

THE HEARING OFFICER: Was there an answer to that?

BY THE WITNESS:

A. No.

BY MS. ANGELO:

Q. Thank you.

THE HEARING OFFICER: Ms. Harvey, do you have any questions.

MS. HARVEY: I don't have anything. Thank

you.

THE HEARING OFFICER: Thank you, Mr. McGuire.

Is there anyone else who will be unavailable later?

Yes, ma'am.

MS. GILBERT: My name is Becky Gilbert.

THE HEARING OFFICER: Okay. Can you spell your last name.

MS. GILBERT: G-i-l-b-e-r-t.

THE HEARING OFFICER: Okay. And will you please be sworn by the court reporter?

(Witness sworn.)

WHEREUPON:

B E C K Y G I L B E R T,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Ms. Gilbert

Q. I am currently a student at the College of St. Francis here in Joliet. I'm an elementary education major. I am definitely in support of the landfill for various reasons.

The question that I have that I really don't understand is we've heard a lot about the financial situation. I read that in the paper if Joliet would have

approved the expansion, they would have received a host fee, probably similar to the host fee that Will County would be receiving, and it was in the paper \$4.2 million over the life of the landfill, which was suggested at seven years approximately.

The problem that I have is I just finished some of my clinical work in the Joliet public schools, and to deny this landfill and to deny that money, we're denying money that could have gone to the Joliet public schools in essence.

I don't know if anybody here has children in the Joliet public schools, but it's not a place where you'd want your child educated. They're in dire need of everything, of resources, of books, paying their teachers.

I worked in a fourth grade classroom. The classroom didn't have social studies books. There were fourth graders who could not read at even a kindergarten or first grade level, and when I started the year, I started in September and went to November, and it was the end of October before the building even received soap for the children to wash their hands.

So what I don't understand is how we can turn away a business who provides revenue for our city, thus could be

turned over into revenue for our children. That's really all I have to say.

THE HEARING OFFICER: Are there questions?

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

by Ms. Angelo

Q. Ms. Gilbert, do you know whether the school -- the Joliet public schools have the same -- let me ask it another way.

Do you know if the Joliet public schools received funding from the city of Joliet?

A. No.

Q. Do you know whether they have their own separate taxing district to support them?

A. In the state of Illinois, public schools receive revenue from property taxes in the state of Illinois, and so I'm assuming Joliet is the same. They would receive it from the property taxes and from the city or their district.

Q. From their own separate taxing district?

A. From the district of Joliet, whatever that encompasses in the district, if it's property taxes, businesses.

For example, if you were to go to a community such as Braidwood which has Commonwealth Edison, the nuclear

plant, they receive tax revenues from the nuclear plant. So in Joliet, they would receive tax revenues from CDT Landfill.

THE HEARING OFFICER: I think maybe I can help clarify this because I had the same question.

I believe what we're trying to get at here is if the tax levy for the city of Joliet is the same as the tax levy for the schools or if it's a separate levy levied by a separate body, probably the school board and the city council?

MS. GILBERT: I'm not sure

BY MS. ANGELO:

Q. Thank you.

THE HEARING OFFICER: Ms. Harvey.

MS. ANGELO: I don't have anything.

THE HEARING OFFICER: Thank you. Is there anyone further? Sir.

MR. MATUSAK: My name is Mike Matusak. That's M-a-t-u-s-a-k.

THE HEARING OFFICER: And can you swear the witness?

(Witness sworn.)

WHEREUPON:

M I K E M A T U S A K,

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

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

by Mr. Matusak

Q. I work for a Mack truck dealership that is located in Illinois. We sell a lot of trucks and trailer equipment, do maintenance for CDT Landfill.

I have also sent a lot of my customers to CDT Landfill when they were selling some of their equipment. So I've been at the site quite a few times, and a lot of the customers I've sent there have also got back with me and said how well maintained the road and how clean they keep the facility.

Most of the time I've been there the road has been either watered down or the truck was going the opposite direction when I was coming there.

Also, they've had people out there cleaning the debris that blew up against the fence and just how well he's taken care of the place. I've been to a lot of landfills in my business selling trucks and trailers and that, and I was very impressed with how neat and clean he keeps the place.

I've been there about two years with him, and I've got along with him very well, become a personal friend, and it seems like he's been very up-front with what he does because he's very controlled by the Pollution Control Board. So he has to follow their guidelines, and he's told me some of the times that he has got into minor problems and what he's had to do to correct them.

So I think he's very well aware of how to operate his facility and keep it under the guidelines. He's a very valued customer of ours, and if the landfill would close, I'm sure we would lose a valued customer.

THE HEARING OFFICER: Thank you. Are there questions?

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

by Ms. Angelo

Q. Mr. Matusak, were you aware that the landfill was fined by the Pollution Control Board for expanding its operation in violation of the Environmental Protection Act?

A. No, I wasn't.

Q. When you said you had spoken to Mr. Geiss about minor problems that he had gotten into with the state environmental authorities, do you know what those minor problems were?

A. Well, generally, he was telling me just kind of how the landfill operated and when they would go to their height level that how it would settle over a period of time and it pretty much was a guessing game on how much it would settle, and if it didn't settle to the height requirement, then he had a problem of where he had to lower it down.

So I know he told me once that it did not settle down as far as the rest of the other cells did. So he would have to take -- you know, spend more money and have to lower the height of it.

Q. Do you know whether CDT -- let me ask this a different way. You said you had observed the landfill watering the road in front of the landfill?

A. Right.

Q. That road extends beyond the landfill to the east and both again to the west, does it not?

A. Yes.

Q. And the area that CDT was watering was the area actually in front of the landfill?

A. Right.

Q. Does any truck approaching the landfill have to take Mound Road either from east of the landfill or from west of the landfill in order to reach the landfill

itself?

A. Right.

Q. Thank you.

THE HEARING OFFICER: Are there any questions,
Ms. Harvey?

MS. HARVEY: I don't have anything.

THE HEARING OFFICER: Thank you, Mr. Matusak.

MR. MATUSAK: Thank you.

THE HEARING OFFICER: Is there anyone else?
Yes, ma'am.

MS. PHALEN: My name is Mary Phalen, P, as in
Peter, h-a-l-e-n. I'm appearing on behalf of Empress
Casino Joliet Corporation.

THE HEARING OFFICER: Okay. Please swear the
witness.

(Witness sworn.)

WHEREUPON:

M A R Y P H A L E N,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Ms. Phalen

Q. Empress Casino Joliet Corporation is located on
over 300 acres off of Illinois Route 6, less than one

mile south of the CDT Landfill facility.

Our facility includes a 165,000 square foot pavilion structure, two gaming vessels, and a 102 room hotel. We are currently constructing an RV resort or a recreational vehicle resort on our property consisting of 80 vehicle slots forecast to open in the spring of 1998.

We are also building, in conjunction with the Mobil Oil Corporation, a child care center which will cater to Empress and Mobil employees. The child care center is also on our property.

On the average day, the Empress Casino Joliet attracts over 6,000 guests to the Joliet region. For many, this is their first impression of the area.

We have been successful, particularly with the 1996 opening of our hotel, in attracting out-of-state visitors from Interstates 55 and 80 to our facility. We hope to increase this number when our RV resort opens next spring.

As an entertainment and tourism destination, Empress Casino Joliet is deeply concerned about the proposed expansion of the CDT Landfill. The general appearance of our immediate environment as well as its esthetic impression is of critical concern in maintaining a safe rural setting for our operations.

The presence of odors and potential loose blowing soil and other dust particles originating from a further expanded and elevated landfill can bring significant negative effects to both our guests and employees.

We are also very aware of the negative effects which the proposed CDT Landfill expansion will have on guests of our soon to open RV resort. With this new amenity, we are in a position to attract an even greater number of people from out of state to spend an evening or two in the Joliet region.

With the out-of-doors environment the resort offers, the proposed landfill expansion would make a visit to the area an unpleasurable experience. Our child care center, which will also open next year, is located directly off of Route 6 and is the closest structure to the CDT Landfill.

When operational, it will hold up to 120 children of Empress and Mobil Oil Corporation employees. The complex will feature an extensive outdoor play area. We want the children to be able to experience an enjoyable fresh air environment during their stay at the center.

The expansion of the landfill would place a detrimental shadow over any outdoor activities at this facility.

As a representative of Empress Casino Joliet, I respectfully request that you take into consideration the reasons for our position to the proposed CDT Landfill expansion. Thank you.

THE HEARING OFFICER: Are there any questions?

MS. HARVEY: Yes. I have a couple.

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

by Ms. Harvey

Q. Ms. Phalen, is that --

A. Phalen.

Q. Am I saying it right?

A. Uh-huh.

Q. Did you testify at the hearing in this proceeding?

A. No. Our vice-chairman of the board on behalf of the board of directors sent a written statement.

Q. Okay. Was the CDT Landfill in operation when the site was selected for the casino?

A. I believe our site was selected in 1991. So I guess it would have been, yes.

Q. Okay. Was the casino still in operation -- excuse me, was the landfill still in operation when the site for the RV park was selected?

A. Yes.

Q. Was the site -- was the landfill still in

operation when the site for the child care center was selected?

A. Yes.

Q. Can you tell me a little bit about what other businesses are around the casino?

A. Other businesses around the casino?

Q. Uh-huh.

A. I know there's a trucking facility at Houbolt and Route 6, and there are several businesses to the east on Route 6 of the Empress including Caterpillar.

Q. Would you characterize that area as having an industrial use?

A. As having an industrial --

Q. Industrial use. I'm sorry.

A. Particularly in the area of Caterpillar, yes.

Q. Have you or anybody on behalf of Empress Casino done any studies to determine the source of the dust about which you express concern?

A. Not to the best of my knowledge, no.

Q. Have you or anyone from Empress conducted any studies to characterize the source of odor which you testified you may be concerned about?

A. Not to the best of my knowledge, no.

Q. Do you know if Empress has a billboard that's

located on CDT property?

A. I personally do not know that.

Q. Okay. I don't have anything else.

THE HEARING OFFICER: Does the city have any questions?

MS. ANGELO: No.

THE HEARING OFFICER: Okay. Thank you, Ms. Phalen. Okay. Are there any other members of the public who wish to testify at this time? I will ask again before we adjourn the hearing for the evening session. Okay.

Then let's go ahead and continue. Does CDT have any witnesses that they wish to call?

MS. HARVEY: Madam Hearing Officer, in conjunction and in conformance with the witness statement that we submitted about a week and a half ago, it is our position that it's inappropriate to present witnesses on the sole issue here, which is the manifest weight of the evidence, and, therefore, we do not have any witnesses to present.

THE HEARING OFFICER: Okay. The city.

MR. DESHARNAIS: Madam Hearing Officer, at this time and in conformance with the motion which we submitted for the board's review, we would ask the board

to take administrative notice of both the photographs which we have here today and the ordinances of the city of Joliet which are referenced in the motion both because the ordinance is part of the public record, which is within the general awareness of the city council as well as the fact that the photographs are of conditions that are within the awareness of everyone in the city of Joliet including the city council members.

Furthermore, both the exhibits are supported by affidavits and we would submit that that is sufficient foundation for their admission. We, therefore, move the admission of all those exhibits at this time.

THE HEARING OFFICER: Any objection?

MS. HARVEY: I have a strenuous objection to any hearing on this motion at all. I received this motion, which contains about two inches worth of materials, at 4:20 yesterday.

The motion is directed to the Pollution Control Board, not to the hearing officer. There is no indication that there will be any kind of request for a ruling on the substance of the motion, which is whether or not the board should take official notice of the documents which have been attached which it is our position are outside the record and submit new evidence, but be that as it

may, we are allowed by the Pollution Control Board rules seven days to respond to any motion directed to the board.

We got this less than 16 hours before the hearing was scheduled to begin. The affidavits on their face based on the cursory review that I've been able to do indicate that they have known about some of these documents since at least December 8th, if not earlier, and we received no notice nor any indication in their witness statement that they planned to present this evidence, and I would suggest that there is simply no motion pending before the hearing officer on the issue of official notice, which they have directed the Pollution Control Board.

MR. DESHARNAIS: Madam Hearing Officer, the board rules allow for hearing officers to make rulings on evidentiary determinations, and we would submit this is certainly within your purview.

As to the shortened response times, we had shortened response times on our own in response to their motions as well, and it's due to the nature of the time frames that we're proceeding under.

We sent that motion as soon as it was ready for the board. In addition, again, I would reiterate that these are matters which are within the general awareness of the

city council at the time of their decision, and they should be admitted as stated in our motion.

THE HEARING OFFICER: Are you planning on calling any witnesses on this information?

MR. DESHARNAIS: We would call witnesses only if it was found that the affidavits which were submitted in support of the motion were found insufficient.

However, we do believe that the affidavits are sufficient to establish foundation for the exhibits.

THE HEARING OFFICER: Okay. Ms. Harvey, did you have some rebuttal?

MS. HARVEY: Yes. I have a continuing objection. I just want to stress for the record that CDT Landfill would be extremely prejudiced if they are not allowed sufficient opportunity to review and respond to the substance of the motion to take official notice.

Be that as it may of shortened response times, we had no indication that this was coming. I got it 20 minutes or 40 minutes before the close of business yesterday. I am certainly willing to work to respond as soon as possible, but this motion is not directed to the hearing officer.

I have no problem with your authority to rule on evidentiary matters, but I do have a problem with the

notice which CDT has been provided, and we haven't had an opportunity to analyze and review the substance of their motion.

THE HEARING OFFICER: Okay. At this --

MR. DESHARNAIS: Madam Hearing Officer, I would just say that before your ruling that we did submit copies of the photographs to opposing counsel when we submitted the motion to the board.

THE HEARING OFFICER: At this time, I do believe that the board's rules do allow me to take notice of information.

It is my ruling that the ordinances and the resolutions which are from the city of Joliet are part of the body of public knowledge which the city council members had before them when they made their decision, and so that will be admitted.

As to the photographs, it is my ruling that that information is new and additional evidence on the site in criteria. It goes directly to the site in criteria. The photographs were not before the city council members.

Any objections to my ruling will have to go directly to the board. Because of the tight time frame, the objections should be submitted -- you are supposed to submit them with your briefs, but it would be my

recommendation to do it as soon as possible ahead of time.

I am making this ruling today so that if there are any witnesses who need to be called or any offers of proof that need to be made we can do that today at the hearing because there will be no way to reconvene everybody under the time for the decision deadline.

MS. HARVEY: If we could just let the record reflect my continuing objection on two grounds. First, on the ruling on this motion, which is prejudice to CDT Landfill, and secondly, I will just note a continuing objection, which I will reassert properly to the ruling on the ordinances.

THE HEARING OFFICER: Okay.

MR. DESHARNAIS: Madam Hearing Officer, a question for clarification at this point. Your ruling I believe regarding the substance of the photographs as being outside the record, however we would, at this point, ask you to rule as well on the foundation and whether or not foundation needs to be established for the photographs since they are supported by affidavit.

THE HEARING OFFICER: It is my ruling that the foundation through affidavit was sufficient. The foundation was sufficient. I felt that the information

could not be admitted because it's new evidence on the criteria.

So if the board overrules me, there should not be any reason to reconvene and call Mr. Dimond to testify as to taking the photographs.

MS. HARVEY: For the record, I do have an objection to what I have seen from the affidavit, whether or not it establishes -- I have a question, perhaps. I would like to note a continuing issue since I haven't had an opportunity to respond to this whether or not the affidavit is sufficient to establish foundation.

THE HEARING OFFICER: Okay. If you wish to directly question Mr. Dimond, he is here, and we could call him. I will leave that up to you. If you prefer to just leave your objection as noted and make, you know, a written objection to the board or if you would like to make a record for that.

MS. HARVEY: At this time, we will leave it as noted for the record.

THE HEARING OFFICER: Okay. Is there anything further?

MR. DESHARNAIS: We have a further question of clarification on your ruling regarding the portions of the solid waste management plan that were also included

in the motion.

THE HEARING OFFICER: That -- I apologize. That was to be admitted as part of the ordinances and permission before the city of Joliet. The only thing my ruling was intended to exclude was what I believe you have marked as Exhibit 1, which were the photographs, and I guess I have a question whether Exhibit IR was simply that was part of the record initially or if this is something new in addition to.

MR. DESHARNAIS: In order to clarify that, that is something that is already part of the record. It is simply referenced for purposes of the affidavit.

THE HEARING OFFICER: Okay. Then that is also admitted.

MS. HARVEY: And I would just note a continuing objection to the admission of the solid waste management plan.

THE HEARING OFFICER: Okay. Is there anything further at this time from the attorneys?

MS. HARVEY: Madam Hearing Officer, if I understand your previous order established in the hearing, we're to reserve closing statements until after the conclusion of the public participation --

THE HEARING OFFICER: Yes.

MS. HARVEY: -- portion tonight?

Then we don't have anything else.

MR. DESHARNAIS: Madam Hearing Officer, then, at this time, we will move the admission of the photographs as an offer of proof.

THE HEARING OFFICER: Okay. Well, then, you may do that, and if you wish to call a witness, you may do so.

MS. HARVEY: And for the record, I would object to the offer of proof. The material is irrelevant. So there's no reason to lay a foundation for irrelevant new evidence.

THE HEARING OFFICER: Were you planning to do that as just -- I guess I don't understand what you're trying to do.

MR. DESHARNAIS: No. I just want to clarify for the record that we have affirmatively moved the photographs as an offer of proof given that you've denied their admission substantively.

THE HEARING OFFICER: Oh, okay.

MR. DESHARNAIS: For the record.

THE HEARING OFFICER: That's fine then. You have made your offer of proof and you can -- Ms. Harvey may respond to -- I guess you guys can respond. I

apologize.

She's going to respond to my ruling on the city's ordinances, and you may respond to my ruling on the photographs for the board in writing.

Again, I would just ask you to do that as quickly as possible. Although it's normal to do it with your briefs, it would probably be nice to get this cleared up quickly.

So if we could get it in in time for the board meeting being the second Thursday in January next month.

Is there anything further? Are there any other members of the public who wish to testify before the 6:00 o'clock session or make a statement on the record?

Okay. Then we will go ahead and recess until 6:00 o'clock, and we'll see everyone back then. Thank you.

(Whereupon, the hearing was
adjourned and reconvened at
6:00 o'clock p.m.)

THE HEARING OFFICER: We're going to go on the record. Can everybody out there hear me? If you can, I'm not going to use the mike.

Welcome back to the evening session of PCB 98-60 CDT Landfill Corporation vs. the city of Joliet.

We do have some preliminary matters which the

attorneys need to take care of, and then we will go right into the public part of this evening's session. We do have one woman who's asked to go first because she has to leave, and then we will just go ahead and take members of the public as they want to come up.

So will the attorneys go ahead and introduce themselves again for the members of the public.

MS. HARVEY: Madam Hearing Officer, my name is Elizabeth Harvey on behalf of the petitioner CDT Landfill. I am joined by my co-counsel Park Davis and John Kobus. I would also like to note for the record that Mr. Danny Geiss and Mr. Calvin Geiss, the owners of CDT Landfill, are here as well along with Colleen McFadden, our paralegal.

MS. ANGELO: Madam Hearing Officer, my name is Percy Angelo. I'm accompanied by Kevin Desharnais, and we are representing the City of Joliet.

THE HEARING OFFICER: Okay. And for everyone out there, I'm Deb Feinen, and I'm the hearing officer for the Pollution Control Board.

Once we begin, members of the public can come up to the microphone. I will ask that you be sworn in, and then you can go ahead and make whatever statement it is that you're here to make.

The attorneys may want to ask you a few questions about your statement. Don't be intimidated. People did it this morning, and it was fine. If there any problems or questions, we'll deal with them at that time, and we should be able to get through that without any problem.

Do you guys want to go ahead with your preliminary matters?

MS. HARVEY: Madam Hearing Officer, I believe there are two things that counsel for Joliet and I have discussed just prior to this hearing re-beginning.

First, is the briefing schedule, which you had previously established through a hearing officer order. We have agreed with your indulgence to revise it slightly to change the due date for CDT's opening brief to Monday, December 29th with a corresponding extension for Joliet's response brief to January 14th, which I believe is a Wednesday.

The reply brief due date that currently was -- previously was established of January 20th will remain the same. So with your indulgence, we would move that it be modified in that fashion.

THE HEARING OFFICER: Give me just a moment to find my order, which I thought I had it out, but I had the other order out.

Could you give me those dates again?

MS. HARVEY: The previous ones or the revised ones?

THE HEARING OFFICER: The revised ones.

MS. HARVEY: It would have CDT's brief due on December 29th, which is a Monday.

THE HEARING OFFICER: Okay.

MS. HARVEY: The City of Joliet's response will be on Wednesday, January 14th with CDT's reply brief to remain as previously scheduled on January 20th.

THE HEARING OFFICER: Okay. There's no problem with that, and those dates are acceptable as revised dates, and I assume you have worked out between yourselves getting the briefs to co-counsel as quickly as possible and mailed as filed for board purposes.

MS. HARVEY: Yeah. I believe your order previously directed both parties to exchange briefs on the day that they're due, and I will determine where they would like the brief sent at that time.

THE HEARING OFFICER: Okay. Also, at this time, I would like to state for the record that we will allow written public comment until December 31st. So anything that anyone wants to write and send to the Pollution Control Board they can do until December 31st.

For purposes of the board, mailed is filed. So as long as you have it in a mailbox or at the post office by December 31st, you're okay. You don't have to actually deliver it to the Pollution Control Board itself. They will not accept fax filings or, as I was asked, e-mail filings.

So it's important that you either -- that you do it in writing and that you either do it through the mail or hand delivery or Federal Express, some other type of mailing, and I have the address that that needs to go to, and at the close of the hearing, I would be happy to make sure anyone who wants that has it.

Is there anything else before we begin?

MS. HARVEY: There's one additional matter. The ordinances and associated resolutions that were introduced this morning as -- I don't know if they were given an exhibit number, but in conjunction with Joliet's motion to take official notice, I have had an opportunity to do an extremely brief review of those, and I have identified two places where at least on the face of the documents they appear to be incomplete, places where they refer to attachments that don't have attachments.

I have not had an opportunity to do an extensive review of them, and I simply discussed with Joliet's

counsel the possibility of either exchanging a list or having a follow-up on that so that I can be sure that what I have constitutes a true and complete copy of what is in the files of the city clerk. That's all I'm asking for.

THE HEARING OFFICER: Okay.

MS. HARVEY: I don't know what the best way to do that procedurally is, if we need to set a date.

MS. ANGELO: We indicated we would follow-up on the things that were called to our attention and make sure that it matches the clerk's official copy.

THE HEARING OFFICER: And will you then be refiling with the board also?

MS. ANGELO: If there are any changes. I don't know that there are.

THE HEARING OFFICER: Okay.

MS. ANGELO: But certainly if there are any changes, we will.

MS. ANGELO: I guess I would like it if, for example, there's one place where it says there should be an attached subdivision plat and it's not attached to this document, if the answer is that even in the original there isn't one, I guess I would like an indication in writing or somewhere just so I know that these are

correct.

THE HEARING OFFICER: Can that be done by the end of the week so that she has that before her brief is due?

MS. ANGELO: I would expect so. I can't check with her tonight because she's not here, but I will. I don't know of a problem, but I would need to check with her.

THE HEARING OFFICER: Okay. And if you provide something in writing indicating that they are true and correct copies and there's nothing additional so that there's no question of that, and if there are things you need to supplement then properly supplement.

MS. HARVEY: Madam Hearing Officer, just so I'm clear, by the end of the week, you mean --

THE HEARING OFFICER: Next week.

MS. HARVEY: -- the 26th?

THE HEARING OFFICER: Yes.

MS. HARVEY: Thank you.

THE HEARING OFFICER: And I know that that may be tough with the holidays, but if that can be done. Otherwise, you can call me or file a motion for an extension. Then are there any other matters?

MS. HARVEY: I don't have anything else.

MR. DESHARNAIS: We have one additional matter, Madam Hearing Officer.

You had requested in the first part of the hearing that we submit a record citation regarding the administrative citations that were issued by CDT Landfill and where they are found in the record.

They were submitted as part of the applicant's application, and they are found at Volume I, Exhibit 6, and begin at page C000033.

THE HEARING OFFICER: Okay. Is there anything further? Okay. Then I'd like to go ahead and begin with public comment, and the woman in the beige suit since you have to leave.

Please state your name and spell it for the record, and then I'll ask that you be sworn in.

I think the other one may be on.

MS. HOPE: My name is Denise Hope, H-o-p-e.

THE HEARING OFFICER: Okay. Will you please swear the witness?

(Witness sworn.)

WHEREUPON:

D E N I S E H O P E ,

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

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

by Ms. Hope

Q. I would like to review for the board and for you, ma'am, what has been going on in this issue over the last six years. I want to review a letter that I have written to the Joliet city council, also my testimony here at the public hearings.

I do want to state as I stated in my letter that it may appear that we are a small group, but we are a working-class community who cannot be here during most of the hearings, which are during the day, and that also we are a small -- a community of small children, which also prevents some from bringing theirs as I had to today.

Also, I want to remind you that we had over 600 people in our community sign a petition to close the landfill when its contract is up.

Things I want to reiterate are the smells. I had written letters and I also had contacted the EPA over the last six years having attended the prior meetings that have been held. I had stated that many, many occasions

we were not able to have our parties outside, and one particular one, which was very dear to me, which was this last July 6th, which was my daughter's gumshay (phonetic) party, and where we had to all come into the house because of the smells, and the thing that was very troubling was somebody who had come to the party said remind me never to move to Joliet.

This is something that I moved into this community knowing that this landfill was there. I was told that by my realtor, but I also was told that there was a definite finite period that it would be there.

Believing in contracts, I assumed that this would, in fact, be held to closure. Besides the fact that many nights at 2:00, 3:00 in the morning I also have gotten in my car and driven over there to witness the smell myself. I stated that to the EPA numerous times. My name is on the record at CDT weekly. My calls would go over there.

I will say that I don't remember the gentleman's name. I'm going to guess Jeff, but many times he would come out to my house and check the smell level.

I also want to talk about the dust that has been in the testimony here and also reiterate that we have had to power wash our house many, many times in this past year

and the years before because there is a high level of dust.

Someone mentioned at the last hearing that we would all have to pay more money if this, in fact, did close, and I guess I want to state that I'm more than willing to pay more money per month to have this closed because I want to enjoy my property. I moved in there over -- going on eight years now. I want to enjoy my property outside and be able to plan events and not have to worry about the smells.

Also, I believe that the rest of the city of Joliet should share this burden and not just us who live across from the landfill. I do want to state that my invitation is still open to anybody who wants to come over to my house. Give me your phone number, and I will call you and let you know when the smell is right, but, unfortunately, we will have to eat inside. Thank you.

THE HEARING OFFICER: Thank you. Wait, ma'am. Are there any questions?

MS. HARVEY: Yes, I have a couple, Madam Hearing Officer.

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

by Ms. Harvey

Q. Ms. Hope, you indicated that you testified before

the city at the earlier proceeding?

A. Yes.

Q. And did you also submit a written comment?

A. Yes.

Q. Is that the letter to which you referred? I'm sorry.

A. Yes.

Q. Okay. Were you asked to testify tonight by the city or by its attorneys?

A. No.

Q. Okay. Did you discuss your testimony with either the city or their attorneys?

A. I attended a meeting last night. I did not discuss what I was going to say. I knew what my letter had said, and I knew what I had said the previous time.

Q. Tell me a little bit about the meeting. Where did the meeting occur?

A. At one of the homes in our neighborhood.

Q. Do you know who organized the meeting?

A. Well, Sue Sandavol and the other people that have been at these hearings the last --

THE HEARING OFFICER: Ma'am, I apologize. Could you either spell the last name of Sue or state it again for our court reporter?

MS. HOPE: I don't know the exact spelling.
S-a-n-d-a-v-o-l?

MS. SANDAVOL: Yeah.

THE HEARING OFFICER: Okay. Thank you. I
apologize. Please continue.

BY MS. HARVEY:

Q. About how many people were at the meeting last
night?

A. I'd say about 15.

Q. Was there any representative from the city there?

A. No.

Q. Was there any --

A. Not to my knowledge.

Q. Okay. Any attorney from the city there?

A. Yes, the gentleman next to you and the woman next
to him.

Q. Have you done any studies or other kinds of
investigations on the source of the odor to determine
whether the odor was coming from the landfill?

A. Just by my personally going over there. I was
also given a tour of the landfill when it first -- when
we first started having the really bad problems, probably
about four or five years ago.

I put on the hip boots, and they walked me through the

whole thing and explained the process to me. I was all -- I really wanted to believe what they had been telling us at Joliet Junior College that, you know, there were these landfills they would say in New York that were right next to million dollar homes and everybody was happy with it.

I really wanted to understand the process and understand why we were getting this smell from there, and so I did take those tours. Unfortunately, a very kind person over there, but unfortunately it didn't stop. I think they did try some perfumes or something like that, but it just didn't stop completely.

Q. I think you mentioned that you had driven over by the landfill down -- is it Mound Road that you drove down?

A. Yes.

Q. Did you note other industrial uses in that area down Mound Road?

A. Well, there are many. I would go from Houbolt all the way to the very end which might be Larkin or something like that. I don't remember.

Q. East of Houbolt?

A. East of Houbolt, yes.

Q. Okay.

A. And I would go all the way down to the end, turn around, and come all the way back, and could smell it right in front of the landfill.

Q. Did you smell it --

A. Very strong.

Q. -- anywhere else down Mound Road?

A. No, not those times.

Q. You testified about the dust that you've experienced at your house. Have you done any kind of studies or investigations to determine the source of the dust?

A. Personally not myself, no. I just --

Q. Are you aware of anybody who has?

A. No, I'm not.

Q. Are there farming operations in that area?

A. There have been -- there is a corn farm right behind us. We did not have that dust before then.

Q. Before when?

A. Before the smell started to occur. Before, I guess, the landfill got larger. Before our issues, which I believe -- I don't have the exact date, but I believe our issues really started in late '92 or '93.

Q. Is there other construction in your neighborhood, not just residential, but, perhaps, commercial?

A. In the neighborhood? We had --

Q. In the area, say, around Houbolt Road and --

A. We had a new elementary school built, but that's the only thing I know of. There are some other motels that have come up in the past year.

Q. Did you notice any increase in the dust at that time?

A. I guess I don't see the dust. I just know that I've had to power wash my house several times in the past several years.

Q. I think I just have two more questions.

A. Uh-huh.

Q. The first is do you know if CDT Landfill has ever had any citations issued to it regarding odor by a governmental agency? I'm sorry.

A. All I know is that I have reported it to the EPA many times in Bellwood. I was on their regular calling list, and they would send an EPA representative out. Though I never met the person, they would say they came out, but I don't know of any citations ever.

Q. My final question is did anybody from CDT ever tell you when or if the landfill was closing?

A. No. I suppose that's because I had checked into it when I was buying the house, that I checked with the

newspaper and found out when the contract was expiring and that it would actually close and be covered over and it would be done.

Q. Can you give me any more information on the contract to which you referred?

A. The contract?

Q. Yeah.

A. Maybe that was a poor choice of words. I'm not sure.

Q. What did you mean by that?

A. What I understood by the real estate agent was there was a set contract that this would be closed I believe he said within eight years.

Q. I don't have anything else. Thank you very much.

THE HEARING OFFICER: Ms. Angelo, do you have anything?

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

by Mr. Desharnais

Q. One question, Ms. Hope. Could you tell us what your address is?

A. 1008 Karen Drive.

Q. And is that in the Cambridge subdivision?

A. Yes, it is.

THE HEARING OFFICER: Thank you very much. Are

there any other members of the public? Okay. Sir, you need to state your name and spell it for our court reporter, please.

MR. WIECHMANN: Yes. My name is Mark Wiechmann, W-i-e-c-h-m-a-n-n.

THE HEARING OFFICER: Okay. And please be sworn by our court reporter.

(Witness sworn.)

THE HEARING OFFICER: Okay.

Please continue.

WHEREUPON:

M A R K W I E C H M A N N,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. Wiechmann

Q. Okay. I'm with Teamsters Local 179. We represent about 80 of the employees that work at this landfill. The president of our local is unable to attend tonight. So I'm speaking on his behalf.

The union, we are concerned about jobs. We have members out there that will be losing jobs if this doesn't go ahead and get passed and expansion approved.

You're dealing with their insurance and their

pension. Many of them are local residents also, and with that, I think we stated last time the same position before to the city counsel, and that's all we have at this moment here. That's our main concern.

THE HEARING OFFICER: Does the city have any questions?

MR. DESHARNAIS: No questions.

THE HEARING OFFICER: About CDT?

MS. HARVEY: No, I don't have any questions.

THE HEARING OFFICER: Thank you very much, Mr.

Wiechmann --

MR. WIECHMANN: Yes.

THE HEARING OFFICER: -- is that correct?

MR. WIECHMANN: Thank you.

THE HEARING OFFICER: Thank you. Please state your name and spell it for the record.

MR. JOHNSEN: My name is John W. Johnsen,
J-o-h-n-s-e-n.

THE HEARING OFFICER: Okay.

(Witness sworn.)

WHEREUPON:

J O H N J O H N S E N,

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

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

by Mr. Johnsen

Q. I appear here this evening wearing two hats. The first hat is being a citizen of the county and the second hat being a member of the Will County board.

Several months ago, the county board considered a resolution concerning this matter. I believe that a copy has already been furnished to the hearing officer this morning by other board members, but I have an additional copy.

I'm not going to read the entire county board resolution, but I would like to read the last paragraph.

Now, therefore, be it resolved that the Will County board hereby supports the expansion application of CDT Landfill in Joliet and feels that it is desirable as it will assist the county in both meeting its solid waste management plan and in helping to promote proper solid waste disposal practices.

This resolution was passed by the Will County board on the 18th day of September 1997. The vote by the county

board was 27 -- excuse me, 24 to nothing.

It's my belief that the -- allowing for the expansion will fit in well with the county's overall disposal plan. I'm sure you've already heard testimony. The county is in the process of developing a landfill in the area in Florence township south of here in my county board district, and it's the intention of the county hopefully that this facility will be opened in the next several years and will be able to take care of the needs of Will County for approximately 20 years.

In the event that the CDT Landfill closes prior to the opening of the county's landfill, I think that's going to cause some negative economic impacts on the county. That concludes my comments.

THE HEARING OFFICER: Are there any questions?

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

By Ms. Angelo

Q. Just a couple, Mr. Johnsen.

With respect to the resolution that you referred to, I think you gave us the date of September 18th?

A. Yes.

Q. Have there been any further official actions taken by the county with regard to the CDT Landfill since then?

A. Not to my knowledge. There certainly has been no

county board action, and I have perfect attendance at the county board meetings.

Q. Are you familiar with a host fee that is to be paid by CDT Landfill to the county?

A. The -- I'm familiar with the terminology. It's been explained to the public works committee that I sit on several times. I will not qualify as an expert witness on those fees, however. I'm familiar with the terminology.

Q. Do you know how much it is?

A. I believe it's \$1.27 and a half cents a ton; is that correct? I don't know. There's a fee that the county collects I believe from all existing landfills in the county that the county has jurisdiction over irrespective of whether they be an incorporated area or an unincorporated area and the figure of \$1.27 and a half cents a ton sticks in my mind.

Q. And can you tell us where you live in the county?

A. I live at 25815 Lorenzo Road, Wilmington, Illinois, which is an unincorporated Wilmington township.

Q. Okay. And is that in the vicinity of the CDT Landfill?

A. No. What is your definition of vicinity?

Q. I'll ask it another way. Can you tell me

approximately how far it is from the CDT Landfill?

A. I would guess I'm 11 or 12 miles.

Q. I have no further questions. Thank you.

THE HEARING OFFICER: Ms. Harvey.

MS. HARVEY: I don't have anything. Thank
you.

THE HEARING OFFICER: Mr. Johnsen?

MR. JOHNSEN: Yes.

THE HEARING OFFICER: Did you intend to submit
the resolution?

MR. JOHNSEN: Yes. If you would tell me the
proper way to submit it, I would like to submit it.

THE HEARING OFFICER: What I would like to do
is mark it as a hearing public comment, and it will be
Hearing Public Comment 1, and you can just give it to
me. Thank you.

(Hearing Public Comment No. 1
marked for identification,
12-19-97.)

THE HEARING OFFICER: Thank you.

MR. JOHNSEN: Thank you.

MR. CARLSON: My name is Chris Carlson spelled
C-a-r-l-s-o-n.

THE HEARING OFFICER: Okay.

(Witness sworn.)

WHEREUPON:

C H R I S C A R L S O N ,

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

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

by Mr. Carlson

Q. I live in the Cambridge subdivision at 1143 Gerald Drive. I provided testimony at the county hearing. I have several points of interest I'd like to discuss -- reiterate.

First, is the safety involved with the landfill being so close to my house. I've got a two-year-old daughter and my interest in safety accentuated because of that. I realize that she is exposed to whatever pollution may come my way from the landfill. That would include groundwater pollution.

I'm concerned about that after researching the subject of landfills on the Internet. I realize that the research that I did is not acceptable or admissible because I missed the deadline, but it does influence my opinion.

So I do want to make a point that I'm very concerned about the groundwater quality. It feeds the vegetables

in my garden and it gets into the retention pond in my community, and my daughter and others are exposed to that. So I'm very worried about it.

I'm also concerned about the air quality. There are days when I can drive along I-80 and see the dust blowing off the top of the landfill, and I know that it's heading towards my house if I see it blowing across I-80. It's right in that direction, and, again, my house has the dust problems that have also been discussed here.

We've got a severe problem with dust inside and outside of the house, and to remedy it inside, I've invested in a Hepa air filter, and that does some good, but, again, my daughter is outside much during the summer, and I'm very worried about that.

Thirdly, with regard to safety is traffic. My wife has already been involved in a traffic accident merging out of our subdivision onto Houbolt Road because of the traffic, and I know that the landfill isn't responsible for all of that, but it certainly contributes to some of the traffic and the large traffic slows everything down. So I'm concerned that there will be more traffic accidents along Houbolt Road.

I'm also concerned about property value. I understand that the research done by CDT and submitted to public

record indicates that our property values rose three percent and that was compared to a target community where they rose 3.91 percent. That's what I saw in the record.

That may not sound like much, but that represents a significant loss of money to me in the value of my property. It's not increasing in value at the rate that it would expect to be increasing.

I also doubt the -- somewhat the validity of the research done by the CDT Landfill because I think three percent is a very low number, and I don't really have any research to stand behind that, but it seems to me that three percent is below par as property value increase goes.

Our subdivision is one of the nicer ones in Joliet, and I would expect that our houses would be increasing in value relatively quickly, and there really isn't anything else in the area that's going to detract from the value of our community.

We've got hotels and restaurants and businesses coming up around us. The only thing that really detracts from the value of our house, as I see it, is the landfill nearby. The landfill itself we knew existed when we moved into our house. We noticed the hill on the horizon when we were touring a model. We asked the realtor about

it. We were told that the permit for the landfill was about to expire.

My wife isn't one to accept pat answers. So she researched it quite thoroughly. She called the Illinois Environmental Protection Agency, the U.S. EPA, and she confirmed the fact that the permit was about to expire, and we accepted that as fact that, in fact, within a couple of years the landfill was going to be closed and that would be the end of it, but a permit was granted to expand, and here we are again expanding the landfill once more, and it's getting to the point where the landfill is visible from the windows in my house.

If I peek outside through any of the upstairs windows, I can see the landfill on the horizon now, and I can imagine what 66 feet would be added to that, and it will tower above the houses and be obvious from any window in my house in the front.

I really think that's going to detract from the appearance of the neighborhood in general.

Finally, there's the quality of life issue. I think that that's very important because I've picked this house, and I think it's in a nice neighborhood, but there are times when the odor outdoors just is completely unbearable, and while I don't have direct evidence that

links it to the landfill, I can say that when the wind is blowing out of that direction, the air quality is going to go down.

It's as simple as that, and it smells a lot like garbage. So I don't know that I have any other proof with that regard. I certainly haven't hired any professionals to analyze the air or the dust that falls, but there seems to be a strong correlation between the direction of the wind and the smell in the air.

We paid an extra \$3,000 to have an extra large lot so we could enjoy outdoor activities like barbecues and gardening. I'm afraid that money is wasted because we really can't enjoy life outdoors anymore with any regularity. Thank you very much.

THE HEARING OFFICER: Thank you. Are there any questions?

MS. HARVEY: I have just a couple.

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

by Ms. Harvey

Q. Mr. Carlson, did you attend the meeting last night that Ms. Hope talked about?

A. Yes, I did.

Q. And would you agree with her estimate that there were about 15 people there?

A. I think that estimate may be a little bit large, maybe more like ten, ten or 12. I wasn't keeping count though.

Q. That's all right. Was there anybody at that meeting besides the attorneys for the City of Joliet who didn't live in the -- to your knowledge, who didn't live in the College Park or Cambridge subdivision?

A. I don't believe so. I know most of the people who were at the meeting. I think they were all from the area.

Q. I don't have anything else. Thank you.

THE HEARING OFFICER: Does the city have any questions?

MR. DESHARNAIS: No.

THE HEARING OFFICER: Thank you.

Are there any members of the public who are not able to stay for some reason who need to come forward now? Otherwise, we'll just continue. Please, come on up, sir.

Please state your name and spell it for the record.

MR. OWENS: My name is Leonard Owens,
L-e-o-n-a-r-d, O-w-e-n-s.

THE HEARING OFFICER: Okay. And please be sworn in.

(Witness sworn.)

WHEREUPON:

L E O N A R D O W E N S,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. Owens

Q. I'm an employee of CDT Landfill, and throughout these whole proceedings, I've heard quite a bit of the concerns of the people in Cambridge and College Park, but no one has taken the time to listen to some of the concerns of the CDT employees themselves, and I'm here on behalf of the employees at CDT, plus myself. Excuse me. I'm a little nervous --

THE HEARING OFFICER: That's okay.

BY THE WITNESS:

A. -- but bear with me.

The impact that all of this has had on some of the CDT employees is devastating. I have laid off coworkers that has homes. Their mortgages haven't stopped. Their bills haven't stopped, you know, and they're laid off because of the decisions that has been made overall here, and no one has taken in consideration our lives.

The people in Cambridge and College Park, they're able

to get up every morning and go to theirs jobs and come home every evening and love their children, but here when we come home every day, we're in dismay as to whether we're going to have a job tomorrow or not due to the decisions that's being made across the board and over the board here.

I was here at your meeting this morning, and I heard an analogy done towards a dentist, you know, and the analogy that was done towards that dentist, at least the person that did that analogy has the opportunity to go to the dentist.

My laid off coworker don't have the opportunity to even take their children to the dentist now without worrying about how are they going to pay the bills, and I'm here just on the behalf of my coworkers at large. There are us that are still there, very talented people out there at CDT Landfill. From day to day we wonder where's our jobs going to be, and I just ask in this decision-making process, consider us, the workers. Give us some time to give us -- get some closure in our lives.

I understand the needs of the people in College Park and Cambridge. You know, I understand. I feel their needs, but feel ours for a minute. Give us the

opportunity to get some closure in our lives.

THE HEARING OFFICER: Thank you.

MR. OWENS: Thank you.

THE HEARING OFFICER: Are there any questions?

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

by Mr. Desharnais

Q. One question, Mr. Owens, maybe a couple.

You mentioned that you have laid off coworkers. Are you saying that they're laid off currently?

A. They're laid off currently, and it's -- the biggest stuff it is due to the decisions that has been made across the board here, and the counsel had the opportunity to vote on the fate of my job, and my job is in limbo right now.

From day to day, I don't know how it's going to be, and come election time, you know, I get the opportunity to do the same to them. I get the opportunity to vote on the fate of their jobs, and you best believe come election time, you know, I'm going to do all I can to make the fate of their jobs just the same way the fate of my job has been for me right now.

I'm concerned about my family, not only my family, the families of my coworkers, the family of the Geiss'. You know, the words from my heart is getting caught up in my

throat here, but none of us has been considered.

Yes, ma'am.

THE HEARING OFFICER: Mr. Owens, I understand that this is an emotional subject for you. You have given your testimony though. So if you could allow the attorneys to just ask you some questions --

MR. OWENS: Yes, ma'am.

THE HEARING OFFICER: -- and then if there's additional things you want to say, we'd be happy to --

MR. OWENS: I apologize. Yes, ma'am.

THE HEARING OFFICER: -- hear them. Continue.

BY MR. DESHARNAIS:

Q. Mr. Owens, I just have a couple more questions for you.

A. All right.

Q. You mentioned that your coworkers are laid off currently. Do you know if that's due to the landfill currently operating at a reduced capacity?

A. Yes, sir.

Q. A reduced rate?

A. Yes, I do know that. My coworkers, if we had got the expansion, we would be making plans to better our lives as opposed to, you know, where our next meal is coming. It's largely due --

Q. The landfill is still operating now?

A. The landfill is operating now, but we're operating at a capacity not like before.

Q. Okay. Do you know how much of a reduction in capacity there has been?

A. Sir, I'm their parts runner. That's a question if want answered, it's better to be answered by someone in an official capacity.

Q. If you don't know the answer, that's fine.

A. No, sir.

Q. That's the end of the questions.

THE HEARING OFFICER: Ms. Harvey, did you have anything?

MS. HARVEY: No, I don't. Thanks.

THE HEARING OFFICER: Thank you, Mr. Owens.

Is there anyone else who wishes to speak on the record?

Sir, did you speak this morning.

MR. JONES: No, I did not.

THE HEARING OFFICER: Okay. I'm sorry. Your jacket looks familiar to me.

MR. JONES: I got a clean one for a change.

THE HEARING OFFICER: I apologize.

MR. JONES: That's no problem. My name is Don

Jones.

THE HEARING OFFICER: Okay. And will you please be sworn in?

(Witness sworn.)

WHEREUPON:

D O N J O N E S,

called as a witness herein, having been first duly sworn, deposeseth and saith as follows:

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

by Mr. Jones

Q. I've come here with a couple of hats like the other gentleman said. I'm a life-long resident of Joliet. I used to walk over the canal when we could literally walk over the water in the canal. So I do appreciate some of the efforts of the EPA, and I do live in Camelot, which is west -- maybe two miles west of the landfill.

I am a truck dealer here in Joliet. I have done business with the CDT Landfill. I wish I did more. They would give me some of it, but a couple of points. One, I've seen a tremendous improvement. I remember when the landfills in that area were far worse. I don't think it's bad now. I go by it every day probably six to eight times, and I have great sympathy for the people in

College Park. I don't know if all the smells they experience come from the landfill. I'm not in a position to document where they come from, but I would suggest that if you went from Rockdale to Route 55, the other side of the landfill, you also would have some very bad noxious odors, and it might be a point that should be at least raised here.

So I'm doing that as a citizen. I would like to see Joliet have the employment and what not that comes with the landfill and certainly not the problems that may be associated with it, but one of the most important things that I have experienced is in dealing with the CDT management.

Again, they are local people. My contact is in truck sales and trying to make them happy and maybe some of the people here see my trucks causing some dirt too, but the bottom line is they have been men of their word in every regard.

If there's something that needs to be done, they're not going to stand here and appease you because they have been very forthright with me. They'd always tell me the answer, and to me, that's a novel experience in today's world.

We got local people, and if they promise they're going

to do something, if there's a problem, it's going to be resolved here. I think at least we have the people that will do it. To me, that's very important. That's all I have to say.

THE HEARING OFFICER: Are there any questions?

MR. DESHARNAIS: No questions.

THE HEARING OFFICER: Ms. Harvey?

MS. HARVEY: I don't have any questions.

THE HEARING OFFICER: Thank you, Mr. Jones.

Hi.

MS. CARLSON: Hi.

THE HEARING OFFICER: State your name.

MS. CARLSON: Cheryl Carlson.

THE HEARING OFFICER: Can you spell it, please?

MS. CARLSON: C-h-e-r-y-l, C-a-r-l-s-o-n.

You're probably familiar with the last name, I think.

THE HEARING OFFICER: Please continue, and you can swear the witness.

(Witness sworn.)

WHEREUPON:

C H E R Y L C A R L S O N,

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

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

by Ms. Carlson

Q. Okay. I am a resident of the Cambridge subdivision. We've lived there for the -- about the past six and a half years, and I was to a previous hearing here before, but just to state that when we bought our home, I had felt like I had done a lot of research into the area.

I called to the city of Joliet, and I was aware of the landfill being there, and I had asked about the time when it would close, and they said that it had several years left.

I also called the owner of the landfill, Danny Geiss, and I also made a point of calling down to the Environmental Protection -- excuse me, the EPA, the Environmental Protection Agency down in Springfield I think it was, and it was a concern of ours because I am aware of the other landfills in Illinois, basically the one in DuPage in Bolingbrook and also the one, Mallard Lake, that they had previous situations where they were

supposed to close and they just kept being extended and extended, and at the time when I called all three places, I got the same response that the landfill was going to be at its capacity and at each point I asked could it be extended, and I was told well, there is that possibility, but, you know, when the landfill reaches capacity, it's pretty much at capacity.

Through the years then several years into our home once again an extension came up, and my husband and I were still concerned at that time, but at that meeting, which my husband went to, which was over at Joliet Junior College, the feeling that we got at that time from the landfill owners who had presented their case was that once again this was just going to be for a few years, and then it would be over, and our point is just when is it over?

I guess in a way I feel that I have been duped by the system. I felt that I did everything right. I made all the phone calls, and every time I was given an answer, and now I realize that could be or should be does not mean that it will be, and as we moved into our home, I've seen what's kind of been a bump on the horizon now be something that when I look out my second story window, I can see from every window of my home.

When I first moved into my home, that was not there. My concern is that if this goes on, we're going to have literally a trash mountain to look outside our second story windows, but also our first story windows.

It's not only the sight of it, but it's also the odor of it, and I know many people, I know they work there or whatever, but they don't live where we do, and there are days when it is so bad that literally I cannot take my daughter outside to play.

She's had days when she's come up and said it's yucky, mama, and she's right, it is yucky, and I guess if I had known then what I know now, we would have never bought a home where we did.

I feel that if right now if there was any way I could tell anybody ever even considering buying a home near a landfill, there are no guarantees, and I honestly felt that the Environmental Protection Agency and some of the other groups out there were out there to protect my rights, that when I called them several years ago and asked should this be the end, that that was going to be the end or, you know, that it's -- when it's at capacity, and now I feel like it's just the minimal thing. I realize the Environmental Protection Agency does many things that are important to help protect us, but now I

feel that many of those are some minimum standards.

I also know that people have brought up the issue of their jobs, the people who drive the garbage trucks. Regardless of whether this landfill closes or not, we will still have garbage that needs to be picked up and there are still going to be people who need to buy those trucks.

I guess what I don't understand is if there still is garbage and it still needs to be picked up, wouldn't the same people still have their jobs, just, perhaps, going to another location? So that's it.

THE HEARING OFFICER: Okay. Are there any questions for Ms. Carlson?

MS. HARVEY: I just have one or two.

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

by Ms. Harvey

Q. Ms. Carlson, are you related to the Mr. Carlson --

A. Yes, I am.

Q. -- who spoke tonight?

How are you related?

A. My husband.

Q. I just wanted to be sure I understood. I don't have anything else. Thank you.

THE HEARING OFFICER: Mr. Desharnais?

MR. DESHARNAIS: No questions.

THE HEARING OFFICER: Thank you very much.

MR. PLUMADORE: My name is Gary Plumadore,
P-l-u-m-a-d-o-r-e.

(Witness sworn.)

WHEREUPON:

G A R Y P L U M A D O R E,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. Plumadore

Q. My wife and I just moved into Cambridge subdivision about two and a half years ago. When we went to purchase our home, we were told by our real estate agent that the landfill was there and that it would be closed within the next three or four years.

On that basis and looking for a good school system, which we found with the Troy township schools, we moved into that house. Last summer, there was a meeting at Joliet Junior College by CDT Landfill stating to the residents of Cambridge and College Park that they'd be asking for another extension.

The key word that caught me there was another extension. They promised the last extension was the last

extension that they would ask for. It seems that it's never, like, the last extension that they can go or they can have.

The quality of life in our neighborhood is good I'd say probably about 75 percent of the time, but there is that 25 percent of the time that the odors do get kind of outrageous.

Early in the morning when the air is real still, you can smell like a fish or a garbage order in the air just sitting on the ground or towards the ground that you can smell real strong. What else? That's all -- oh, I do have four letters from residents, neighboring residents, that I'd like to be entered in.

THE HEARING OFFICER: Okay. I will enter those as Hearing Public Comment No. 2, and it will be all four letters.

(Hearing Public Comment No. 2
marked for identification,
12-19-97.)

THE HEARING OFFICER: Thank you.

MR. PLUMADORE: You're welcome.

THE HEARING OFFICER: And they will be -- those will be transmitted to the board and become part of the record.

Any questions?

MS. HARVEY: One second, please.

I don't have anything. Thank you.

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

by Mr. Desharnais

Q. We have one question, Mr. Plumadore.

A. Yes.

Q. Could you just state for the record your address?

A. 1051 Karen Drive.

Q. Thank you.

A. Joliet.

THE HEARING OFFICER: Thank you.

MR. CARNE: My name is Phillip Carne, and that's C-a-r-n-e. I'm also a resident of Cambridge, and I have been for eight years. The people that have already spoken have done a pretty good job of covering everything that --

THE HEARING OFFICER: I'm sorry. You need to be sworn in.

MR. CARNE: I'm sorry.

THE HEARING OFFICER: Thank you.

(Witness sworn.)

WHEREUPON:

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

DIRECT EXAMINATION

by Mr. Carne

Q. I think most of the people that have already testified have done a pretty good job of covering everything. I testified at the city council hearing, and after the teamsters talked about the loss of jobs, and nobody wants to end up losing their jobs. The loss of jobs and downsizing of corporate America are a way of life today, and that's part -- I mean, everybody is faced with that, not just these employees.

Mr. Johnsen from the Will County board said something about the economic effect on Will County. We have 500 homes between Cambridge and College Park that are already suffering economic adversity and real estate values, and their study said that real estate is appreciating at Cambridge at three percent and their target group was three -- as Chris pointed out was 3.91. That's 30 percent less appreciation that we're experiencing every year. That's from their numbers.

The quality of life, they've touched on the dust

issues, the odors. There's no sense in beating that into the ground. One thing that really hasn't been brought up tonight, it may have been brought up earlier, what their testimony in front of the city council was that less than ten percent of the trash being brought into this landfill even comes out of Joliet. The rest is brought in. I don't see the need for a landfill there in Joliet.

THE HEARING OFFICER: Okay. Are there any questions for Mr. Carne?

MS. HARVEY: I don't have any questions.

Thanks.

THE HEARING OFFICER: The other side?

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

by Mr. Desharnais

Q. Mr. Carne, could you just state for the record your address?

A. 1044 Gerald.

THE HEARING OFFICER: Thank you.

MR. CARNE: Thank you.

MR. BOZA: My name is John Boza, B-o-z-a, 805 North Bluff Street in Joliet, a resident.

THE HEARING OFFICER: Okay. Please swear the witness.

(Witness sworn.)

WHEREUPON:

J O H N B O Z A,

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

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

by Mr. Boza

Q. I drove for 25 years for Banner Disposal. They've talked about the smell at the landfill, but I service quite a few of the accounts in Rockdale and Joliet. Some considerations for the smells might be Kalucny processing, Mallory Grease, Banner Western Disposal, Johns Mansville, they make roofing material on Route 6. You get dust and smells from there. Ecolab, they have chemicals. Caterpillar, P.T. Farrell Asphalt, the river itself because I live on the river, Joliet Stone, we have dust there daily. Chemlite, chemicals again.

We have three car -- truck washes, chemical -- commercial truck washes on Route 6. Is there smells from there? Amoco, Stone Container. We have two water treatment plants, Joliet and also Rockdale, and plus numerous other ones.

So they say it smells from the landfill, I really doubt that. Any questions?

THE HEARING OFFICER: Are there questions? Are

there any questions?

MR. DESHARNAIS: Yeah, just a couple questions.

THE HEARING OFFICER: Just a moment, please. I'd just like to ask if people are going to have conversations that they step outside. It's hard for the court reporter to record the proceedings with the background noise. Thank you. Please continue.

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

by Mr. Desharnais

Q. Mr. Boyer?

A. Boza.

Q. Oh, I'm sorry, Boza. I can't read my own writing. You mentioned that you live on North Bluff Street in Joliet. Can you tell me where that is in relation to the landfill?

A. Probably about five miles. It's -- it would be, oh, northeast of the landfill.

Q. And could you tell me you if your employer is a customer of the landfill?

A. I used to work for Banner Disposal in Joliet. I work for the Teamsters now for the last two months. I was employed with Banner for 25 years.

Q. Okay. So you're currently employed by the

Teamsters?

A. Yes.

Q. Okay. And was Urbana a customer of the landfill?

A. Pardon me.

Q. Urbana Disposal, were they --

A. Banner Western Disposal.

Q. Banner Western?

A. Yes.

Q. I'm sorry. Were they a customer of the landfill?

A. Yes. We did, you know, transport stuff there.

THE HEARING OFFICER: Anything further?

MR. DESHARNAIS: No further questions.

THE HEARING OFFICER: Ms. Harvey?

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

by Ms. Harvey

Q. I have just a couple questions.

A. Yes, ma'am.

Q. Just so that the record is clear, the possible sources that you listed for dust and/or odor, are those all in the area of the landfill? Would you define them as all being in the area --

A. Yes.

Q. -- of the landfill?

A. Yes, ma'am.

Q. Okay. And can you tell me what they do at Kalucny Brothers?

A. Kalucny Brothers --

Q. What is their business?

A. They render grease, they process grease and I believe meat products from restaurants and others.

MS. HARVEY: I don't have anything else. Thank you.

THE HEARING OFFICER: Just a moment. Is there another question?

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

by Mr. Desharnais

Q. You mentioned that all those businesses are in the area of the landfill?

A. Yes, sir.

Q. Can you define what you mean by in the area?

A. I'd say within a mile, two mile area.

THE HEARING OFFICER: Anything further.

MR. DESHARNAIS: No further questions.

THE HEARING OFFICER: Thank you, Mr. Boza.

MR. DeGROATE: My name is Scott DeGroat spelled D-e, capital, G, r-o-a-t-e.

THE HEARING OFFICER: Please be sworn.

(Witness sworn.)

WHEREUPON:

S C O T T D e G R O A T E,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. DeGroate

Q. I'm a local lubricant and fuels company, and we currently provide lubricants to the landfill. My father and I have known the Geiss family for many years. We feel that if the landfill, you know, should lose at this proposition in some way, that it will be detrimental, you know, to the local economy and for the local labor in the area as well.

You know, I have lived in the area for over 29 years now. I live within a mile and a half roughly of the landfill. I've really never smelled any rough smells coming from the landfill. I frequent the landfill once or twice a week, and if you were to be in a vehicle, and I would say from Larkin Avenue down to Houbolt Road, you know, I don't know how you could determine what is the smell, you know.

I do feel for the people within Cambridge and College Park, but within the different companies that I go into, I can't distinguish what is what. That's what I have to

say.

THE HEARING OFFICER: Okay. Just a moment, please. Are there any questions?

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

by Mr. Desharnais

Q. Could you just tell us what your address is?

A. It is 445 DeGroate Road.

Q. And what direction is that from the landfill?

A. I no longer live in Joliet. I got married and moved. Sorry.

Q. And where is that then?

A. I live in New Lenox now.

Q. New Lenox?

A. Correct.

Q. Now, how far would you say that your home is from the landfill?

A. Now, ten miles roughly.

MR. DESHARNAIS: No further questions.

THE HEARING OFFICER: Ms. Harvey?

MS. HARVEY: I have just a couple.

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

by Ms. Harvey

Q. You testified, if I understand then, that you previously lived within a mile and a half of the

landfill?

A. Correct.

Q. And you didn't experience any odor?

A. No.

Q. I don't have anything else.

THE HEARING OFFICER: Anything further?

Thank you, Mr. DeGroate.

MS. WASCHER: Name is Shawn Wascher,
W-a-s-c-h-e-r.

THE HEARING OFFICER: Please be sworn in.

(Witness sworn.)

THE HEARING OFFICER: I'm going
to have to ask you to speak
up. I'm having a hard time
hearing you.

WHEREUPON:

S H A W N W A S C H E R,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Ms. Wascher

Q. Okay. My name is Shawn Wascher, like I said, and
I didn't plan on speaking here tonight first of all. So
I've jotted down some notes that might be out of order

and so on.

I lived in -- I moved to College Park about three and a half, four years ago, and then I moved to Cambridge about six months ago. Okay. I moved from College Park to Cambridge because I liked the subdivision and they put up a new elementary school. I like the location, and I like the neighborhood.

I was under the impression that the landfill would be closed and, obviously, that's why I stayed in the area. I wouldn't -- it's also been brought to my attention -- I just like to say for the record that I have not followed this very, very closely. I don't know a lot that's going on, and I'm sorry about that.

I have three small children, one who is here tonight. He's one. I have a two-year-old and I have a five-year-old. I also work and my husband works.

I'm concerned about the water. I do want to say that living in College Park I did not smell the smells as much as I do in Cambridge, but I'd also like to say that I live right on Cathy Drive, which is right across the street from 80 and the landfill.

I can see the landfill from my front yard. So I do not have to be upstairs in order to see the landfill. I moved there knowing that. It was the house that was

available at the time, and I needed a bigger house because of my last child being born.

I love my house. I love my neighborhood. I live on the lake, which I also paid extra, you know, taxes for living on the lake or water retention, and it's not -- you can't swim in there. You know, I don't know -- I don't know if this is from the landfill. I just want to say that up front. I don't know that, but, you know, I do pay extra money to live on the lake, and I would like to know, you know, what is this landfill doing to the water?

Is it -- you know, is it all of Joliet? I mean, if I didn't live in Cambridge, you know, if I lived somewhere else, how is this affecting it, and I think that's the biggest problem I have.

My daughter, who's five, she might say something about the smells. My boys aren't going to say anything about the smells because they're two and one and, frankly, they don't care, and I want to know -- I want to know, you know, is this affecting our children? I want to know that.

I'm not saying it is. I'm asking you is this affecting our children, and I think CDT Landfill and Joliet township should find some people who know what's

going on and let us know. You know, as far as the meeting last night and how many people were there, well this is somebody's home, and she's not going to invite everybody into her home.

There's people that are going to represent us all. Okay? You can't put 500 families in one house. I would have went last night, but I didn't because I knew somebody, my neighbor, was going, and she would let me know what's going on.

Just because everybody doesn't go doesn't mean people don't care. You know, I came here tonight. I had to pay a babysitter, and I had to take off work. Yes, I came, but I live on Cathy Drive, and I smell the smells, and I want to tell you that a week after moving in, with my three small children, I'm outside a lot, CDT came by like twice a day, and I'm like, you know, what's going on? You know, what is this smell, and he told me, and I'm telling you what he told me, he told me, I don't know if this is true, that it wasn't the garbage dump, that it was grass clippings.

So do you want to know what the smell smells like? The smell -- this is what I think the smell smells like. When you take your garbage can lid off, okay, that's what it smells like. You know, you don't have to believe me,

but that's what it smells like, and I -- grease, I mean, I know what grease smells like.

I don't know if it's from the landfill, but there is a smell, and it smells like when you take your lid off your garbage can. That's what it smells like. When it's an old garbage can, that's what it smells like, you know.

I do feel bad for the CDT employees, the landfill employees. I really do. I mean, that guy, you know, really got to me, and that's what made me get up and speak. I don't think that CDT should make these people feel like it's their fault. If they don't win this case, that they're not going to have a job. I don't think that's fair.

You know, like somebody else said, we all have to worry about our jobs. My husband could lose his job tomorrow too, but why are these people threatening these people with that? I don't think that's right.

You know, like somebody else said, where is the garbage going to go? Okay. Say they expand it, where is it going to go after that? I know they're waiting on something else, but garbage is going to go somewhere, and I think you should just make it safe, and I don't think that the CDT people should lose their jobs. I don't think that's right.

I would just like to say that, and I don't think that CDT should threaten these people and tell them they're going to lose their jobs if they're not in here, you know, fighting for it. They're making College Park and Cambridge against the workers of there when it should be the city of Joliet and it should be CDT working out something so it's safe and it doesn't smell, and I'd just like to say isn't there a reasonable compromise? I do have small children, and I do love them.

THE HEARING OFFICER: Are there any questions?

MS. HARVEY: I don't have any questions.

MR. DESHARNAIS: No questions.

THE HEARING OFFICER: Thank you very much.

MS. WEATHERSPOON: Hi. My name is Erica Weatherspoon.

THE REPORTER: Could you spell your last name?

MS. WEATHERSPOON: Weatherspoon,
W-e-a-t-h-e-r-s-p, double o, n.

THE HEARING OFFICER: O-n, o-o, or o?

MS. WEATHERSPOON: Double O.

THE HEARING OFFICER: Thank you.

(Witness sworn.)

WHEREUPON:

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

DIRECT EXAMINATION

by Ms. Weatherspoon

Q. Hi. How are you doing this evening? I live at 3341 Longford Court in the College Park subdivision. I don't really know where I've been. All I want to say is that when I first moved in about two years ago, maybe I was in the twilight zone or something or I'm just trying to get in my home, but I was not aware that there was a landfill maybe a couple miles over like in that subdivision. No one told me that until one day I was getting ready to -- this was about 4:00 o'clock in the morning, and I had awakened with my kids, and we're searching around the house looking for this Pamper trying to find what happened to the Pamper or what did my son do with it?

As I'm making him look for this Pamper, we're searching around the whole house, and I'm like you guys can't go back to sleep until we find this, but to my surprise and to my relief, it wasn't the Pamper.

I had talked to one of my neighbors, and we went

outside and he's like well, you don't know what that is, and I was like no, I don't, and he said that's the landfill, you didn't know there was one right there, and I'm in the house arguing with husband telling him that how could he move us somewhere next to a big old garbage dump. We had no idea, and he didn't know, I didn't know, and my real estate agent didn't tell me this, and if I had known this, then I would have -- clearly, I would have never purchased my house next to a garbage dump, landfill, whatever you want to call it. It's still garbage and it still stinks.

I did not know this. I'm in agreement to the neighbor who just spoke who said that I feel that's wrong for a company that's concerned about their employees to stress the fact that if you don't come, you don't speak and testify, you know, against -- not in favor of the expansion that you'll lose your job. It's not a decision about -- you know, it's not a decision about who doesn't get their job or how good we know the family.

I keep hearing people talk about how much we love the Geiss family. It's not about the Geiss family. It's about our homes. It's about appreciation and the depreciation of our homes and our families.

I feel sorry. My heart feels for people, but I am --

I can say that I know that garbage is always going to be on the rise like violence is always going to be on the rise, if you want to compare the two, but I just want to say that I'm not in favor of it. It does smell.

I don't know what they've been smelling, but it does smell really bad, and once, again, if I had known that it was -- it's in my area, I would have never bought my home. I'm just mad at my realty company that they didn't even tell me this because I can't say and I can't speak for anyone else. I can just speak for myself and say that no, I did not know that it was a landfill.

No one told me that it's going to be here for a certain amount of years. I never knew this, you know, and I can't say that -- maybe that's to my ignorance. Maybe I didn't do enough searching. I was happy that I had a big backyard for my kids, you know, but if I had realized that, then that would be a disadvantage in purchasing my home. Thank you for your time.

THE HEARING OFFICER: Thank you. Are there any questions? Ma'am, please wait. Ms. Weatherspoon, please wait just --

MS. WEATHERSPOON: Oh, I'm sorry.

THE HEARING OFFICER: -- in case there are any questions?

MR. DESHARNAIS: We don't have any questions.

MS. HARVEY: I don't have any questions.

THE HEARING OFFICER: Thank you.

Is there anyone else who wishes to make a public statement?

MS. RONZONE: My name is Marjorie Ronzone,
R-o-n-z-o-n-e.

THE HEARING OFFICER: Okay.

(Witness sworn.)

WHEREUPON:

M A R J O R I E R O N Z O N E,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Ms. Ronzone

Q. Well, nine years ago we were in the same room together. I was a younger mother of young children like the woman who spoke not long ago. We've lived at, for the record, 3219 Longford Drive since October, I think, of '88.

THE HEARING OFFICER: Is that in the Cambridge subdivision?

MS. RONZONE: It's in College Park. It's across -- it's the north side of Longford.

BY MS. RONZONE:

Q. We're three houses from the cornfields outside my living room windows. Every morning, I notice that the sun is a minute or two later because the dump is a little taller. I've been a forbearing neighbor. I remember Mr. Geiss, Sr.'s comments and Mr. Geiss, Jr.'s comments in previous hearings, that they were motivated to be good neighbors, and I put faith in them.

Because I haven't militantly complained about the odor and because I have ten years of experience in that neighborhood and know the whole kaleidoscope of aromas the way a pianist knows his low notes up to his high notes. Okay. I can tell you what's wrong with any of the industrial neighbors along Mound Road. Okay?

I appreciate the comments of the gentleman truck driver who obviously drives down Mound Road and looks at the landfill from the Mound Road side.

Well, I don't know if it really does look better from the Mound Road side, but from our side, and I'm remembering promises at previous hearings, landscaping, it was going to look so much better, we'd be proud to have it, it would be an asset, and as I look at it, it's a landfill.

Now, I can ask some questions and maybe get some

answers here, although all of the industrial neighbors down Mound Road, many of which have nuisance output, if you will, what would be the largest?

As I drive down Mound Road, and as I compare acreage, it's the landfill. I liked the idea of grass composting. I can never like the smell. I remember before it was started. I remember the new aroma as it came. No, I'm not an expert. I know that people -- and we have not tried to sell our house in ten years.

We will be there as long as we can, but nobody in their right mind would put their house up for sale in the summertime. Nobody in their right mind would have anybody come look at their house the day after a heavy rain. The odors will drive the buyers right away, and some of the people that have been our neighbors who have come and gone have faced those problems in selling their houses.

I simply want to say that because I've been forbearing doesn't mean that there isn't a problem. It doesn't mean that I don't invite the Geisses to improve their track record. They say -- they said they wanted to be good neighbors. I think we'll always welcome good neighbors, but I'm waiting to see.

These were promises that were made -- obtained,

expansions that were already granted. The expansions were granted. I do not see where the promises were kept, and those are my reservations. My remarks are concluded.

THE HEARING OFFICER: Thank you. Are there any questions?

MS. HARVEY: I don't have any questions.

MR. DESHARNAIS: No questions.

THE HEARING OFFICER: Thank you very much.
Anyone further?

MR. LOUIS: How are you doing? My name is John Louis. I live at 1137 Cathy Drive. My house faces --

THE HEARING OFFICER: You need to be sworn in, Mr. Louis?

THE REPORTER: First of all, can you spell your last name?

MR. LOUIS: L-o-u-i-s.

(Witness sworn.)

WHEREUPON:

J O H N L O U I S,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. Louis

Q. My house faces the landfill, and now it's -- we

have a new thing. The mound, like they say, is huge, but every Saturday I get to watch garbage being dumped on the mound and dump. So now it's like I can't have people over in the summer or after, like she said, a rain because of the smell.

Now, I can't have people over now because all I'm doing all day Saturday is watching garbage come down this hill and then dirt get thrown over it and then a dust storm coming towards my house. Okay?

One of the reasons why I'm really here is five years ago they told us that they were on this expansion for five years and then they were going to be done just like they also said five years ago that they were going to do landscaping all along the side of it. How much longer do we have to go with this?

I mean, they keep getting -- coming back for an expansion, and they were saying originally this is going to be two years now, and then all of a sudden it was going to be eight years. Okay. Every time we talk, it's going up by five or ten years.

I can't see how they could keep expanding this thing. How high are they going to really go? Like she says, people on the second floor a block away can't see over it because out of their windows all they see is a mountain.

I can't even see -- I live right between two houses, and it's like a wall of garbage every Saturday. I'm not home during the week. I'm sure it's going on during the week too. Okay. At 7:00 o'clock in the morning we hear their trucks backing up with their beepers going.

You know, when you try to sleep, you can't. When you get up, you're looking at garbage, and when you want to go outside, you got the smell. Now, you know, five years ago, and I feel -- believe me when I tell you for the teamsters and people that probably are going to lose their jobs maybe, you know, I do feel sorry for them, but they got to feel sorry for us, but then again why didn't the Geisses bring the teamsters five years ago to the Joliet Junior College when they were telling us this expansion was only going to be five years.

Maybe they would have known five years ago that they might have been out of a job in five years. See, these are the things that the Geisses and the landfill people let us know, but they're not telling their own employees.

They should have told them five years ago there's a possibility that they're going to be out of a job when they were telling us five years ago that this is it, in five years we're closing the landfill down. Okay. And that's all I have to say.

THE HEARING OFFICER: Thank you, Mr. Louis.

Are there any questions?

MR. DESHARNAIS: We have a question.

THE HEARING OFFICER: Just a moment. Give CDT a minute.

MS. HARVEY: I don't have anything.

THE HEARING OFFICER: Mr. Desharnais?

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

by Mr. Desharnais

Q. Mr. Louis, you testified that you could hear truck beepers. Could you tell us what you mean by that? When do you hear the truck beepers?

A. Every Saturday about 6:30, 7:00 o'clock in the morning you'll hear beep, beep, beep, beep, beep all day long. It starts at like -- you know, it's like an alarm clock.

Q. And can you tell where those -- where the sounds --

A. Yeah. They're coming right -- I could see it. I could see the trucks on the mound right across I-80. I live -- I could look right -- every day I look right at the landfill between two houses. There's a big mound with trucks. They're dumping garbage and they're plowing it over with dirt. If it's a little windy, like I said,

then you get the dust storm coming off of it.

Q. No further questions.

THE WITNESS: Ms. Harvey, did you have anything?

MS. HARVEY: Just a second, please. No, I don't have anything.

THE HEARING OFFICER: Thank you, Mr. Louis.

MR. LOUIS: Thank you.

THE HEARING OFFICER: Is there anyone else who wishes to make a statement?

MS. SANDOVAL: Hi. My name is Suzanne Bozie, slash, Sandoval, S-a-n-d-o-v-a-l.

THE HEARING OFFICER: I'm sorry. Could you spell that again?

MS. SANDOVAL: S-a-n-d-o, v as in Victor, a-l.

THE HEARING OFFICER: Please be sworn.

(Witness sworn.)

WHEREUPON:

S U Z A N N E S A N D O V A L,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Ms. Sandoval

Q. First of all, I want to note that on the record

and in the record there was a petition submitted by myself as well as some of the other residents from Cambridge and College Park, Mary Crest, Fairview, and Golfview Estates. I just want to read the petition head. To make note, it is already on the record and in the record, but I would just like to go over that briefly.

It says that we the residents of College Park, Mary Crest, Fairview, Golfview Estates, and Cambridge subdivisions are against any and all expansions of the CDT Landfill site located at 2851 Mound Road, Joliet, Illinois, 60435.

Please consider the 548 residents, plus some. Like I said, there's Mary Crest, Fairview, and Golfview Estates.

THE HEARING OFFICER: I need to ask you to just slow down a little bit for the court reporter.

MS. SANDOVAL: Okay. Sorry.

BY MS. SANDOVAL:

Q. Please consider the 548 residents alone in College and Cambridge Park as well as Mary Crest, Fairview, and Golfview Estates residents who have put up with this bad stigma that has been associated with our subdivisions and sometimes uncontrollable sickening stench coming from the

polluted waste, waste that has plagued the air over all of our fine homes.

These homes will suffer poor resale if the landfill is permitted to continue for more years than was originally planned.

It is time that the city of Joliet as well as the Illinois Pollution Control Board, appellate board, however far this goes must declare the CDT Landfill at total capacity and close the site once and for all. At this last extension, we the residents of College and Cambridge subdivisions, Mary Crest, Fairview, Golview Estate subdivisions should have the right to vote here by these petitions. These petitions signed by these residents in these subdivisions are taking the vote against any and all expansions of the CDT Landfill. We all deserve to be able to enjoy our homes, which we work very hard for.

I also want to make a note that Mr., is it, Johnsen for the Will County board, I have three members of the Will County board that I am very close to as your friends that had no idea that once this came about the problem that the residents had, in fact, with that.

The one, in fact, that is my dearest friend, she had told me that she had no idea that Cambridge and College

Park were that close, that they had such a problem -- that we had such a problem with the smell, the dust, the liter. I just wanted to make that little brief comment.

I also want to make a comment that when CDT originally for their site hearing had invited all the residents of Cambridge and College Park to Joliet Junior College, first of all, if it doesn't affect us in any way, why are we notified?

Obviously, it does directly affect Cambridge and College Park because if it didn't, why would we be notified of expansions, site hearings, and so on and so forth.

When that site hearing was at the Joliet Junior College, CDT -- the people who represented CDT were more than willing to give us nice little booklets showing us beautiful pictures of the landfill, a nice little flat thing, this is the picture now, a nice big beautiful green hill with trees around it, this is what it's going to look like after the expansion.

Well, according to those pictures, according to those photos after I moved in my house, I looked at that and I said gee, the second picture of what it's going to look like looks exactly what it looks like now, except it's not beautiful and green. It's nice and brown and ugly.

It's a big eyesore for me, for my family, and for a lot of the residents that I've represented in the past through these hearings.

First of all, I do want to mention that the smell -- it may not have anything to do with it, but when I get off on Weber Road and I-55 on Thursdays I believe it is at about 5:07 I get on there, I get trucks, trucks with tarps on them, trucks that smell absolutely disgusting that could make me vomit.

I followed them one day, followed them right where, directly to CDT. Well, gee, that smell -- if CDT never smelled, if it's Kalucny Brothers, if it's Stone, whatever, Stone Container, then why did the trucks -- the trucks wouldn't smell then.

What I'm trying to simply state is how could garbage not smell. If it smells in your garage, if it smells in your garbage can, if it smells outside on the streets, how could garbage not smell at a landfill? The landfill holds tons and tons and millions of tons of garbage, and you mean to tell me that just because you throw a little dirt on it it's going to go away? Manure doesn't, manure smells.

I also wanted to say that I have also called to complain and gotten voice mails and told well, you don't

need the voice mail, we can take a message. No, I wanted voice mail because I want to make sure that this person gets my call.

I've left phone calls, messages on their voice mail, no return calls, no responses. The litter, I just want to say I've seen birds when I've been taking my walks when the smell wasn't bad, and you could see the trash up there. The birds up there picking away at the trash, sure enough flying, I mean, not directly at me. I've seen them fly away with papers, little pieces of garbage. You mean to tell me that that's not being dropped. We are directly right across from it, not even a mile across from it. That's not being dropped into our subdivision, into our lake, into our little ponds that we build in our backyard, onto our grass?

Sure, there's pollution. We all know there's pollution, people throwing things out the windows, but it just so happens that our subdivision has a majority of everything blowing across off the hill over I-80 through the cornfields and then to us.

The wind, let alone the dust, the litter, once again the smell, also the height. The businesses all around CDT, those seem to be a little bit lower. The businesses that testified, nobody -- once again, I don't dislike Cal

and Peg Geiss. I don't dislike Danny Geiss, Kevin, the whole family. I have no beef with them, no problem with them as a person.

I don't know them personally. They seem like generally nice people, and I mean that. What I have a problem with is the landfill. I don't have a problem with saying that they don't do good business. For all I know, they do.

I'm not saying -- this is not a business issue. This is not an issue that they're doing good business. This is an issue that -- this is -- there's a community around. There's a community around that's suffering. Yes, there's people that may suffer from their jobs, but once again, everybody has a chance at -- takes a chance at losing their jobs.

I have to pay for a house because I can't get out now. I'm too -- I'm in it, and I just purchased it. I can't get out now. I can't just walk out. I lose everything. I lose everything and go back into an apartment. Well, you know, I've thought about it, me and my husband have thought about it, if it's worth not the smell, not having to see that, not having to have people come over to my house and smell that.

I've had six occasions since I've moved in that house,

whether it's birthday parties, housewarming parties, just family get-togethers that I said -- you know, and once again, for the record, I did not know there was a landfill there until I smelled it, and I had people over there saying what is that God-awful smell, and I said well, I'll tell you what, a lot of people say it's other businesses around it, a lot of people say it's the landfill. I've actually driven to there on occasion, followed and gone to that -- gone to in front of that landfill and smelled. I've gone to Kalucny Brothers now.

I know Kalucny Brothers definitely has a smell, but there is a difference. There's a difference between raw or spoiled meat and there's a difference between, like she said, grass clippings or regular garbage. There's different scents, and that's why people have noses to breathe with and to smell things with.

All we see is this brown, big, high, ugly eyesore, and if it becomes any higher, it's just going to get worse. It's going to be worse. Like she also -- like one of the other residents also said when is enough enough?

I mean, we've put up with -- there has been something there for 32 years now, over 32 years. We're just asking as residents, as taxpayers, as hard workers, some of us

work seven days as a week, you know, and I'm sorry, I'm getting a little upset, but that -- I had to purchase my brand -- my first house, because I was just married, in a subdivision that's got to see a landfill, I've got to smell it, I've got to have, because I testified before, truck drivers out in front of my house calling me names. All these things I've had to deal with because I'm sticking up for my rights.

I'd like to close just by saying the traffic, I've seen traffic and also -- and I know it's not all from them, but that does add to it. It is an additive to that. I just want to say that when I heard from the other residents that there was supposed to be -- that five years ago there was a compromise that, you know, just don't testify against this, we'll go ahead, this is the only expansion we're going to have, this is the last, almost every single resident that I've talked to, and I've gone to every single house in my subdivision and College Park as well as Mary Crest, Golfview, and Fairview Estates, and they have said that this was a promise that was made to them, and now there's no back up for the promise. Well, yeah, promises are made to be broken.

I also have two letters from two of the residents that

I'd like to submit for the record, and I just want to say it's -- and, once again, my little famous phrase, I think it's just about time that we need to all stop and let Joliet smell the roses instead of the garbage.

THE HEARING OFFICER: For the record, I'm going to mark that letter you have as Hearing Public Comment No. 3.

MS. SANDOVAL: Okay.

(Hearing Public Comment No. 3
marked for identification,
12-19-97.)

THE HEARING OFFICER: Thank you. I really appreciate that.

MR. DAVIS: You're welcome.

THE HEARING OFFICER: Are there any questions?

MS. HARVEY: Yeah. I just have one.

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

by Ms. Harvey

Q. You mentioned that you used to talk to several county board members who indicated that they were --

A. Not several. I said three.

Q. Can you tell me who they were?

A. Marianne Cozlik, Edward Kusta -- hold on. I'm thinking of the other one's name. It's his partner. I

can't -- hold on. Bolland, the last name Bolland.

Q. Bolland?

A. Marianne Cozlik is a friend of mine, a very personal friend of mine.

Q. Okay. I don't have anything else. Thank you.

THE HEARING OFFICER: Okay. Does the city?

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

by Mr. Desharnais

Q. Just one question, Ms. Sandoval. Could you state for the record your address?

A. 1107 Leawood Drive.

Q. And which subdivision is that in?

A. That's Cambridge.

MR. DESHARNAIS: No further questions.

THE HEARING OFFICER: Okay. Thank you.

Is there anyone else who wishes to testify?

MR. DELANEY: My name is Robert Delaney. I live at 13930 Arbeiter Road.

THE HEARING OFFICER: Can you spell your last name?

MR. DELANEY: D-e-l-a-n-e-y.

THE HEARING OFFICER: Okay. And you need to be sworn in.

(Witness sworn.)

WHEREUPON:

R O B E R T D E L A N E Y,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. Delaney

Q. I came to the meeting tonight and originally had no intention to comment, but I suppose the nature of these meetings is you sit there and think. The beeping that the gentleman hears in the morning or at any time of the day -- I just completed an OSHA safety class. That is a federal regulation.

When a vehicle, like a truck, is backing up, that's for the safety of any personnel near that vehicle. The individual that was aware of the history of landfills, that gentleman is now deceased, Fred Bennett. He began operating landfills, it would be east of the current CDT location, in the 1930s. So there have been landfills there for some time.

I haul gravel in and out of that stone quarry that borders the landfill. I've never done business with CDT. I've never worked for them, and I have seen them come out on the public right of way and water the road just to keep the dust down even near the gravel pit and

all the way up to Houbolt, and everything I've seen -- they sweep the road and they keep the dust down. I have no other comment.

THE HEARING OFFICER: Thank you. Are there any questions?

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

by Mr. Desharnais

Q. I'm sorry, Mr. Delaney. I know you stated your address, but I could not hear.

A. 13930 Arbeiter Road, A-r-b-e-i-t-e-r.

Q. And is that in Joliet?

A. No.

Q. And where is that?

A. It is about four miles northwest of the location of the landfill.

Q. And what's the name of the town?

A. I'm a farmer. It's a rural address.

Q. Oh, okay.

THE HEARING OFFICER: Anything further?

MR. DESHARNAIS: Nothing further.

THE HEARING OFFICER: Thank you, Mr. Delaney.

MS. HARVEY: I don't have any questions. Thank you.

THE HEARING OFFICER: Is there anyone else who

wishes to make a statement?

MR. SIMON: My name is Steve Simon, S-i-m-o-n.
I live in Joliet.

(Witness sworn.)

WHEREUPON:

S T E V E S I M O N,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Mr. Simon

Q. A few years ago, I was a security guard at Kalucny Brothers, and I have never smelled anything worse than Kalucny Brothers. It's not just grease down there. It is dead horse carcasses, sheep guts, butter, rotting food from the city of Chicago, meat, bones.

These things come in by the semi-truck load and are rendered and cooked there and ground up. I've also worked right next door to Kalucny Brothers at Mahoney Grease a few years after that.

Mahoney Grease picks up restaurant grease. They pick up bulk animal fat, bulk rotting meat. With this rotting meat, you get little creatures and a foul odor nothing like I've ever smelled before, but when I worked at Kalucny Brothers, I had to be transferred to another

location because the smell is bad there.

I worked for a scrap company in Joliet and have had to make deliveries into CDT Landfill. CDT Landfill does smell like roses compared to Kalucny Brothers. I can smell Kalucny Brothers at my house, which is just within two and a half miles, you know, of the location.

Kalucny Brothers happens to be within a half mile of the CDT Landfill. I think it's a little bit unfair just to naturally assume that the biggest guy on the block might be to blame when there are several companies down there that are responsible for dust and odors and traffic.

I work at Amoco Chemical right now, which is down the street and around the corner from the CDT Landfill. You get many foul odors in that chemical plant, odors that I could not put a name on if I had to.

You get dust from a large amount of construction that's going on there. There's a big picture here to look at, and I think it's a little bit unfair to put the finger on one guy, and it just seems convenient to put the finger on one guy, and I don't think that that would be a solution to the big picture just -- you know, just a way to bully somebody around maybe per se and give somebody a hard time almost. I really don't think CDT,

in my opinion, is to blame for the big picture here.

You know, I, like Bob, wasn't planning to make a comment, but after thinking about it and thinking of my own experiences and where I live and where I've worked and where I work now, you know, a lot of things aren't making sense here, and I know there's a lot of people who are upset and hurt.

They smell the same thing I smell when I go into my backyard, and I've made the decision to live where I live without knowing how long it was going to be there, and it's only on certain occasions, but I recognize those smells down there, too, and I know that all the smells combined, there's no way that you can stick your nose up in the air and say oh, that's this, that's this, and that's this when all the smells are right next to each other. I mean, you can throw a rock and hit place next to place next to place. I'm going on and on, so I'll stop.

THE HEARING OFFICER: Are there any questions from -- are there any questions for Mr. Simon?

MS. HARVEY: I don't have any questions.

THE HEARING OFFICER: Mr. Desharnais?

MR. DESHARNAIS: One moment.

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

by Mr. Desharnais

Q. Mr. Simon, could you tell us your address?

A. My address is 818 Cochrane, C-o-c-h-r-a-n-e. That would be exactly east of the landfill. Right outside my backyard is I-80.

Q. And about how far east that?

A. Two and a half miles maybe.

Q. And you mentioned that you deliver scrap to the landfill?

A. I have in the past. Back when I was a little bit younger and had gotten married, I used to work for a scrap company in Joliet. I no longer work for that company. I did -- I thought I told you that I work at Amoco Chemical now, and that's where I smelled a lot of foul odors, but I would say maybe three or four years ago that I worked for Berlinsky Scrap Corporation and have made deliveries of garbage, bulk plastics, and what not into that facility.

Q. You mentioned that you had also worked at Kalucny Brothers?

A. Yes, sir. I was a security guard there, and I did request to be transferred somewhere else, otherwise I would quit.

THE HEARING OFFICER: Mr. Simon --

BY THE WITNESS:

A. And opted to drive 45 minutes out to Oak Brook to the Swift-Eckrich building that did not have a fire alarm system and sat in an empty building all night.

THE HEARING OFFICER: Mr. Simon, you've had your opportunity to testify.

MR. SIMON: I didn't realize --

THE HEARING OFFICER: Please just answer the questions, and then if you have more to say, we'll let you go ahead and make another statement, but you need to just answer the questions asked.

MR. SIMON: I understand.

BY MR. DESHARNAIS:

Q. Do you know if Kalucny Brothers delivers any waste to the landfill?

A. No. I was just a security guard there.

MR. DESHARNAIS: No further questions.

THE HEARING OFFICER: Anything, Ms. Harvey?

MS. HARVEY: I don't have anything. Thank you.

THE HEARING OFFICER: Thank you very much.

Is there anyone else who wishes to speak?

MS. SANDERSON: My name is Denise Sanderson, S-a-n-d-e-r-s-o-n. I want to say first of all --

THE REPORTER: Can you raise
your right hand?

(Witness sworn.)

WHEREUPON:

D E N I S E S A N D E R S O N,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Ms. Sanderson

Q. First of all, I'd like to say that I certainly
sympathize with the people that work at the landfill and
their concerns about losing their jobs.

I've been at a job that's been downsized within the
last eight years. So I can certainly appreciate it. I
just bought my house in Cambridge six months ago. It was
following a long, very costly divorce action. I looked
around a lot before I bought my house because I had to be
really careful with what money I had left.

I didn't know if a landfill was there. I mean, I knew
there was a landfill somewhere. You know, when I made
the offer on the house, I was not aware it was right
across Route 80, you know, and when I found out during
the process between when I made the offer on the house
and the closing, I was told oh, don't worry about the

contract, it's going to be up. They're not going to expand it, you know, it's going to be closing. So it won't be an issue. Okay. Fine. I believed that, you know.

I'm a nurse. Okay. I'm real concerned about health issues. I've worked in the Joliet Hospital for over 13 years. I work two jobs. I work one full-time job in Downers Grove, and I work -- now, I work part-time in Joliet at the hospital.

I'm concerned about the water quality. Chris Carlson mentioned the water quality in Joliet in our area. My son lives in Mary Crest. I can tell you that our water -- our water quality is not as good as his, and he's only a few miles away.

I'm closer to the landfill than he is. I don't know if it's -- the water is like that from the landfill or not. I buy water. I buy, you know, water at Jewel or Cub or wherever. I don't drink the water from my house. I use it when I boil it and stuff, but I don't use it to drink cold water.

I used to live in the country. I had a well and septic. You know, I didn't have to scrub things as often as I do in this house. The water just seems to have some type of sediment in it, and, again, I don't know if

that's from the landfill or not.

My son lives in Mary Crest with his family. I took my grandchildren to a Christmas program a couple nights ago at St. Jude's on McDonough Street. It smelled horrible over there. It was -- just walking from the car to walk them to the school so they could go in, the smell was horrendous.

I don't know if it's from the landfill or not. I do know the matter has been brought up about Kalucny and the other companies in the area that give off bad smells. They probably do. They're not the issue here though. The issue is the landfill.

You know, just because one thing smells bad does not give us license to continue something else that smells bad, especially when they promised us they would close, you know. That's what I was told when I bought my house, they were going to close that landfill.

I'm concerned about my property value. Eventually, I'm going to have to sell my house. My understanding is that the property values are not rising as well as they should. I know that since I've moved in, I've seen so many houses for sale in that subdivision. It's just hard to believe that that many people are selling or trying to sell their houses. I've seen houses with signs up for

months, and I wondered what the issue was. I guess I'm finding out one of them anyway.

I really looked forward to having my own house with a nice little backyard with a patio set. I've had my kids over. I've got grown kids that are married and have children. I've had them over for, you know, barbecues. Sometimes you can't sit outside. I mean, it smells so bad out there you can't eat, you know, and who wants to go in the house with a bunch of little kids when it's really nice outside?

To me, that's affecting my quality of life, and I don't think that they should be able to expand again and further impair that. I understand Houbolt Road has had to be repaired. Perhaps, it's an issue from the garbage trucks and the weight that goes down them all the time.

There's been garbage littered on the side of the road. That's certainly unsightly and that certainly doesn't help people sell houses that are living in a subdivision and people have to drive down that road to get to their house to look at it.

I don't know. I guess I can't address the dust issue. I've lived in the country. We had horses. We had farm animals. I lived around farmers. So I guess the dust is not any more than I would normally be used

to, but the smell is bad, and, like I said, I used to have horses and I could eat in my backyard. I have trouble eating in Cambridge. That's all.

THE WITNESS: Are there any questions?

MS. HARVEY: I think I just have a couple

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

by Ms. Harvey

Q. Ms. Sanderson, do you have city water at your house?

A. Yes.

Q. It's not a well?

A. Not to my knowledge.

Q. Okay.

A. I pay the city of Joliet water bill all the time.

Q. And just so that I'm clear, who told you that the landfill was closing?

A. You know, it was friends, and I can't -- it was actually a supervisor at work. Her name was Deb, and she was friends with some people that actually are on the city council, and she's the one that told me that.

I asked my realtor about it. As I said, it was between, you know, making an offer on the house and closing on it. My realtor wasn't aware of it. She was from Romeoville. She wasn't aware of the landfill issue,

and she just honestly said she didn't know.

So I was talking to some people at work. I work with some people that live in Joliet, and everybody said oh, it's going to close. Don't worry about it. It's going to close. Oh, okay, I won't worry about it then, and now it's an issue.

MS. HARVEY: I don't have anything further.

Thank you.

THE HEARING OFFICER: Mr. Desharnais?

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

by Mr. Desharnais

Q. Could you just state for the record your address?

A. 1149 Gerald, Cambridge.

MR. DESHARNAIS: No further questions.

THE HEARING OFFICER: Thank you.

MS. SANDERSON: Thank you.

MR. BARDEN: My name is John Barden,
B-a-r-d-e-n. My mailing address is 626 Richard Street,
Joliet, and Madam Hearing Officer --

THE HEARING OFFICER: You need to be sworn in.

MR. BARDEN: Yes. I'm sorry.

(Witness sworn.)

WHEREUPON:

J O H N B A R D E N ,

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

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

by Mr. Barden

Q. Madam Hearing Officer, if I get rambling too far,
I would like if you stop me 15 seconds or so after the
warning.

I don't know how far we want to go back with this at
all, but I can go back to the time in what I call garbage
alley 50 years when the landfill was run by a Mr.
Streaky, and it was further east and north, but not very
far because Mr. Bennett owned that property I do believe,
and he also owned the property that adjoins the Geiss
family with the stone operation of Joliet Stone. So
we're really in the same area.

In that landfill back in those days, there was no such
thing as covering garbage. You dumped garbage, and the
other thing you did is you raised pigs down there and the
pigs ate the garbage, and in the summertime, the tomatoes
and the peppers grew on the sides of the hill and there
was a gentleman down there that ran that landfill for
Mr. Streaky that would pick it and send it home with you

if you happened to stop in to say hello.

Now, that's where I start with this garbage business. Now, at one time, I did work for a garbage supply company. I was privileged to sell the first building that went on CID Landfill to Dean Buntrock himself from Waste Management.

I also did business with Larry Atlas at Atlas, with Larry Beck who was also a multimillionaire of Waste Management. So I do know a little bit about the garbage.

My association with the Geisses is not a friendship. We're friendly. I've never had as much as a cup of coffee or a bottle of pop with either one of these gentlemen, and I haven't broke bread with them.

I've seen them many times in restaurants, especially Cal and his wife and they see my wife and I. Every time I meet Cal, many times he'd say come on down, there's something new at the landfill I want to show you, and the first time I went down was the scale house.

You put the beautiful scale house in so you could weigh everything in and out. I don't even know how many years ago, but I was there. The next time I went down he met me in the restaurant and he said hey, you've got to come down. We've got a new foaming, and we're foaming the garbage now at the end of the day. Come on down and

take a look. In a month or two, I went down and sure enough he took me in and he showed me all of the apparatus involved with the foaming.

The next time I had anything to do with the landfill was after the council meeting here, and I spoke for the Geisses at the council meeting, and I happened to have to go to Cure Supply, who was a -- who has a company down there that sells things and my wife buys, and I had to pick him up, and the Geisses are about a mile or three-quarters of a mile up the road, and I thought here's a day I'll go up there, and I went up there, and when I drove in, the area was sprinkled.

I drove down, went in, asked for Cal, he came out. He said would you like to go? I want to show you the landfill. I said I don't have time, and I didn't go. I drove back from Channahon about three weeks or a month ago, and I was coming up the new road, and I was going to get on Route 80, and I thought gee, there's the road for the landfill.

I backed up and went down, pulled in, and he took me through the landfill from one end to the other, and I'll tell you it's state-of-the-art. I saw the gas plant where all the methane gas is accumulated and I guess turned into power by these big generators I heard

running.

I also went to the recycling across the road and couldn't believe my eyes when I went up on the second floor and saw all of these people picking away, picking the plastic. I learned a lot that day, and they're smiling people. They smiled at me, and they had their religious pictures all hanging up by where they worked and smiles on their faces.

I went down by the bailor, and I saw where everything went. I went up on the top where all the leaves were. I saw the big machine that chews up the paper bags and mixes up the leaves, but still, I've never done any business with these people, but I am here tonight because I've never known a gentleman that I liked any better in the little bit that I've known him than Mr. Cal Geiss.

And now I want to get into a couple of things. There was a lady here. I was here all day. Now, there was a young girl that went to the College of St. Francis that got up here this afternoon, and she talked about the school that she was teaching in, and her -- and she had to teach in school as part of her classes, and she went up and the fourth grade class couldn't read. Another class had no books that she was teaching in in the Joliet area, right here. The third thing she said there was no

soap in the one school to wash their hands.

Now, I'm going to bring up something about these people who live over there, and they're so heck bent on these people not having a landfill. That young lady got me thinking after this was over about 12:30, and I went looking, and I was surprised.

Number one, she said it's too bad that the host fee couldn't be used maybe in the schools in the Joliet area. So I went to Mr. Frasier, who is the top man in the city of Joliet and said hey, could this host fee have been used for the schools in the city of Joliet? Are you allowed to give any money to the city of Joliet?

He gave me a paper that shows what's been given in the last five years to educational development, they call it, from the river boats gaming revenue distribution. They've given over \$5,538,000.

Now, I said what about that host fee that passed? Well, somebody could have asked for it. If it would have been decided, there's no reason, there's no statutes that it couldn't be. So that was my first stop.

The second stop I went over to the county clerk of Will County. As long as we're on the schools and this young lady brought it up, I didn't bring schools up, I'm going to go a little further with it.

What did I find but these people that are over here talking about the Geisses and giving us all this about a little smell that during their election, their school election, on November 4th of this year, 1997, there were 893 eligible voters, registered voters, in precinct 23, which covers these two subdivisions, and there were 46 ballots cast.

THE HEARING OFFICER: Mr. Barden, you were here earlier, so you heard me make my statement that when members of the public speak, it has to be relevant to the issues before the Pollution Control Board, and the voting record of the people in the Cambridge subdivision is not relevant to the landfill case.

So if you could move on --

MR. BARDEN: Yes, ma'am. I'd be very happy to.

THE HEARING OFFICER: -- to issues that are relevant.

MR. BARDEN: Thank you.

THE HEARING OFFICER: Thank you. BY MR.

BARDEN:

Q. Kalucny Brothers has been mentioned here several times and also Mahoney. I believe they're right next to one another. At one time, they were one in the same. Kalucny Brothers' address is in the Joliet telephone

directory. It's 2324 Mound Road.

The address of the landfill is 2851 Mound Road. So they're fairly close together as far as I can see, and the only other thing that I would like to say is today's Herald News, I think this has something to do with it, November 19th -- December 19th, Friday, no chance of mega landfill in the arsenal, and the county board is mentioned here many times today, and the county board says the county board, which has appointed a majority of the members of the Joliet Arsenal Development Authority now wants the group to explain what happened in the land deal that provided the company without any bids and any questioning.

So they're going to bring these people in, and what my feeling is of these people's problem is a part of this problem. These politicians that voted this down the other night here, they weren't interested in smell. It was done for some political reason that I have no idea, but when I saw the voting that was done by these people over there, I knew that they certainly weren't interested in the city of Joliet and any smell, and thank you very much for the opportunity to talk in front of you.

THE HEARING OFFICER: Thank you. Are there any questions for Mr. Barden?

MS. HARVEY: I don't have any questions.

THE HEARING OFFICER: Mr. Desharnais, did you have questions?

MR. DESHARNAIS: Please hold on a minute.

THE HEARING OFFICER: Mr. Barden?

MR. BARDEN: Oh, I'm very sorry.

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

by Ms. Angelo

Q. Just a couple questions, Mr. Barden.

A. Yes, ma'am.

Q. You mentioned visiting with a Mr. Frasier?

A. Yes.

Q. Who you described as -- do you know what his position is with the city?

A. He's the comptroller, I believe, for the city of Joliet. He's the owner -- I think also he owns some plants in the city of Joliet. I think he's the comptroller.

Q. And he told you something about payments that have been made by the gaming interest on behalf of the school systems?

A. Yes. This is from his office, and this is all the people, all the companies, and all the schools that have been given money from the gaming industry.

Q. From the gaming industry. Thank you.

A. From the city of Joliet on money from the gaming industry.

Q. Thank you. Did you know that the CDT Landfill was fined by the Pollution Control Board for expanding its operation in violation of the Illinois Environmental Protection Act?

A. Not until I heard it this afternoon in here.

Q. So that was the first you'd heard of it?

A. Yes, ma'am.

Q. And where is Richard Street in Joliet? How far from the landfill is that?

A. Richard Street is, I'm going to say, about three miles east on Route 80.

Q. And that's -- so you live about three miles east?

A. Yes, ma'am.

Q. Do you know whether the mega landfill that you referred to is the same as the Will County landfill that's referred to in the county's solid waste plan?

A. Two complete different landfills.

Q. Thank you.

THE HEARING OFFICER: Anything further? Thank you.

MR. BARDEN: Thank you, ma'am.

THE HEARING OFFICER: Is there anyone else who wishes to speak?

We need to take a five minute break. I apologize. Our court reporter is out of paper.

(Break taken.)

THE HEARING OFFICER: Can you please state your name and spell it for the record?

MS. WILKEY: My name is Lisa Wilkey, L-i-s-a, W-i-l-k-e-y.

THE HEARING OFFICER: Okay. And please be sworn in.

(Witness sworn.)

WHEREUPON:

L I S A W I L K E Y,
called as a witness herein, having been first duly sworn,
deposeth and saith as follows:

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

by Ms. Wilkey

Q. I just would like to say that for the past eight and a half, nine years I have been a resident in College Park, and, unfortunately, my parents, my mom and dad, are both for it, but they were unable to attend tonight.

So I'm here on behalf of my parents and myself, and as a resident of College Park saying that we are for the CDT

Landfill expansion. As far as smell, an odor, I was given advice, and I took Mound Road from Larkin Avenue, and I came through -- you know, CDT is on the other side and there's businesses on the other side, and this smell came from the Larkin side.

I don't want to name businesses or anything, but I think maybe they're wrongly accused or what not, and as far as dust, we've never had a problem, my mother and my father, me, my sister, and we've had a nephew and they used to live in there and then they moved out, not due to any landfill or anything, but we -- I've had a nephew who grew up in College Park for five years, and we've never had a problem with dust or medical or anything, and that's all I have to say.

THE HEARING OFFICER: Thank you. Are there any questions?

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

by Mr. Desharnais

Q. Ms. Wilkey, could you tell us what your address is?

A. Yes. It's 948 Leawood, L-e-a-w-o-o-d, Drive, Joliet, Illinois 60436.

THE HEARING OFFICER: Anything further?

MR. DESHARNAIS: Nothing further.

MS. HARVEY: I don't have any questions. Thank you.

THE HEARING OFFICER: Thank you. Is there anyone else who wishes to speak at this time?

Okay. Then we are going to -- oh, yes. Ms. Harvey?

MS. HARVEY: I didn't want to interrupt you, but I wanted to -- I have one additional clarification point before you close the record right now.

THE HEARING OFFICER: Okay.

MS. HARVEY: I wanted to ask because the public comment period runs until the 31st after the date that our brief is due, I assume -- do I assume correctly that we can respond to any written public comments in our reply brief?

THE HEARING OFFICER: That was my intention, yes.

MS. HARVEY: Thank you.

THE HEARING OFFICER: If there is a need to do that.

If there are no other members of the public who wish to speak, then we will go back to the attorneys, and I believe we're ready for the closing statements unless there's anything else that needs to be brought to my attention. No. Okay.

MS. HARVEY: Madam Hearing Officer, on behalf of CDT Landfill, I would like to reiterate that we will reserve the bulk of our arguments for our written briefs, but we continue to believe, and believe that our brief will demonstrate, that the manifest weight of the evidence in this case shows that the City of Joliet's decision is not supportable.

We've heard an extensive opening statement from Ms. Angelo this morning, and I want to note that we disagree with her characterization of the record. We continue to believe that our record fully supports a finding that all of the criteria have been satisfied, and we must reiterate that the unrebutted and overwhelming expert testimony in this record supports a finding that we have satisfied all the criteria.

As I said, we will provide record cites and additional argument for the board in our briefs, but we feel strongly that the City of Joliet's decision should be reversed based upon the board's review under the manifest weight of the evidence standard. Thank you.

THE HEARING OFFICER: Thank you.

MS. ANGELO: Madam Hearing Officer, I won't belabor the issues that I did raise earlier today. I think we still believe strongly that there has been a

fatal failure in the showing by CDT to address the issues that the board -- that the city needed to have addressed and that the board needs to have addressed to render a decision in their favor.

We note that consistently throughout the record as well as in the comments that you've taken tonight by way of testimony and earlier today you have had this continuing representation by people that they believed that this landfill was going to closed.

That has been a theme throughout the dealings of CDT for apparently a number of years. We think this is a central problem with the application that has been made when they have relied, as we've said earlier, on the fact that this is an existing facility and that, therefore, the impacts that they are commenting on for the board are existing impacts. It simply isn't borne out by their own history.

We will fully deal with all of those issues as well as those we discussed this morning in our briefing.

THE HEARING OFFICER: Okay. Before we -- did you have something else, Ms. Harvey?

MS. HARVEY: No.

THE HEARING OFFICER: Before we close the record, I did want to make clear that the materials

submitted by way of the administrative notice I'm going to be using exhibit numbers that were actually on them.

I believe the pictures were Exhibit 1, and it was one through -- one dash and then, you know, A through -- and then the administrative part of it from the City of Joliet was Exhibit 2, and just to make that clear for the board, that's how they will be marked.

MS. HARVEY: And I'm clear that Exhibit 1 is an offer of proof only?

THE HEARING OFFICER: Yes.

MS. HARVEY: Thank you.

THE HEARING OFFICER: Is there anything further? I would note the change in the briefing schedule as we discussed earlier, and just for the board's records so that they have it if they're looking for it quickly, CDT will file its initial brief on December 29th. The city will file its response brief on January 14th, and the reply brief from CDT will be filed on January 20th.

Public comments are due by December 31st, which means they must be mailed by December 31st, and I believe that that concludes the hearing unless --

MR. DESHARNAIS: Madam Hearing Officer, just to clarify the record, we would renew our objection to your

denial of our motion to admit the pictures as exhibits.

THE HEARING OFFICER: I would just remind you that the procedural rules say that you need to make that in writing to the board, and so reiterating it orally won't help at this point. You need to make it in writing.

MR. DESHARNAIS: Okay.

THE HEARING OFFICER: Is there anything further? Okay. If there are no other members of the public who wish to speak, then the hearing is adjourned, and the record will close on December -- January 20th with the final brief. Thank you.

(Which were all the proceedings
had in the above-entitled matter.)

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

I, GEANNA M. PIGNONE-IAQUINTA, do
hereby state that I am a court reporter doing business in
the City of Chicago, County of Cook, and State of
Illinois; that I reported by means of machine shorthand
the proceedings held in the foregoing cause, and that the
foregoing is a true and correct transcript of
my shorthand notes so taken as aforesaid.

Geanna M. Pignone-Iaquinta
Notary Public, Cook County, IL
Illinois License No. 084-004096

SUBSCRIBED AND SWORN TO
before me this____day
of_____, A.D., 1997.

Notary Public