

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
PROPOSED 35 ILL. ADM. CODE )  
820 GENERAL CONSTRUCTION OR ) R23-17  
DEMOLITION DEBRIS RECOVERY ) (Rulemaking-Land)  
FACILITIES. )

TRANSCRIPT FROM THE PROCEEDINGS

taken before HEARING OFFICERS TIMOTHY FOX and  
CHLOE SALK by LORI ANN ASAUSKAS, CSR, RPR, a  
notary public within and for the County of Cook  
and State of Illinois, Second Floor Boardroom,  
at the Will County Office Building, 302 North  
Chicago Street, Joliet, Illinois, on the 16th  
day of November 2022, A.D., at 10:00 o'clock  
a.m.

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A P P E A R A N C E S

ILLINOIS POLLUTION CONTROL BOARD,  
60 East Van Buren Street  
Suite 630  
Chicago, Illinois 60605  
(312) 814-3620  
Tim.Fox@Illinois.gov  
Chloe.Salk@Illinois.gov  
Cynthia.Santos@Illinois.gov  
Essence.Brown@Illinois.gov

BY: MR. TIMOTHY J. FOX, Hearing Officer  
MS. CHLOE SALK, Hearing Officer  
MS. CYNTHIA SANTOS, Board Member  
MS. ESSENCE BROWN, Technical Unit

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
1021 North Grand Avenue East  
Springfield, Illinois 62702  
(217) 558-3347  
john.mcdonough@illinois.gov  
james.jennings@illinois.gov  
archana.uppuluri@illinois.gov

BY: MR. JOHN M. MCDONOUGH II, General Counsel  
MR. JAMES JENNINGS, Materials Management  
MS. ARCHANA UPPULURI, Materials Management

STATE OF ILLINOIS OFFICE OF THE ATTORNEY GENERAL  
69 West Washington Street  
Suite 1800  
Chicago, Illinois 60602  
(312) 814-6986  
Molly.Kordas@Illinois.gov  
Audrey.Avila@Illinois.gov  
BY: MS. MOLLY KORDAS and  
MS. AUDREY AVILA,

ALSO PRESENT: Mr. Brian Holcomb

1 HEARING OFFICER SALK: All right.  
2 Seeing as the hour of 10:00 o'clock has come  
3 and gone, we will start this morning.

4 Good morning and welcome to  
5 the Illinois Pollution Control Board hearing.  
6 My name is Chloe Salk. I'm with Tim Fox here.  
7 We are the hearing officers for this rulemaking  
8 proceeding entitled Proposed 35 Illinois  
9 Administrative Code 820, General Construction  
10 or Demolition Debris Recovery Facilities. The  
11 Board docket number for this rulemaking is  
12 R23-17.

13 Also present today from the  
14 Board are Board Member Cynthia Santos and in  
15 addition to Tim Fox, present from the Board  
16 staff, is Essence Brown of the Board's technical  
17 staff.

18 Going through our recent  
19 procedure, the Board held the first hearing  
20 in this matter on September 27, 2022. While  
21 the deadline to pre-file testimony for the  
22 second hearing was October 26, 2022, no  
23 participant pre-filed testimony.

24 Pre-filed questions based on

1 that testimony were due by November 9, 2022.

2 On that date, the Board received pre-filed  
3 questions from the National Waste and Recycling  
4 Association.

5 During the first hearing,  
6 the hearing officer order also set October  
7 26th as the deadline for IEPA to file  
8 responses to questions raised during the  
9 first hearing and the Board received IEPA's  
10 responses on that date.

11 On November 15, 2022, IEPA  
12 filed written responses to the National  
13 Waste and Recycling Association's questions.  
14 These responses were not required, but they  
15 are helpful in expediting the hearing and  
16 the Board appreciates the time and effort  
17 of IEPA's staff and counsel.

18 Onto our housekeeping for  
19 the hearing. This hearing is governed by  
20 the Board's procedural rules under Section  
21 102.426 of those rules. All information  
22 that is relevant and is not repetitious or  
23 privileged will be admitted by the hearing  
24 officer into the record.

1                   Please bear in mind that any  
2                   questions posed today by the Board and its  
3                   staff are intended solely to help develop a  
4                   clear and complete record for the Board's  
5                   decision and those questions do not reflect  
6                   any determination or judgment on the proposal,  
7                   testimony or questions.

8                   As I mentioned, no  
9                   participant pre-filed testimony for this  
10                  hearing. Therefore, we will first see  
11                  if there are any witnesses who did not  
12                  pre-file testimony who wishes to testify  
13                  today.

14                  Next, we will go to anyone  
15                  who has any questions.

16                  Then we will see whether any  
17                  participant wishes to comment on the proposed  
18                  rule.

19                  There will also be an  
20                  opportunity for any participant to offer  
21                  testimony or comment on the Board's request  
22                  that the Department of Commerce and Economic  
23                  Opportunities, or DCEO, perform an Economic  
24                  Impact Study of the proposal.

1                   Are there any questions  
2 about our order of proceeding?

3                   All right. Seeing none,  
4 for the record, is there anyone present  
5 here today who did not pre-file testimony,  
6 but does wish to offer testimony?

7                   All right. Neither seeing  
8 nor hearing that anyone does, we will move  
9 on to questions.

10                  As previously mentioned,  
11 we did receive pre-filed questions from the  
12 National Waste and Recycling Association  
13 directed to IEPA and answers from IEPA.

14                  Does anyone else have any  
15 questions?

16                  (Whereupon, John McDonough II  
17 entered the proceedings.)

18                  HEARING OFFICER SALK: Okay. All  
19 right. Hearing none, we will move on to  
20 comments.

21                  Is there anyone here present  
22 who would wish to offer a public comment?

23                  (Whereupon, Archana Uppuluri  
24 entered the proceedings.)

1 HEARING OFFICER SALK: Okay.

2 Next, let's move onto the issue of an Economic  
3 Impact Study.

4 Section 27(b) of the  
5 Environmental Protection Act provides that  
6 the Board must request that the Department  
7 of Commerce and Economic Opportunity conduct  
8 an Economic Impact Study of proposed rules  
9 before the Board adopts them.

10 The Board must then make  
11 either the study or the department's  
12 explanation for not conducting one available  
13 to the public at least 20 days before a  
14 public hearing.

15 In a letter dated August 11,  
16 2022, the Board's chair, Barbara Flynn Curry,  
17 requested that the DCEO conduct an Economic  
18 Impact Study of this rulemaking proposal.

19 The Board specifically  
20 requested a response no later than September  
21 26, 2022. The Board did not receive a  
22 response to this request from DCEO.

23 Is there anyone present  
24 today who would like to testify regarding

1 the Board's request for a study and DCEO's  
2 response?

3                   Neither seeing nor hearing  
4 any, let me again quickly determine whether  
5 there is anyone else present who wishes to  
6 testified or comment today.

7                   Okay. Neither seeing nor  
8 hearing anyone who does, let's go off the  
9 record for a moment to discuss procedural  
10 matters.

11                   (Whereupon, a discussion  
12 was had off the record.)

13                   HEARING OFFICER SALK: After a  
14 brief discussion of the procedural matters,  
15 copies of the transcript are expected to be  
16 available at the Board by Wednesday, November  
17 23, 2022.

18                   Once it is filed with the  
19 Board, the transcript will be posted promptly  
20 to the Board's website under this docket  
21 number, R23-17.

22                   Before it takes action on  
23 the Agency's proposal, the Board will open  
24 a post-hearing comment period. Post-hearing



1 comments will be due 14 days after the Board  
2 receives this transcript.

3 When the Board receives the  
4 transcript, we will issue a hearing officer  
5 order confirming this deadline for post-hearing  
6 comments.

7 Filings with the Board,  
8 whether paper or electronic, must also be  
9 served on the hearing officer and on those  
10 persons on the service list.

11 Before filing, please check  
12 on COOL or with the Board's clerk to ensure  
13 that you have the most recent version of the  
14 service list.

15 Are there any other matters  
16 that need to be addressed at this time?

17 BOARD MEMBER SANTOS: Chloe?

18 HEARING OFFICER SALK: Yes.

19 BOARD MEMBER SANTOS: Could we  
20 have everybody that's present say their name  
21 and their affiliation just to have that on  
22 the record?

23 HEARING OFFICER SALK: Yes. If  
24 everyone wouldn't mind, we'll start from over

1 here.

2 MS. KORDAS: Molly Kordas, Office  
3 of the Illinois Attorney General.

4 MS. AVILA: Audrey Avila, Assistant  
5 Attorney General with the Attorney General's  
6 Office.

7 MR. HOLCOMB: I'm Brian Holcomb  
8 with Republic Services and the NWRA.

9 MR. JENNINGS: James Jennings.  
10 I'm the materials management compliance section  
11 manager at Illinois EPA.

12 MR. MCDONOUGH: John McDonough,  
13 assistant counsel, division of legal counsel,  
14 Illinois EPA.

15 MS. UPPULURI: Archana Uppuluri,  
16 Illinois EPA, materials management and  
17 compliance.

18 HEARING OFFICER SALK: Thank you.

19 Anyone have any other  
20 questions or matters to discuss?

21 All right. Neither seeing  
22 nor hearing any, thank you for -- everyone  
23 for coming here and participating. The  
24 second and final hearing is adjourned.

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(Whereupon, no further  
proceedings were had  
in the above-entitled  
matter.)

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF C O O K )  
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6 I, LORI ANN ASAUSKAS, CSR, RPR,  
7 do hereby state that I am a court reporter doing  
8 business in the City of Chicago, County of Cook,  
9 and State of Illinois; that I reported by means  
10 of machine shorthand the proceedings held in the  
11 foregoing cause, and that the foregoing is a  
12 true and correct transcript of my shorthand  
13 notes so taken as aforesaid.

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Lori Ann Asauskas, CSR, RPR.  
Notary Public, Cook County, Illinois

<hr/> <b>A</b> <hr/> <b>A.D</b> 1:17 <b>a.m</b> 1:18 <b>above-entitled</b> 11:3 <b>Act</b> 7:5 <b>action</b> 8:22 <b>addition</b> 3:15 <b>addressed</b> 9:16 <b>adjourned</b> 10:24 <b>ADM</b> 1:5 <b>Administrative</b> 3:9 <b>admitted</b> 4:23 <b>adopts</b> 7:9 <b>affiliation</b> 9:21 <b>aforsaid</b> 12:13 <b>AGENCY</b> 2:9 <b>Agency's</b> 8:23 <b>Ann</b> 1:12 12:6,18 <b>answers</b> 6:13 <b>appreciates</b> 4:16 <b>Archana</b> 2:14 6:23 10:15 <b>archana.uppulu...</b> 2:12 <b>Asauskas</b> 1:12 12:6,18 <b>assistant</b> 10:4,13 <b>Association</b> 4:4 6:12 <b>Association's</b> 4:13 <b>Attorney</b> 2:15 10:3,5,5 <b>Audrey</b> 2:19 10:4 <b>Audrey.Avila@...</b> 2:18 <b>August</b> 7:15 <b>available</b> 7:12 8:16 <b>Avenue</b> 2:10 <b>Avila</b> 2:19 10:4,4 <hr/> <b>B</b> <hr/> <b>Barbara</b> 7:16	<b>based</b> 3:24 <b>bear</b> 5:1 <b>Board</b> 1:2 2:2,7 3:5,11,14,14,15 3:19 4:2,9,16 5:2 7:6,9,10,19 7:21 8:16,19,23 9:1,3,7,17,19 <b>Board's</b> 3:16 4:20 5:4,21 7:16 8:1 8:20 9:12 <b>Boardroom</b> 1:14 <b>Brian</b> 2:21 10:7 <b>brief</b> 8:14 <b>Brown</b> 2:8 3:16 <b>Building</b> 1:15 <b>Buren</b> 2:2 <b>business</b> 12:8 <hr/> <b>C</b> <hr/> <b>C</b> 2:1 12:3 <b>cause</b> 12:11 <b>chair</b> 7:16 <b>check</b> 9:11 <b>Chicago</b> 1:16 2:3 2:17 12:8 <b>Chloe</b> 1:12 2:7 3:6 9:17 <b>Chloe.Salk@Ill...</b> 2:5 <b>City</b> 12:8 <b>clear</b> 5:4 <b>clerk</b> 9:12 <b>Code</b> 1:5 3:9 <b>come</b> 3:2 <b>coming</b> 10:23 <b>comment</b> 5:17,21 6:22 8:6,24 <b>comments</b> 6:20 9:1,6 <b>Commerce</b> 5:22 7:7 <b>complete</b> 5:4 <b>compliance</b> 10:10 10:17	<b>conduct</b> 7:7,17 <b>conducting</b> 7:12 <b>confirming</b> 9:5 <b>Construction</b> 1:6 3:9 <b>Control</b> 1:2 2:2 3:5 <b>Cook</b> 1:13 12:8,19 <b>COOL</b> 9:12 <b>copies</b> 8:15 <b>correct</b> 12:12 <b>counsel</b> 2:13 4:17 10:13,13 <b>County</b> 1:13,15 12:3,8,19 <b>court</b> 12:7 <b>CSR</b> 1:12 12:6,18 <b>Curry</b> 7:16 <b>Cynthia</b> 2:7 3:14 <b>Cynthia.Santos...</b> 2:5 <hr/> <b>D</b> <hr/> <b>date</b> 4:2,10 <b>dated</b> 7:15 <b>day</b> 1:17 <b>days</b> 7:13 9:1 <b>DCEO</b> 5:23 7:17 7:22 <b>DCEO's</b> 8:1 <b>deadline</b> 3:21 4:7 9:5 <b>Debris</b> 1:7 3:10 <b>decision</b> 5:5 <b>Demolition</b> 1:7 3:10 <b>Department</b> 5:22 7:6 <b>department's</b> 7:11 <b>determination</b> 5:6 <b>determine</b> 8:4 <b>develop</b> 5:3 <b>directed</b> 6:13 <b>discuss</b> 8:9 10:20	<b>discussion</b> 8:11,14 <b>division</b> 10:13 <b>docket</b> 3:11 8:20 <b>doing</b> 12:7 <b>due</b> 4:1 9:1 <hr/> <b>E</b> <hr/> <b>E</b> 2:1,1 <b>East</b> 2:2,10 <b>Economic</b> 5:22,23 7:2,7,8,17 <b>effort</b> 4:16 <b>either</b> 7:11 <b>electronic</b> 9:8 <b>ensure</b> 9:12 <b>entered</b> 6:17,24 <b>entitled</b> 3:8 <b>Environmental</b> 2:9 7:5 <b>EPA</b> 10:11,14,16 <b>Essence</b> 2:8 3:16 <b>Essence.Brown...</b> 2:6 <b>everybody</b> 9:20 <b>expected</b> 8:15 <b>expediting</b> 4:15 <b>explanation</b> 7:12 <hr/> <b>F</b> <hr/> <b>Facilities</b> 1:8 3:10 <b>file</b> 4:7 <b>filed</b> 4:12 8:18 <b>filing</b> 9:11 <b>Filings</b> 9:7 <b>final</b> 10:24 <b>first</b> 3:19 4:5,9 5:10 <b>Floor</b> 1:14 <b>Flynn</b> 7:16 <b>foregoing</b> 12:11 12:11 <b>Fox</b> 1:11 2:6 3:6 3:15 <b>further</b> 11:1 <hr/> <b>G</b> <hr/>	<b>General</b> 1:6 2:13 2:15 3:9 10:3,5 <b>General's</b> 10:5 <b>go</b> 5:14 8:8 <b>Going</b> 3:18 <b>Good</b> 3:4 <b>governed</b> 4:19 <b>Grand</b> 2:10 <hr/> <b>H</b> <hr/> <b>hearing</b> 1:11 2:6,7 3:1,5,7,19,22 4:5,6,9,15,19,19 4:23 5:10 6:8,18 6:19 7:1,14 8:3 8:8,13 9:4,9,18 9:23 10:18,22,24 <b>held</b> 3:19 12:10 <b>help</b> 5:3 <b>helpful</b> 4:15 <b>Holcomb</b> 2:21 10:7,7 <b>hour</b> 3:2 <b>housekeeping</b> 4:18 <hr/> <b>I</b> <hr/> <b>IEPA</b> 4:7,11 6:13 6:13 <b>IEPA's</b> 4:9,17 <b>II</b> 2:13 6:16 <b>ILL</b> 1:5 <b>Illinois</b> 1:2,14,16 2:2,3,9,10,15,17 3:5,8 10:3,11,14 10:16 12:1,9,19 <b>Impact</b> 5:24 7:3,8 7:18 <b>information</b> 4:21 <b>intended</b> 5:3 <b>issue</b> 7:2 9:4 <hr/> <b>J</b> <hr/> <b>J</b> 2:6 <b>James</b> 2:13 10:9 <b>james.jennings...</b>
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2:12 <b>Jennings</b> 2:13 10:9,9 <b>John</b> 2:13 6:16 10:12 <b>john.mcdonoug...</b> 2:11 <b>Joliet</b> 1:16 <b>judgment</b> 5:6	<b>morning</b> 3:3,4 <b>move</b> 6:8,19 7:2	10:23 <b>perform</b> 5:23 <b>period</b> 8:24 <b>persons</b> 9:10 <b>please</b> 5:1 9:11 <b>Pollution</b> 1:2 2:2 3:5 <b>posed</b> 5:2 <b>post-hearing</b> 8:24 8:24 9:5 <b>posted</b> 8:19 <b>pre-file</b> 3:21 5:12 6:5 <b>pre-filed</b> 3:23,24 4:2 5:9 6:11 <b>present</b> 2:21 3:13 3:15 6:4,21 7:23 8:5 9:20 <b>previously</b> 6:10 <b>privileged</b> 4:23 <b>procedural</b> 4:20 8:9,14 <b>procedure</b> 3:19 <b>proceeding</b> 3:8 6:2 <b>proceedings</b> 1:10 6:17,24 11:2 12:10 <b>promptly</b> 8:19 <b>proposal</b> 5:6,24 7:18 8:23 <b>proposed</b> 1:5 3:8 5:17 7:8 <b>Protection</b> 2:9 7:5 <b>provides</b> 7:5 <b>public</b> 1:13 6:22 7:13,14 12:19	<b>R</b> 2:1 <b>R23-17</b> 1:6 3:12 8:21 <b>raised</b> 4:8 <b>receive</b> 6:11 7:21 <b>received</b> 4:2,9 <b>receives</b> 9:2,3 <b>record</b> 4:24 5:4 6:4 8:9,12 9:22 <b>Recovery</b> 1:7 3:10 <b>Recycling</b> 4:3,13 6:12 <b>reflect</b> 5:5 <b>regarding</b> 7:24 <b>relevant</b> 4:22 <b>repetitious</b> 4:22 <b>reported</b> 12:9 <b>reporter</b> 12:7 <b>Republic</b> 10:8 <b>request</b> 5:21 7:6 7:22 8:1 <b>requested</b> 7:17,20 <b>required</b> 4:14 <b>response</b> 7:20,22 8:2 <b>responses</b> 4:8,10 4:12,14 <b>right</b> 3:1 6:3,7,19 10:21 <b>RPR</b> 1:12 12:6,18 <b>rule</b> 5:18 <b>rulemaking</b> 3:7 3:11 7:18 <b>Rulemaking-La...</b> 1:7 <b>rules</b> 4:20,21 7:8	<b>second</b> 1:14 3:22 10:24 <b>section</b> 4:20 7:4 10:10 <b>see</b> 5:10,16 <b>seeing</b> 3:2 6:3,7 8:3,7 10:21 <b>September</b> 3:20 7:20 <b>served</b> 9:9 <b>service</b> 9:10,14 <b>Services</b> 10:8 <b>set</b> 4:6 <b>shorthand</b> 12:10 12:12 <b>solely</b> 5:3 <b>specifically</b> 7:19 <b>Springfield</b> 2:10 <b>SS</b> 12:2 <b>staff</b> 3:16,17 4:17 5:3 <b>start</b> 3:3 9:24 <b>state</b> 1:14 2:15 12:1,7,9 <b>Street</b> 1:16 2:2,16 <b>study</b> 5:24 7:3,8 7:11,18 8:1 <b>Suite</b> 2:3,16
<b>K</b> <b>K</b> 12:3 <b>Kordas</b> 2:19 10:2 10:2	<b>N</b> <b>N</b> 2:1 <b>name</b> 3:6 9:20 <b>National</b> 4:3,12 6:12 <b>need</b> 9:16 <b>Neither</b> 6:7 8:3,7 10:21 <b>North</b> 1:15 2:10 <b>notary</b> 1:13 12:19 <b>notes</b> 12:13 <b>November</b> 1:17 4:1,11 8:16 <b>number</b> 3:11 8:21 <b>NWRA</b> 10:8	<b>Q</b> <b>questions</b> 3:24 4:3 4:8,13 5:2,5,7 5:15 6:1,9,11,15 10:20 <b>quickly</b> 8:4	<b>S</b> <b>S</b> 2:1 <b>Salk</b> 1:12 2:7 3:1 3:6 6:18 7:1 8:13 9:18,23 10:18 <b>Santos</b> 2:7 3:14 9:17,19	<b>T</b> <b>taken</b> 1:11 12:13 <b>takes</b> 8:22 <b>technical</b> 2:8 3:16 <b>testified</b> 8:6 <b>testify</b> 5:12 7:24 <b>testimony</b> 3:21,23 4:1 5:7,9,12,21 6:5,6 <b>thank</b> 10:18,22 <b>Tim</b> 3:6,15 <b>Tim.Fox@Illino...</b> 2:4 <b>time</b> 4:16 9:16 <b>TIMOTHY</b> 1:11 2:6
<b>L</b> <b>legal</b> 10:13 <b>let's</b> 7:2 8:8 <b>letter</b> 7:15 <b>list</b> 9:10,14 <b>Lori</b> 1:12 12:6,18	<b>O</b> <b>O</b> 12:3,3 <b>o'clock</b> 1:17 3:2 <b>October</b> 3:22 4:6 <b>offer</b> 5:20 6:6,22 <b>Office</b> 1:15 2:15 10:2,6 <b>officer</b> 2:6,7 3:1 4:6,24 6:18 7:1 8:13 9:4,9,18,23 10:18 <b>officers</b> 1:11 3:7 <b>Okay</b> 6:18 7:1 8:7 <b>Once</b> 8:18 <b>open</b> 8:23 <b>Opportunities</b> 5:23 <b>opportunity</b> 5:20 7:7 <b>order</b> 4:6 6:2 9:5	<b>R</b>		
<b>M</b> <b>M</b> 2:13 <b>machine</b> 12:10 <b>management</b> 2:13 2:14 10:10,16 <b>manager</b> 10:11 <b>materials</b> 2:13,14 10:10,16 <b>matter</b> 1:4 3:20 11:4 <b>matters</b> 8:10,14 9:15 10:20 <b>McDonough</b> 2:13 6:16 10:12,12 <b>means</b> 12:9 <b>Member</b> 2:7 3:14 9:17,19 <b>mentioned</b> 5:8 6:10 <b>mind</b> 5:1 9:24 <b>Molly</b> 2:19 10:2 <b>Molly.Kordas...</b> 2:18 <b>moment</b> 8:9	<b>P</b> <b>P</b> 2:1,1 <b>paper</b> 9:8 <b>participant</b> 3:23 5:9,17,20 <b>participating</b>			

6:5 7:24 8:6	<b>2</b>		
<b>transcript</b> 1:10	<b>20</b> 7:13		
8:15,19 9:2,4	<b>2022</b> 1:17 3:20,22		
12:12	4:1,11 7:16,21		
<b>true</b> 12:12	8:17		
<b>U</b>	<b>217</b> 2:11		
<b>Unit</b> 2:8	<b>23</b> 8:17		
<b>Uppuluri</b> 2:14	<b>26</b> 3:22 7:21		
6:23 10:15,15	<b>26th</b> 4:7		
<b>V</b>	<b>27</b> 3:20		
<b>Van</b> 2:2	<b>27(b)</b> 7:4		
<b>version</b> 9:13	<b>3</b>		
<b>W</b>	<b>302</b> 1:15		
<b>Washington</b> 2:16	<b>312</b> 2:4,17		
<b>Waste</b> 4:3,13 6:12	<b>35</b> 1:5 3:8		
<b>we'll</b> 9:24	<b>4</b>		
<b>website</b> 8:20	<b>5</b>		
<b>Wednesday</b> 8:16	<b>558-3347</b> 2:11		
<b>welcome</b> 3:4	<b>6</b>		
<b>West</b> 2:16	<b>60</b> 2:2		
<b>wish</b> 6:6,22	<b>60602</b> 2:17		
<b>wishes</b> 5:12,17 8:5	<b>60605</b> 2:3		
<b>witnesses</b> 5:11	<b>62702</b> 2:10		
<b>wouldn't</b> 9:24	<b>630</b> 2:3		
<b>written</b> 4:12	<b>69</b> 2:16		
<b>X</b>	<b>7</b>		
<b>Y</b>	<b>8</b>		
<b>Z</b>	<b>814-3620</b> 2:4		
<b>0</b>	<b>814-6986</b> 2:17		
<b>1</b>	<b>820</b> 1:6 3:9		
<b>10:00</b> 1:17 3:2	<b>9</b>		
<b>102.426</b> 4:21	<b>9</b> 4:1		
<b>1021</b> 2:10			
<b>11</b> 7:15			
<b>14</b> 9:1			
<b>15</b> 4:11			
<b>16th</b> 1:16			
<b>1800</b> 2:16			