

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

JEET SINGH, d/b/a)
AMAN FOOD & GAS,)
)
Petitioner,)
)
vs) No. PCB 2023-090
) (LUST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

REPORT OF THE PROCEEDINGS held
in the above entitled cause before Hearing
Officer Carol Webb, called by the Illinois
Pollution Control Board, taken by LORI ANN
CECIL-VOLLMER, CSR, RPR, for the State of
Illinois, a notary public within and for the
County of Cook and State of Illinois, at the
Illinois Pollution Control Board, 1021 North
Grand Avenue East (North Entrance), Springfield,
Illinois, on Thursday, June 22, 2023, 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,
1021 North Grand Avenue East
First Floor
Conference Room 1244N
Springfield, Illinois 62794-9274
(217) 524-8500
carol.webb@illinois.gov

BY: MS. CAROL WEBB Hearing Officer

Appeared on behalf of the parties
as the Hearing Officer;

LAW OFFICE OF PATRICK D. SHAW,
80 Bellerive Road
Springfield, Illinois 62704
(217) 782-5544,
pdshawllaw@gmail.com

BY: MR. PATRICK D. SHAW

Appeared on behalf of the Petitioner;

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
1021 North Grand Avenue East
PO Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544,
melanie.jarvis@illinois.gov

sara.samson@illinois.gov
BY: MS. MELANIE A. JARVIS and
MS. SARA SAMSON,

Appeared on behalf of the Respondent.

ALSO PRESENT:

Mr. Trent Benanti
Mr. Bradley Dilbaitis
Ms. Carole Roe
Mr. Matt Salavino

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(All displayed exhibits and documents
can be reviewed at the following website:
[https://pcb.illinois.gov/Cases/
GetCaseDetailsById?caseId=17322.](https://pcb.illinois.gov/Cases/GetCaseDetailsById?caseId=17322.))

1 HEARING OFFICER WEBB: Good
2 morning.

3 My name is Carol Webb and
4 this is the hearing for PCB 23-90, Jeet
5 Singh, doing business as Aman Food & Gas
6 versus IEPA. It is June 22nd and we are
7 beginning at 10:00 a.m.

8 For the record, although
9 this facility is located in Rock Island
10 County, there was no known public interest
11 in this case. So I granted the parties'
12 request to hold the hearing in Springfield.

13 There are no members of
14 the public present to comment, but written
15 public comment may be filed with the clerk
16 by June 29th.

17 In this case, the Agency
18 rejected Petitioner's Corrective Action
19 Plan Budget for Petitioner's site located
20 at 1830 5th Avenue in Moline.

21 The Pollution Control
22 Board members will make the final decision
23 in this case.

24 My purpose is to conduct

1 the hearing in a neutral and orderly manner
2 so that we have a clear record of the
3 proceedings.

4 The last board meeting
5 before the decision deadline is September
6 21st.

7 This hearing was noticed
8 pursuant to the Act in the Board's rules
9 and will be conducted pursuant to Sections
10 101.600 through 101.632 of the Board's
11 procedural rules.

12 At this time I would
13 like to ask the parties to please make
14 their appearances on the record.

15 MR. SHAW: This is Patrick
16 Shaw, attorney for the Petitioner.

17 MS. JARVIS: Melanie Jarvis,
18 attorney for the Agency.

19 HEARING OFFICER WEBB: Okay.
20 Mr. Shaw, would you like to make an opening
21 statement?

22 MR. SHAW: I'll waive opening
23 statement.

24 HEARING OFFICER WEBB: Ms. Jarvis,

1 would --

2 MS. JARVIS: I'll waive opening
3 statement.

4 HEARING OFFICER HALLORAN: Okay.
5 Mr. Shaw, you may present your case.

6 MR. SHAW: The Petitioner is
7 not going to present any testimony --
8 direct testimony in this case. We reserve
9 the right to cross-examine and rebuttal
10 testimony if -- if appropriate.

11 HEARING OFFICER WEBB: Okay.
12 Ms. Jarvis, you may proceed with your
13 case.

14 MS. JARVIS: Okay. Okay. There
15 you go. You can grab those ones.

16 MR. BENANTI: Thanks.

17 MS. JARVIS: These are our exhibits.
18 I will hand up the exhibits.

19 HEARING OFFICER WEBB: Will the
20 court -- this is your first witness then?

21 MS. JARVIS: It's the only witness.

22 HEARING OFFICER WEBB: It's the
23 only witness.

24 Would the court reporter

1 please swear in the witness?

2 THE COURT REPORTER: Please raise
3 your right hand.

4 THE WITNESS: (Witness complied.)

5 THE COURT REPORTER: Do you swear
6 the testimony you are about to give will be
7 the truth, the whole truth and nothing but
8 the truth so help you God?

9 THE WITNESS: I do.

10 (Witness sworn.)

11 WHEREUPON:

12 T R E N T B E N A N T I

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

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

16 by Ms. Jarvis

17 **Q. Okay. Please state your name.**

18 A. Trent Benanti.

19 **Q. And what's your occupation?**

20 A. Unit manager, Leaking Underground
21 Storage Tank Section.

22 **Q. Okay. And how long have you been
23 so employed?**

24 A. I have been employed as a unit

1 manager since March 2019.

2 Q. And how long have you been with
3 the Agency?

4 A. Since May 1, 1998.

5 Q. And what types of positions have
6 you had at the agency?

7 A. Environmental Protection Engineer I,
8 II and III.

9 Q. And have those all been with the
10 Leaking Underground Storage Tank Section?

11 A. Yes.

12 Q. What is your education?

13 A. Bachelor of science, chemical
14 engineering, Purdue University.

15 Q. And are you a PE?

16 A. Yes.

17 Q. Okay. Are you familiar with
18 Aman Food & Gas in Moline, Illinois?

19 A. I am.

20 (Document marked as
21 Respondent's Exhibit
22 No. 1 for identification.)

23 BY MS. JARVIS:

24 Q. I'm going to show you what is

1 **Exhibit 1, which is Administrative Record**
2 **754.**

3 **Are you familiar with**
4 **that picture?**

5 **(Document tendered**
6 **to the witness.)**

7 BY THE WITNESS:

8 A. Yes.

9 BY MS. JARVIS:

10 Q. **And what does it depict?**

11 A. It depicts the extent of the
12 proposed engineered barrier.

13 Q. **Okay. And could you just**
14 **describe is the engineered barrier marked**
15 **some way?**

16 A. It is.

17 Q. **How is it marked on there to --**
18 **to distinguish it from the rest?**

19 A. It is marked by the -- the
20 dimensions 41-by-43 and it also has
21 some additional, like, crosshatching.

22 **(Document marked as**
23 **Respondent's Exhibit**
24 **No. 2 for identification.)**

1 BY MS. JARVIS:

2 Q. Crosshatching.

3 Okay. Are you familiar
4 with this picture, which is Exhibit No. 2?

5 (Document tendered
6 to the witness.)

7 BY THE WITNESS:

8 A. I am.

9 BY MS. JARVIS:

10 Q. And what does that depict?

11 A. It depicts the concrete surface
12 at the site.

13 Q. At the site.

14 And does part of it show
15 where the engineered barrier would be?

16 A. Yes.

17 (Document marked as
18 Respondent's Exhibit
19 No. 3 for identification.)

20 BY MS. JARVIS:

21 Q. Okay. And then what is that
22 picture?

23 (Document tendered
24 to the witness.)

1 BY THE WITNESS:

2 A. That is a picture of the
3 concrete surface looking to the north --
4 northeast.

5 BY MS. JARVIS:

6 Q. To the northeast?

7 A. Yep.

8 Q. Okay. That's Exhibit 3.

9 (Document marked as
10 Respondent's Exhibit
11 No. 4 for identification.)

12 BY MS. JARVIS:

13 Q. Here's Exhibit No. 4.

14 What is that picture?

15 (Document tendered
16 to the witness.)

17 BY THE WITNESS:

18 A. A picture of the concrete surface
19 looking to the northwest.

20 BY MS. JARVIS:

21 Q. And when you look at Exhibit 1
22 and you look at Exhibit 4, where does the
23 engineered barrier start?

24 A. The engineered barrier starts at

1 the north side of the pump island number
2 two.

3 HEARING OFFICER WEBB: Sir,
4 could you try to speak just a little louder --

5 THE WITNESS: Yeah, sure.

6 HEARING OFFICER WEBB: -- if
7 possible? Thank you.

8 BY THE WITNESS:

9 A. The engineered barrier begins at the
10 north side of pump island two.

11 BY MS. JARVIS:

12 Q. So is that the inside or the outside
13 of the pump? Like, inside towards the other
14 pump or outside towards the --

15 A. It begins on the side closet to the
16 other pump.

17 Q. The other pump.

18 (Document marked as
19 Respondent's Exhibit
20 No. 5 for identification.)

21 BY MS. JARVIS:

22 Q. Okay. Are you familiar with that
23 picture?

24

1 (Document tendered
2 to the witness.)

3 BY THE WITNESS:

4 A. Yes.

5 BY MS. JARVIS:

6 **Q. And what does it show? That's**
7 **Exhibit 5.**

8 A. It shows a greater picture of
9 the site and the concrete surface.

10 (Document marked as
11 Respondent's Exhibit
12 No. 6 for identification.)

13 BY MS. JARVIS:

14 **Q. Okay. And then this is Exhibit 6.**
15 **And what does that show?**

16 (Document tendered
17 to the witness.)

18 BY THE WITNESS:

19 A. It shows a close-up of the
20 concrete surface between the northernmost
21 pump island and the southernmost pump
22 island.

23

24

1 (Document marked as
2 Respondent's Exhibit
3 No. 7 for identification.)

4 BY MS. JARVIS:

5 **Q. And Exhibit 7.**
6 **What does that show?**
7 **(Document tendered**
8 **to the witness.)**

9 BY THE WITNESS:

10 A. That shows the general condition
11 of the concrete at the site looking from
12 south to north.

13 BY MS. JARVIS:

14 **Q. And is the part closest at the**
15 **bottom of this picture, is that part of**
16 **the engineered barrier?**

17 A. No.

18 (Document marked as
19 Respondent's Exhibit
20 No. 8 for identification.)

21 BY MS. JARVIS:

22 **Q. And what does that picture depict?**
23 **(Document tendered**
24 **to the witness.)**

1 BY THE WITNESS:

2 A. It depicts the concrete near the
3 signage.

4 (Document marked as
5 Respondent's Exhibit
6 No. 9 for identification.)

7 BY MS. JARVIS:

8 Q. Okay. And then this picture?

9 (Document tendered
10 to the witness.)

11 BY THE WITNESS:

12 A. The concrete surface looking to
13 the southeast.

14 (Document marked as
15 Respondent's Exhibit
16 No. 10 for identification.)

17 BY MS. JARVIS:

18 Q. Okay. And that picture, Exhibit 10?

19 (Document tendered
20 to the witness.)

21 BY THE WITNESS:

22 A. The con- -- concrete surface where
23 the tanks were located.

24

1 (Document marked as
2 Respondent's Exhibit
3 No. 11 for identification.)

4 BY MS. JARVIS:

5 Q. Okay. And then here's another
6 picture, Exhibit 11.

7 (Document tendered
8 to the witness.)

9 BY THE WITNESS:

10 A. That depicts the concrete surface
11 near the sign.

12 (Document marked as
13 Respondent's Exhibit
14 No. 12 for identification.)

15 BY MS. JARVIS:

16 Q. Exhibit 12?

17 (Document tendered
18 to the witness.)

19 BY THE WITNESS:

20 A. This depicts the concrete surface
21 along 5th Avenue.

22 (Document marked as
23 Respondent's Exhibit
24 No. 13 for identification.)

1 BY MS. JARVIS:

2 Q. Okay. And the last exhibit, 13.

3 (Document tendered
4 to the witness.)

5 BY THE WITNESS:

6 A. This is looking from 19th towards
7 the -- towards the building.

8 MS. JARVIS: Okay. At this point
9 I'm asking to have all the exhibits entered
10 into the evidence as a depiction of the current
11 conditions of the site.

12 HEARING OFFICER WEBB: Are these --

13 MR. SHAW: Objection.

14 HEARING OFFICER WEBB: -- in the
15 record?

16 MS. JARVIS: No.

17 HEARING OFFICER WEBB: These are
18 not in the record?

19 MS. JARVIS: No.

20 MR. SHAW: Objection.

21 MS. JARVIS: That's why we are --
22 so no, they are not in the record. They
23 are merely to portray the current conditions
24 of the site to give the Board a view of what

1 the site looks like today.

2 MR. SHAW: Objection. They're
3 not -- obviously, they're not in the record.
4 They do not pertain to any issue identified
5 in the Agency's denial letter. It doesn't
6 say anything about current or -- I should
7 say conditions from a few -- from a few weeks
8 ago.

9 I -- I assume these were
10 taken after the denial letter, is that --
11 is that correct?

12 MS. JARVIS: Are you asking him
13 a question?

14 MR. SHAW: Can I ask the -- can
15 I ask the witness a question?

16 HEARING OFFICER WEBB: Yeah.
17 Your -- your witness.

18 And -- and you're done? Are
19 you done?

20 MS. JARVIS: Yes, I am. I'm
21 done.

22 HEARING OFFICER WEBB: Oh, okay.

23 MS. JARVIS: For now.

24 HEARING OFFICER WEBB: For now.

1 Okay.

2 MS. JARVIS: And -- and this is
3 just for whether or not we admit the --

4 MR. SHAW: Yeah.

5 MS. JARVIS: -- the thing?

6 MR. SHAW: Is this -- this
7 cross-examination on the -- the documents?

8 MS. JARVIS: Yep, uh-huh.

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

11 **Q. Mr. Benanti, what is your familiarity**
12 **with the site?**

13 A. I'm the unit manager. So in the
14 Leaking UST Section, the project manager
15 reviews the proposal and then all letters,
16 you know, come through me for my approval.

17 **Q. So you're familiar -- your specific**
18 **familiarity with this site is the familiarity**
19 **with all sites in -- in the state of Illinois?**

20 A. Could you ask that again, please?

21 **Q. Are you saying that your familiarity**
22 **with the site is the same as with all LUST**
23 **sites in the state of Illinois?**

24 A. All sites for which, you know, my

1 name is on the -- you know, my initials are
2 on the letter.

3 Q. Your -- on the -- on the denial
4 letter?

5 A. Yes, the denial letter did pass
6 through me.

7 Q. Okay. Your initials are on the
8 denial letter?

9 A. Should be.

10 Q. Who wrote the denial letter?

11 A. Brad Dilbaitis.

12 Q. Okay. Is Brad Dilbaitis in this
13 room today?

14 A. Yes.

15 Q. Okay. Have you ever been to the
16 site?

17 A. No.

18 Q. So you don't have any personal
19 familiarity whether or not these pictures
20 are fair and accurate representations of
21 the site?

22 A. No.

23 Q. When were these pictures taken?

24 A. Sometime after the denial letter

1 was issued.

2 Q. Does the denial letter with your
3 initials on it have any reference to the
4 condition of the pavement?

5 A. I would have to see the letter
6 to answer that question.

7 (Document marked as
8 Attachment A - Page 805
9 for identification.)

10 BY MR. SHAW:

11 Q. Okay. I'm going to approach
12 the witness with Page 805 of the record,
13 which is just Attachment A to the denial
14 letter.

15 (Document tendered
16 to the witness.)

17 BY MR. SHAW:

18 Q. Okay. Can you answer the question?

19 A. So could you repeat the question,
20 please?

21 MR. SHAW: Can you read back
22 the question?

23

24

1 (Whereupon, the requested
2 portion of the record was
3 read accordingly.)

4 BY THE WITNESS:

5 A. No.

6 MR. SHAW: I'll take this back.

7 We will -- I will restate
8 my objection that the exhibits are not in
9 the record, they depict -- are you wanting
10 to rebut that? Is that --

11 MS. JARVIS: Yeah. We're --
12 I'm -- I'm ready to ask another question.

13 HEARING OFFICER WEBB: Okay.

14 MR. SHAW: Okay I'll let her.

15 HEARING OFFICER WEBB: All right.

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

17 by Ms. Jarvis

18 Q. I'm going to show you what is 742
19 of the record and specifically the third
20 paragraph.

21 (Document marked as
22 742 - Paragraph 3 for
23 identification.)

24

1 BY MS. JARVIS:

2 Q. If you would like to read that
3 third paragraph?

4 And -- and first of all,
5 what does this letter represent? Who is
6 it from?

7 (Document tendered
8 to the witness.)

9 BY THE WITNESS:

10 A. This letter is from CWM Company.

11 BY MS. JARVIS:

12 Q. Okay. And it is addressed to the
13 Agency?

14 A. Yes.

15 Q. And what does the third paragraph
16 state?

17 A. The original engineered barrier as
18 presented in previous Corrective Action Plans
19 (CAPS) has an area of 238 square feet, which
20 encompassed early action wall sample 8. It has
21 not been requested in the CACR denial letter
22 that this area be enlarged to encompass soil
23 borings SB01, SB-2, and SB-3 since soil samples
24 in these locations were collected at a similar

1 depth as wall sample 8.

2 Q. Go ahead and read the next one.

3 A. It has been noted in various
4 correspondences with the Agency post denial
5 letter that the requested enlarged engineered
6 barrier area spans into areas of severely
7 deteriorated and cracked concrete requiring
8 it to be repaved to be characterized as a
9 sufficient engineered barrier.

10 MS. JARVIS: And our position
11 is that this gives the Board a visual view
12 of the site to discuss what this says that
13 CWM submitted, that it was severely
14 deteriorated and this will show that it's
15 not?

16 MR. SHAW: I will ask further
17 questions.

18 HEARING OFFICER WEBB: You don't
19 need to. I -- I think I've heard enough on
20 the exhibit.

21 I -- I -- I do agree with
22 Patrick. I'm going to sustain his objection
23 because the photos were taken after the
24 Agency made their determination. I'm not

1 convinced that they are relevant to the
2 Board's --

3 MS. JARVIS: Okay.

4 HEARING OFFICER WEBB: --
5 determination of final outcome, but I will
6 take them as an offer of proof.

7 MS. JARVIS: Okay.

8 HEARING OFFICER WEBB: So you
9 can brief them and I, you know --

10 MS. JARVIS: Because Patrick --

11 HEARING OFFICER WEBB: -- and
12 file them with the Board.

13 MS. JARVIS: -- submits everything
14 and the kitchen sink and all of his exhibits
15 are always permitted into the record. Always.

16 And this is just a visual
17 representation of the site for the Board.
18 It's -- it's not a matter of whether or not
19 it's in the record or not, but there are
20 statements in the record that are false and
21 this shows that they're false.

22 HEARING OFFICER WEBB: Well,
23 I agree that -- well, that is why I'm going
24 to ask you to submit them and I will put

1 offer of proof next to status and you can
2 still brief them and the Board can decide
3 whether they're relevant. Okay?

4 MS. JARVIS: Okay. That's all.

5 HEARING OFFICER WEBB: All right.

6 Do you have any further cross-examination
7 for this witness?

8 MR. SHAW: Uh-huh. I'm just
9 going to just look to another letter.

10 Do you still have that in
11 front of you, that Paragraph 2 --

12 MS. JARVIS: No, he doesn't.

13 MR. SHAW: -- letter? Okay.

14 MS. JARVIS: I can grab it again
15 though.

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

17 by Mr. Shaw

18 Q. Okay. I'm just -- I'm not going
19 to ask you to read anything, but just for
20 your own familiarity, was the -- was that
21 letter one that you reviewed as a supervisor?

22 (Document tendered
23 to the witness.)

24

1 BY THE WITNESS:

2 A. This letter would've been attached
3 to the corrective action budget that was
4 reviewed by the project manager and ultimately,
5 you know, scanned by me at least.

6 BY MR. SHAW:

7 Q. Okay. And was that -- was that
8 **submittal approved?**

9 A. I would have to see the copy of the
10 letter.

11 Q. **The approval letter or the decision**
12 **letter?**

13 A. The decision letter, yes.

14 Q. **I want to make sure I've got the right**
15 **one.**

16 **What date is that?**

17 A. February 15th, February 23rd.

18 MS. JARVIS: It would be 755, for
19 the record.

20 MR. SHAW: Yeah.

21 (Document marked

22 as 755 for

23 identification.)

24 MR. SHAW: I'm approaching the

1 witness with Page 755.

2 BY MR. SHAW:

3 Q. Can you refresh your memory with
4 that?

5 (Document tendered
6 to the witness.)

7 BY THE WITNESS:

8 A. Okay.

9 BY MR. SHAW:

10 Q. Was the submittal dated February
11 15, 2022, approved?

12 A. Yes.

13 Q. In fact, that's the only -- the
14 only last approved plan of budget in this
15 case, is that correct?

16 A. I believe so.

17 Q. Okay. Do you have any personal
18 knowledge of whether or not the pictures
19 that you mentioned earlier reflect the
20 condition of the property on February 15,
21 2022?

22 A. No.

23 Q. It's possible that there's been
24 new pavement installed since February 15,

1 **2022?**

2 A. Yes.

3 **Q. What is the purpose of an engineered**
4 **barrier?**

5 A. To prevent exposure through the
6 outdoor inhalation or soil ingestion
7 exposure amount.

8 **Q. Are there regulatory standards**
9 **for engineered barriers?**

10 A. Yes.

11 **Q. Where are those located at**
12 **generally?**

13 A. Generally, they would be in 742,
14 35 Illinois Administrative Code 742.

15 **Q. And those would be TACO standards,**
16 **I believe?**

17 A. Correct.

18 **Q. Are there also provisions in 734**
19 **regarding quality of the engineered barrier?**

20 A. No.

21 **Q. Are there standards for pavement**
22 **that are promulgated by the Office of State**
23 **Fire Marshal to your knowledge?**

24 MS. JARVIS: I'm going to object.

1 I think that this is outside my direct
2 examination.

3 MR. SHAW: I -- you may not
4 know this, but --

5 MS. JARVIS: We had -- we had
6 argument regarding the pictures --

7 THE COURT: Uh-huh.

8 MS. JARVIS: -- which was
9 separate.

10 HEARING OFFICER WEBB: Yes.

11 MS. JARVIS: But my direct
12 examination of him only dealt with the
13 exhibits and nothing else.

14 HEARING OFFICER WEBB: Would
15 you like -- well, I mean, I -- he could
16 call him as a witness, I suppose.

17 Would you like to --

18 MS. JARVIS: I suppose he could.

19 HEARING OFFICER WEBB: Would
20 you like him -- would you like to do that --

21 MS. JARVIS: Yes.

22 HEARING OFFICER WEBB: -- because --

23 MS. JARVIS: Yes, because
24 otherwise -- I mean, it's outside of my

1 direct.

2 THE COURT: Okay.

3 MS. JARVIS: And then he cannot
4 ask leading questions.

5 HEARING OFFICER WEBB: Okay.
6 Would you like him -- would you rather do it
7 that way?

8 MS. JARVIS: Yes, uh-huh.

9 HEARING OFFICER WEBB: Okay.
10 So -- so I guess -- so you don't have anymore
11 questions for this witness?

12 MS. JARVIS: I have -- I may
13 have questions after he -- if he decides
14 to continue to question.

15 HEARING OFFICER WEBB: Okay.
16 Well, is there anything -- can -- can we do
17 that now or do you want to do anything else
18 first?

19 MR. SHAW: I -- I don't have any
20 further questions of the witness.

21 HEARING OFFICER WEBB: Okay. Do
22 you have anything further?

23 MS. JARVIS: I'm trying to remember
24 where I was.

1 HEARING OFFICER WEBB: Okay.

2 MS. JARVIS: So just hold on a
3 second.

4 (Brief pause.)

5 MS. JARVIS: I know where I was
6 going.

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

8 by Ms. Jarvis

9 **Q. Are you aware that any submittal**
10 **for reimbursement of concrete or any plan**
11 **that approved concrete after the February 15,**
12 **2022, submittal by CW3M?**

13 A. I am not.

14 MS. JARVIS: Okay. That's it.

15 HEARING OFFICER WEBB: Okay. Do
16 you have anything to cross on that question
17 before we move on?

18 MR. SHAW: No.

19 HEARING OFFICER WEBB: Do you have
20 anything?

21 MS. JARVIS: That is it, yep.

22 HEARING OFFICER WEBB: Okay.

23 All right. Mr. Shaw?

24 MR. SHAW: Can I go out and take --

1 take a break here for a minute and see what --

2 HEARING OFFICER WEBB: Okay.

3 Well, let's take a five, ten-minute recess.

4 MR. SHAW: Five?

5 HEARING OFFICER WEBB: All right.

6 Five-minute recess.

7 MS. JARVIS: You're done. You can
8 step down.

9 (Whereupon, after a short
10 break was had, the following
11 proceedings were held
12 accordingly.)

13 HEARING OFFICER WEBB: Okay. We
14 are back on the record.

15 Mr. Shaw, have you decided
16 what you would like to do?

17 MR. SHAW: We have no -- no
18 testimony.

19 HEARING OFFICER WEBB: No testimony.

20 MS. JARVIS: And we have nothing
21 further.

22 HEARING OFFICER WEBB: All right.

23 MS. ROWE: That's the shortest ever.

24 HEARING OFFICER WEBB: Well, the

1 transcript is due by June 29th and will be
2 posted on the Board's website.

3 The public comment deadline
4 is June 29th. Any public comment must be
5 filed in accordance with Section 101.628 of
6 the Board's procedural rules.

7 The Petitioner's brief is
8 due by July 13th.

9 Respondent's brief is due
10 by July 17th.

11 And Petitioner's reply is
12 due by August 4th.

13 Mr. Shaw, would you like
14 to make any closing statement?

15 MR. SHAW: I'll reserve closing
16 statement for the brief.

17 HEARING OFFICER WEBB: Okay.

18 MS. JARVIS: And we will also
19 reserve closing statement.

20 HEARING OFFICER WEBB: All right.
21 Great.

22 Okay. Well, at this time,
23 I will conclude the proceedings. We stand
24 adjourned and I thank you all for your

1 participation.

2 MR. SHAW: Thank you.

3 (Whereupon, no further

4 proceedings were held

5 in the above-entitled

6 cause.)

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

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Lori Ann Cecil-Vollmer, CSR, RPR.
Notary Public, Cook County, Illinois

<p style="text-align: center;">A</p> <p>a.m 1:22 5:7 above-entitled 36:5 accurate 21:20 Act 6:8 action 5:18 24:18 24:20 28:3 additional 10:21 addressed 24:12 adjourned 35:24 Administrative 10:1 30:14 admit 20:3 aforsaid 37:14 agency 1:7 2:14 5:17 6:18 9:3,6 24:13 25:4,24 Agency's 19:5 ago 19:8 agree 25:21 26:23 ahead 25:2 Aman 1:4 5:5 9:18 amount 30:7 Ann 1:15 37:6,18 answer 22:6,18 anymore 32:10 Appeal 1:6 appearances 6:14 Appeared 2:7,12 2:19 approach 22:11 approaching 28:24 appropriate 7:10 approval 20:16 28:11 approved 28:8 29:11,14 33:11 area 24:19,22 25:6 areas 25:6 argument 31:6 asking 18:9 19:12</p>	<p>assume 19:9 attached 28:2 Attachment 4:9 22:8,13 attorney 6:16,18 August 35:12 Avenue 1:20 2:3 2:14 5:20 17:21 aware 33:9</p> <hr/> <p style="text-align: center;">B</p> <p>B 3:14 4:1 8:12 Bachelor 9:13 back 22:21 23:6 34:14 barrier 10:12,14 11:15 12:23,24 13:9 15:16 24:17 25:6,9 30:4,19 barriers 30:9 beginning 5:7 begins 13:9,15 behalf 2:7,12,19 believe 29:16 30:16 Bellerive 2:9 Benanti 2:21 3:4 3:5,7,8,10 7:16 8:18 20:11 board 1:1,15,19 2:2 5:22 6:4 18:24 25:11 26:12,17 27:2 Board's 6:8,10 26:2 35:2,6 borings 24:23 bottom 15:15 Box 2:15 Brad 21:11,12 Bradley 2:22 break 34:1,10 brief 26:9 27:2 33:4 35:7,9,16 budget 5:19 28:3</p>	<p>29:14 building 18:7 business 5:5 37:8</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 8:15 20:9 23:16 27:16 33:7 37:3 CACR 24:21 call 31:16 called 1:14 8:13 CAPS 24:19 Carol 1:14 2:6 5:3 carol.webb@illi... 2:5 Carole 2:22 case 5:11,17,23 7:5,8,13 29:15 cause 1:13 36:6 37:11 Cecil-Vollmer 1:16 37:6,18 Certificate 3:12 characterized 25:8 chemical 9:13 Chicago 37:8 City 37:8 clear 6:2 clerk 5:15 close-up 14:19 closest 15:14 closet 13:15 closing 3:11 35:14 35:15,19 Code 30:14 collected 24:24 come 20:16 comment 5:14,15 35:3,4 Company 24:10 complied 8:4 con- 16:22 conclude 35:23 concrete 11:11</p>	<p>12:3,18 14:9,20 15:11 16:2,12,22 17:10,20 25:7 33:10,11 condition 15:10 22:4 29:20 conditions 18:11 18:23 19:7 conduct 5:24 conducted 6:9 Conference 2:4 continue 32:14 Control 1:1,15,19 2:2 5:21 convinced 26:1 Cook 1:18 37:9,19 copy 28:9 correct 19:11 29:15 30:17 37:12 corrective 5:18 24:18 28:3 correspondences 25:4 County 1:18 5:10 37:3,9,19 court 3:12 7:20,24 8:2,5 31:7 32:2 37:7 cracked 25:7 cross 33:16 cross-examinati... 3:5 20:7 27:6 cross-examine 7:9 crosshatching 10:21 11:2 CSR 1:16 37:7,18 current 18:10,23 19:6 CW3M 33:12 CWM 24:10 25:13</p> <hr/> <p style="text-align: center;">D</p> <p>D 2:9,11 3:1 8:15</p>	<p>23:16 33:7 d/b/a 1:3 date 28:16 dated 29:10 deadline 6:5 35:3 dealt 31:12 decide 27:2 decided 34:15 decides 32:13 decision 5:22 6:5 28:11,13 denial 4:9 19:5,10 21:3,5,8,10,24 22:2,13 24:21 25:4 depict 10:10 11:10 15:22 23:9 depiction 18:10 depicts 10:11 11:11 16:2 17:10,20 deposeth 8:14 depth 25:1 describe 10:14 deteriorated 25:7 25:14 determination 25:24 26:5 Dilbaitis 2:22 21:11,12 dimensions 10:20 direct 3:4 7:8 31:1 31:11 32:1 discuss 25:12 displayed 4:21 distinguish 10:18 Document 9:20 10:5,22 11:5,17 11:23 12:9,15 13:18 14:1,10,16 15:1,7,18,23 16:4,9,14,19 17:1,7,12,17,22 18:3 22:7,15</p>
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