

**Requested Corrections to the October 28, 2020  
Corrected Transcript Received on February 2, 2021**

<b>Page No.</b>	<b>Line No.</b>	<b>Now Reads</b>	<b>Requested Correction</b>	<b>Audio Verification Time</b>
10	16	It crosses over Nicor <del>GAFK</del>	It crosses over Nicor <b>Gas</b>	
41	11	<del>MS. BRICE:</del>	<b>Delete this entire line.</b>	
41	12	<del>MS. O'LAUGHLIN:</del>	MS. BRICE:	
41	18	<del>MS. BRICE:</del>	<b>MS. O'LAUGHLIN:</b>	
41	20	<del>MS. O'LAUGHLIN:</del>	<b>MS. BRICE:</b>	
65	16	Frak?	<b>Ramp?</b>	2:17
65	17	Frak was not	<b>Ramp</b> was not	2:17
82	22	attributions in Exhibit <del>S</del> , correct?	attributions in Exhibit <b>F</b> , correct?	3:56
84	15-17	And you had this document, this 204:38 in your possession. At the time you wrote your Report, <del>it didn't show up</del> , right?	And you had this document, this <b>204-38</b> in your possession at the time you wrote your Report, <b>Exhibit 205</b> , right?	3:59
96	22	Do you deny saying that Sir? Yes.	Do you deny saying that sir? <b>Nope.</b>	4:21
102	4-5	"Answer: It can be on the GAFK site re-boundary. I don't know."	"Answer: It can be on the <b>Site 3 boundary</b> . I don't know."	4:29
121	21-22	Q. 57534? A. 57534.	<b>Q. 67-534? A. 67-534.</b>	5:02
159	5	faster way to get to the question. MS. O'LAUGHLIN: I don't mean to mess up your thoughts. <del>MS. BRICE:</del> I disagree.	faster way to get to the question. I don't mean to mess up your thoughts. <b>MS. O'LAUGHLIN:</b> I disagree.	AUDIO CUTS OUT AT 6:08

ILLINOIS POLLUTION CONTROL BOARD  
November 1st, 2020

Johns Mansville, a Delaware Corporation,  
Complainant  
v.  
ENFORCE - ILLINOIS DEPARTMENT OF LAND TRANSPORTATION,  
respondent.

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The report of proceedings had in the hearing of the above-entitled cause before Hearing Officer Bradley Halloran, called by the Pollution Control Board, taken by PAMELA A. MARZULLO, a Notary Public in and for the County of Pinellas and State of Florida, via Zoom, 1230 Gulf Boulevard, Clearwater Beach, Florida, on the 28th day of October, 2020, on October 28th, 2020, at the hour of 9:00 o'clock a.m.

1 PRESENT:

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

10 Appeared on behalf of Midwest Generation;

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

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

20 ALSO PRESENT:

21 MS. MARIE TIPSORD  
22 MS. JENNIFFER VAN WIE

23 REPORTED BY:

24 Pamela A. Marzullo

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I N D E X

WITNESS:	PAGE
STEVEN GOBELMAN	
Direct Examination - Ms. O'Laughlin	4
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E X H I B I T S

Exhibit No.	Marked
699	92
217	147

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

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

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

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

16 MS. O'LAUGHLIN: Thank you.

17 sss

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

21 DIRECT EXAMINATION (Continued)

22 BY MS. O'LAUGHLIN:

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

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

4 A. Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

19 **Q. Okay.**

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

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

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

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

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

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

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

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

21           A. Yes.

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

24           A. The Greenwood Avenue basically is 7 plus

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

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

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

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

9 A. Yes.

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

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

14 BY MS. O'LAUGHLIN:

15 **Q. Okay.**

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

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

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

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

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

14 A. No.

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

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

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

21 A. Okay.

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

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

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

9           A.     Yes.

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

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

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

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

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

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

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

7           A.    Correct.

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

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

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

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

21          THE COURT REPORTER:  Yes.

22          THE WITNESS:  21A --

23          BY MS. O'LAUGHLIN:

24          **Q.    24.**

1 A. What binder?

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

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

6 BY MS. O'LAUGHLIN:

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

9 A. No, it shows Detour Road D.

10 Q. Which one is detour road A?

11 A. 21A through 23.

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

15 What is this whole document, Exhibit 21A?

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

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

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

24 Below that, it gives you the cross-section

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

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

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

11 A. Yes.

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

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

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

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

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

21 A. Yes.

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



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

3           **Q.    That was --**

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

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

12          A.    Yes.

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

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

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

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

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

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

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

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

3 A. Yes.

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

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

11 HEARING OFFICER HALLORAN: Ms. O'Laughlin?

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

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

19 HEARING OFFICER HALLORAN: Ms. Brice?

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

1 that.

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

5 BY MS. O'LAUGHLIN:

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

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

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

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

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

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

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

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

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

5 BY MS. O'LAUGHLIN:

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

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

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

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

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

24 A. Yes.

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

2           HEARING OFFICER HALLORAN:   Thank you.

3           MS. BRICE:   Can I cross?

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

6           BY MS. O'LAUGHLIN:

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

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

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

14          A.    Okay.

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

16          A.    Okay.

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

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

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

1 **of Greenwood Avenue?**

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

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

15 MS. BRICE: Objection.

16 HEARING OFFICER HALLORAN: We have an  
17 objection.

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

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

1 boring locations on 202 is misleading.

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

5 MS. BRICE: Thank you.

6 BY MS. O'LAUGHLIN:

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

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

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

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

1 **first hearing?**

2 A. Correct.

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

5 A. Yes.

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

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

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

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

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

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

24 **Q. Okay.**



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

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

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

9 BY MS. O'LAUGHLIN:

10          Q.    Go to Exhibit 4.

11          A.    In 207?

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

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

15          Q.    We talked about this yesterday?

16          A.    Yes.

17          Q.    Let's move to Exhibit 5.

18          A.    207-17?

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

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

24          Q.    Can you describe the location of the North

1 **Shore Gas?**

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

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

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

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

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

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

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

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

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

22 A. Oh, 332,005.4.

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

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

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

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

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

11          A.    Approximately 39.3 percent.

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

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

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

18          A.    130,682.

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

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

24          **Q.    Okay.**

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

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

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

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

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

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

14          A.    Yes.

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

17          A.    8,455.

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

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

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

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

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

8 A. Yes.

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

12 A. No.

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

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

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

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

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

1 **previously what was done.**

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

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

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

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

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

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

23 A. Yes.

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

1 **pertains to Site 6?**

2 A. Yes.

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

5 A. Yes.

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

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

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

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

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

15 A. The hashed area.

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

17 A. Yes.

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

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

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

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

3 BY MS. O'LAUGHLIN:

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

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

9 Q. And what does the 1889 mean?

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

14 Q. You mean 5,000?

15 A. 5,611 square feet.

16 Q. What did you do with those numbers?

17 A. I took those and --

18 Q. Did you calculate percentage?

19 A. Yes. Just a second.

20 Q. Okay.

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



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

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

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

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

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

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

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

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

24 A. IDOT's area of liability.

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

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

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

7           A. Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 A. Correct.

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

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

3 A. Correct.

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

7 A. Yes.

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

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

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

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

21 Q. What percentage did you come up with?

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

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

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

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

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

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

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

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

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

15 A. Correct.

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

18 A. He did a number of things.

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

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

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

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

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

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

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

17           A.    No.

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

20           A.    Okay.

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

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

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

1           A.    This runs along the northwest portion of  
2 Site 3 within the area defined as the right-of-way  
3 of 0393, but outside of the area that the Board --  
4 outside the borings that the Board attributed to  
5 IDOT.

6           **Q.    And how did you treat the cost associated**  
7 **with the ramp gas bucket?**

8           A.    I applied no cost to IDOT, outside of the  
9 Board's ruling of the borings that IDOT is liable  
10 for.

11          **Q.    And do you know what the costs were for**  
12 **the ramp?**

13          A.    The cost associated with the ramp was  
14 20,880.

15          **Q.    What are you looking at?**

16          A.    I am looking at page -- Exhibit 205-515,  
17 because of the redrawing of the site map.

18                HEARING OFFICER HALLORAN:  Hold on a second,  
19 Mr. Gobelman.

20                               (Pause)

21 BY MS. O'LAUGHLIN:

22          **Q.    I am not exactly sure where we left off.**

23          A.    I was stating that the ramp cost was --  
24 the total ramp cost to JM was \$20,880.

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

3           A.    No.

4           **Q.    And why?**

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

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

12          A.    No.

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

14          A.    Yes.

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

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

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

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

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



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

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

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

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

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

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

19          HEARING OFFICER HALLORAN: Ms. O'Laughlin?

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

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

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

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

3 MS. BRICE: This is a new opinion.

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

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

11 MS. BRICE:

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

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

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

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

23 BY MS. O'LAUGHLIN:

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

1 A. Yes.

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

6 A. No.

7 Q. And why?

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

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

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

15 (Said record was read.)

16 BY MS. O'LAUGHLIN:

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

22 A. Correct, the cost percentage.

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

1           A.    Okay.

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

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

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

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

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

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

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

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

1 **attribution?**

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

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

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

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

14 Q. Which totals that amount?

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

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

18 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13          A.    27,707.

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

16          A.    Yes.

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

20          A.    Correct.

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

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

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

3 **Q. And why halfway?**

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

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

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

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

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

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

22 A. Correct.

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



1           A.    Yes.

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

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

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

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

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

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

22          **Q.    Okay.**

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

1 **this.**

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

5 (A recess was taken.)

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

9 BY MS. O'LAUGHLIN:

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

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

20 A. Yes.

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

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

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

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

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

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

12 A. Yes.

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

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

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

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

1 A. Yes, I agree.

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

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

8 A. Yes.

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

11 A. Okay.

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

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

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

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

22 A. 1,476,454.

23 Q. Where did that number come from?

24 A. That comes from the addition of all the

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

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

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

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

11 Do you see that?

12 A. Say that again?

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

14 A. Yes.

15 Q. General site/site preparation?

16 A. Yes.

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

19 A. Yes.

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

22 What does the total IDOT attribution  
23 represent?

24 A. The cost for the construction services

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

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

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

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

10 A. Okay.

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

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

18 **Q. Okay.**

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

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

1 to it, and recalculating it by hand.

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

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

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

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

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

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

18 A. Yes.

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

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

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

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

5 A. Yes.

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

10 Do you see that?

11 A. Yes.

12 Q. How did you arrive at 5.5 percent?

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

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

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

23 Q. Okay.

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



1 and then it would be the same calculation.

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

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

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

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

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

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

18 A. Yes.

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

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

21 Q. No.

22 A. I'm sorry 44,403.

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

1 of 8.8 percent?

2 A. Correct.

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

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

6 Q. And then you applied that percentage?

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

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

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

15 A. Yes.

16 Q. Where is that?

17 A. 204-110.

18 Q. 204-110?

19 A. Yes.

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

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

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

8           A.    Correct.

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

11          A.    74.2 percent.

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

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

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

19          A.    Correct.

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

23          A.    Correct.

24          Q.    Okay.  So, that general methodology was

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

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

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

9 A. Yes.

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

13 A. Yes.

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

16 A. Correct.

17 Q. Okay. What are those?

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

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

1 amount?

2 A. 6,776.

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

6 Am I reading that right?

7 A. Correct.

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

11 A. Correct.

12 Q. Same methodology, different percentage?

13 A. Correct.

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

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

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

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

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

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

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

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

5 **Q. Right.**

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

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

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

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

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

1 attributed to IDOT was 190,281.

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

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

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

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

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

18 **Q. Okay.**

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

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

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

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

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

6 A. 47.5 percent.

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

9 A. Yes.

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

12 A. Correct.

13 Q. And came up with?

14 A. 8,333.

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

17 A. Yes, correct.

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

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

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



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

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

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

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

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

15 A. Correct.

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

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

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

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

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

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

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

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

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

8           A.    I attributed 153,385.

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

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

13          **Q.    And what was dewatering?**

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

16          **Q.    Frack?**

17          A.    Frack was not attributed to IDOT.

18          **Q.    Filling and capping?**

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

20          **Q.    General site/site preparation?**

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

22          **Q.    Health and safety cost?**

23          A.    Health and safety was 6,776.

24          **Q.    USEPA oversight cost?**

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

2 Q. Legal support?

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

5 Q. And all of those were how much?

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

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

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

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

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

17 HEARING OFFICER HALLORAN: Nobody leave the  
18 room.

19 (Recess taken.)

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

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

1 Thank you.

2 (Recess taken.)

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

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

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

12 CROSS-EXAMINATION

13 BY MS. BRICE:

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

17 A. Correct.

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

20 A. Yes.

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

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

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

5 Do you remember testifying on that day?

6 A. No.

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

9 A. Yes.

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

13 A. Yes.

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

20 "Do you recall that?

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

23 "Question: A 100 percent certainty?

24 "Answer: Same thing.

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

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

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

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

9           A. Correct.

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

13          A. I don't recall.

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

17          A. Yes.

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

20          A. Yes.

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

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

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

6           A.    Yes.

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

9           A.    Yes.

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

12          A.    Yes.

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

15          A.    Yes.

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

17          A.    Correct.

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

20          A.    Yes.

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

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

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

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

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

10 Gobelman 1 is dated --

11 HEARING OFFICER HALLORAN: Exhibit 29?

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

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

16 HEARING OFFICER HALLORAN: Yes, they are right.

17 BY MS. BRICE:

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

20 A. Yes.

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

23 A. Correct.

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



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

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

5 "Question: Okay. What does that mean?"

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

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

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

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

15 "Answer: The approach is correct."

16 Do you see that?

17 A. Yes.

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

20 A. Correct.

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

1 isn't that true?

2 A. Yes, correct.

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

6 A. He rebutted the report, yes.

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

9 BY MS. BRICE:

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

13 A. Yes.

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

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

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

22 A.: Yes, I allocated more costs.

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

1 November 7th, 2018.

2 This is a supplemental report, correct?

3 A. Correct.

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

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

9 Q. It changes your matrix, right?

10 A. Yes.

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

13 A. Yes.

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

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

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

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

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

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

3 BY MS. BRICE:

4 Q. 229D-31.

5 A. Okay.

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

10 A. Yes.

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

14 "Answer: Yes."

15 A. Yes.

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

19 A. Correct.

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

22 A. That's correct.

23 Q. How long did you work for IDOT?

24 A. 22 years.

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

3 A. Correct.

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

6 A. They are a client.

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

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

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

13 A. No.

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

17 A. I think so, yes.

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

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

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

1 management of your project."

2 Do you see that?

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

4 Q. Page 50, line 10.

5 A. Okay.

6 Q. Do you see that?

7 A. Yes.

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

10 A. No.

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

13 A. No.

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

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

19 Do you see that?

20 A. Yes.

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

1 that right?

2 A. No.

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

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

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

12 Do you see that?

13 MS. O'LAUGHLIN: Where are you?

14 BY MS. BRICE:

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

16 A. Yes.

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

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

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

24 A. I don't recall.

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

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

7 Do you see that?

8 A. Yes.

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

10 A. Yes.

11 Q. Tell me what they are.

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

14 Q. What are the factors?

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

16 Q. You don't know?

17 A. No, I don't recall.

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

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

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



1 in part; is that accurate?

2 A. Yes.

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

4 A. Yes.

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

7 A. No.

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

11 MS. O'LAUGHLIN: Objection.

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

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

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

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

20 BY MS. BRICE:

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

23 A. No.

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

1 is this?

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

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

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

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

13 Q. And that they are reasonable?

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

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

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

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

22 A. What?

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

1 A. Yes, I agree.

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

4 A. Yes, I used the same allocation.

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

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

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

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

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

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

20 A. Correct.

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

23 A. How I attributed costs.

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

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

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

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

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

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

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

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

24 "Answer: Yes.

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

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

4           Do you see that?

5           A. Yes.

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

10          A. Yes.

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

13          Do you see that?

14          A. Yes.

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

18          A. Yes.

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

21          A. I'm sorry?

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

24          A. Yes.

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

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

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

10          **Q. You described your methodology for coming**  
11 **up with the opinions in your report as percent of**  
12 **impact versus the area; isn't that right?**

13          A. I don't know if I said that.

14          **Q. If you want to take a look at your first**  
15 **deposition again on page 45, and I'm going to line**  
16 **12, and it says, in response to, "okay. What did**  
17 **you tell -- I'm looking at this as dealing with the**  
18 **cost allocation using percentage of impact versus**  
19 **the area."**

20                 **Do you remember that?**

21          A. I don't remember it, but it's written.

22          **Q. Do you dispute that you said that?**

23          A. If it's written, I don't.

24          **Q. You say, "This method accounts only for**

1 the area that the Board specifically identified."

2 Is that right?

3 A. I don't recall.

4 Q. Okay. Let's go back to 45 and at line 15  
5 it says, "And why is that? Why did you decide to  
6 use percentage impact?

7 "Answer: To me, it was a change to be an  
8 appropriate way of looking at things, as far as if  
9 there are specific areas that the Board should rule  
10 that IDOT is liable for.

11 "IDOT should only be accounting for that  
12 area impacted within their area." Do you see that?

13 A. Yes.

14 Q. Can you please provide me with a treatise,  
15 or any form of peer reviewed literature, that  
16 discusses this impact methodology?

17 A. Not off the top of my head.

18 Q. In fact, you didn't look at how courts  
19 allocate response costs in environmental cases  
20 before writing your report, did you?

21 A. I did not look at any court papers.

22 Q. Well, that wasn't my question. My  
23 question is: You didn't look at how courts allocate  
24 response costs in environmental cases, did you?

1 A. I didn't review any.

2 Q. And you didn't think to look at other ways  
3 to approach cost attribution in the case; isn't that  
4 right?

5 A. I don't know.

6 Q. Okay. Turn to page 46 in your first  
7 deposition. We're going to line 3, and it says,  
8 "And how does -- did you consider any other  
9 approaches, other than looking at what you described  
10 as a percentage in task?"

11 "Answer: No. I don't think I came up  
12 with any other approaches."

13 Do you see that?

14 A. Yes.

15 Q. Okay. Let's take a more granular look at  
16 your methodology. You seem to limit your IDOT Areas  
17 of Liability to areas immediately surrounding soil  
18 borings specifically identified by the Board as  
19 being attributed to IDOT; is that right?

20 A. Yes.

21 Q. So, let's just take one short example.  
22 Turn to 207-5 in your supplemental record. I want  
23 to direct your attention to the North Shore Gas  
24 line, the section on Site 6.



1           You come up with 72 linear feet is the  
2 IDOT responsibility, because the North Shore gas  
3 line on Site 6 only touches boring 4S; is that  
4 correct?

5           A.    No.

6           Q.    No? Okay. You want to tell me how that  
7 is not the case?

8           A.    I state that it's around soil location 4S.

9           Q.    And on the next page, it says, "It is just  
10 east of soil sample 4S"; is that right?

11          A.    Yes.

12          Q.    And your opinion doesn't consider  
13 causation, does it?

14          A.    No.

15          Q.    And it doesn't consider what would  
16 actually be describing USEPA's choice of remedy,  
17 does it?

18          A.    No.

19          Q.    You've read the enforcement action,  
20 correct?

21          A.    Correct.

22          Q.    And it focused on corridors for  
23 underground utilities to ensure the utility workers  
24 were not later exposed to asbestos, correct?

1 A. Correct.

2 Q. So, it was not just concerned with  
3 asbestos around a single bore, was it?

4 A. As far as what JM had to do is resolve the  
5 bore and and what is the significance of IDOT.

6 I'm trying to figure out --

7 HEARING OFFICER HALLORAN: We've gone all  
8 afternoon. This is the same setup.

9 MS. O'LAUGHLIN: Can we go off the record?

10 HEARING OFFICER HALLORAN: We're off the  
11 record.

12 (Discussion off the record.)

13 BY MS. O'LAUGHLIN:

14 Q. I'm talking about the enforcement action  
15 memorandum itself, okay?

16 It was focused on creating clean corridors  
17 around underground utilities, to ensure the utility  
18 workers were not later exposed to asbestos. And you  
19 said, "Yes.

20 And then I said, "So 'it'" meaning the  
21 enforcement action memorandum, "was not just  
22 concerned with asbestos around a single boring, was  
23 it?"

24 A. Correct, but it involved all impacts of

1 asbestos that were attributed to Johns Mansville,  
2 and I'm only looking at the asbestos that are  
3 attributed to -- that IDOT is responsible to.

4 MS. BRICE: I move to strike as nonresponsive.

5 BY MS. BRICE:

6 Q. I think I heard you say earlier in this  
7 case that you are not an expert in AutoCAD; is that  
8 correct?

9 A. Right.

10 Q. And you've only, as I understand it,  
11 played around with it in dealing with simple stuff;  
12 is that right?

13 A. In essence, yes.

14 Q. But your expert reports for the base of  
15 this case relied heavily on base maps and figures  
16 created in AutoCAD, correct?

17 A. Correct.

18 Q. And you relied on Mr. Nguyen, and I'll  
19 spell that for you, Court Reporter. It's  
20 N-g-u-y-e-n. To use autoCAD cast to mark the map  
21 configures in your report; is that right?

22 A. He did the AutoCAD for me, yes.

23 Q. If you could turn to 229S, right after --  
24 actually, after 204, and a few back behind that,

1 229S-377.

2 A. Okay.

3 Q. Okay. Have you seen this document before?

4 A. Not before the hearing.

5 Q. Not before this hearing? So, you weren't  
6 given a copy of this document at any point in time?

7 A. This document as it exists on paper here,  
8 no.

9 Q. Okay. Were you given, at a certain point,  
10 an AutoCAD -- like a thumb drive that had AutoCAD  
11 drawings on it in an AutoCAD file, an DWG file, that  
12 had been given to JM -- to IDOT's counsel?

13 Were you given that?

14 A. I don't believe so.

15 Q. Okay. I believe earlier in the hearing  
16 there was some testimony that that wasn't provided  
17 before you wrote your expert report.

18 Do you recall that?

19 A. Yes.

20 Q. Okay. Is that your recollection?

21 A. Yes.

22 Q. Okay. I would like to mark Exhibit 66-99,  
23 which also happens to be Exhibit 205-46. I have it  
24 here on the Board, and I'll hand this to you,

1 Mr. Gobelman.

2 (Said document was marked as  
3 Exhibit No. 6699 for  
4 identification.)

5 BY MS. BRICE:

6 Q. This is a document that you used in your  
7 expert report, correct, 205-46?

8 A. Yes.

9 Q. And you used it to -- tell us what you  
10 used it for?

11 A. I used it to deal out the lateral  
12 locations of 1S through 9S in Site 6.

13 Q. Okay. I would like you to turn that  
14 document on its side and tell me if this is an  
15 AutoCAD document, does it have a DWG reference on  
16 it?

17 A. Yes.

18 Q. Okay. So, you had this AutoCAD document  
19 in your possession, prior to writing your first  
20 report, Exhibit 205; is that right?

21 A. I did not have the AutoCAD document in my  
22 possession when I wrote the first report.

23 Q. You had that document --

24 A. I had a pdf of the document in the report.

1 Q. Right. But you knew that that was an  
2 AutoCAD-generated document, because it said it was  
3 it an DWG file, correct?

4 A. Yes.

5 Q. And did you ask right away, "Hey, can I  
6 get these auto cad files"?

7 A. No.

8 Q. If you could turn to 225 in your binder,  
9 please, and I will represent for the record that  
10 these are also actually -- hold on, let me back up.  
11 I might be confusing things.

12 It's in the binder that we gave to you,  
13 Mr. Gobelman's binder. Actually, let's just stay  
14 with 66. I think they are in this document as well,  
15 which has already been admitted. Okay?

16 So, there are --

17 A. Where am I supposed to be?

18 Q. I want you to look at Exhibit 66-73,  
19 66-99, 66-74 and 75. Okay? So, these are  
20 Exhibits 66.

21 I'll represent, for the record, these are  
22 from that same document for the remedial actual work  
23 Plan Revision 2, which you used one of them in your  
24 reports.

1           And then if you turn to 225, this is also  
2 from that report, I will represent for the record,  
3 and it does not have a Bates number on it, but it is  
4 from that same report, and you can see the Bates  
5 number for Exhibit 225-1110. Okay?

6           Do you see these documents? Are these  
7 AutoCAD documents?

8           A. All the pdfs in all the reports are  
9 AutoCAD documents.

10          Q. So, these were in your possession at the  
11 time you wrote Exhibit 205?

12          A. I had in my possession the pdfs that were  
13 in the report, yes.

14          Q. That were generated in AutoCAD, correct?

15          A. They were generated by somebody else in  
16 AutoCAD, yes.

17          Q. Let's talk about your two pages back.  
18 First, let's turn to 205-22, which is your initial  
19 base map.

20          MS. BRICE: Mr. Halloran, all of these are in  
21 that binder that we gave you. Everything that I'm  
22 talking about should be in that binder. Okay?

23 BY MS. BRICE:

24          Q. So, Exhibit 205-22 is your initial base

1 map; is that correct?

2 A. Yes.

3 Q. Okay. And then turn the page to 207-13,  
4 which is the supplemental base map; is that correct?

5 I believe you testified about this  
6 extensively earlier.

7 A. Yes.

8 Q. So, these two base maps, as I understand  
9 it, serve as a foundation for the figures that  
10 follow them in each of the respective reports; is  
11 that right?

12 A. Yes.

13 Q. So, all of your attribution opinions are  
14 tied to these base maps and figures, correct,  
15 understanding that 207 trumps 205 in certain  
16 situations?

17 A. Yes.

18 Q. So, it follows, then, does it not, if your  
19 base map and figures are inaccurate, then  
20 calculations you made, based been inaccuracies, are  
21 also inaccurate; isn't that the case?

22 A. It would be different, yes.

23 Q. Okay. Stick with 205-22 for a moment.  
24 You testified earlier at the first hearing you



1 determined various maps and the records did not line  
2 up; is that right, in the first report?

3 A. Yes.

4 Q. In fact, you concluded that the maps the  
5 Board relied on, in determining where IDOT was  
6 liable at the first hearing, were inaccurate; isn't  
7 that right?

8 A. I didn't make any proof of inaccuracy. I  
9 was just saying they weren't consistent in the way  
10 they lined up.

11 Q. Okay. Well, let's go to your deposition,  
12 the first deposition on page 63, and then line 10,  
13 please.

14 The question is: "Based upon your opinion  
15 in this report, your current report, you're saying  
16 that the maps the Board was using to render its  
17 opinion were not accurate?"

18 "Answer: If you are utilizing my base  
19 map, then yes, those maps would -- I would have  
20 deemed them as being inaccurate." Do you deny  
21 saying that, sir?

22 A. Yes.

23 Q. And those maps relied upon by the Board  
24 were based on materials submitted by AECOM to USEPA,

1 correct?

2 A. Yes.

3 Q. And approved by USEPA, United States  
4 Environmental Protection Agency?

5 A. Yes, they were approved.

6 Q. And, nonetheless, you and your colleague,  
7 Mr. Nguyen, decided to create your own new maps from  
8 scratch; isn't that right?

9 A. No.

10 Q. Okay. Turn to page 55 of your deposition,  
11 please, the first deposition, and I am on line 5,  
12 page 55, line 5.

13 I'm sorry, it's actually line 3. "What is  
14 your point you're trying to make here in  
15 Section 5.1?

16 "In essence, the point is without having a  
17 base map that I can depend on, I created one, in  
18 essence, from scratch, based upon the information  
19 from various reports, because the rest of my  
20 dealings was going to be based upon that base map  
21 and I needed to have it as accurate as I thought it  
22 could be."

23 Do you deny saying that in your  
24 deposition?

1 A. No.

2 Q. And you've never created a base map  
3 before, have you?

4 A. I'm not sure what context you are using as  
5 "creation."

6 Q. Well, it's something you've never done  
7 before creating your own map -- let me ask it this  
8 way: Have you ever created a map just on features  
9 and boundaries on a property that USEPA has already  
10 approved a map where those features and boundaries  
11 have been placed?

12 A. Not that I remember.

13 Q. Let's look at 205 -- to base map 205-22.  
14 Sorry, I apologize.

15 Let's go to 202, which we talked about a  
16 lot, and this is further back in the middle section  
17 of the binder.

18 A. What was that again?

19 Q. 202. Are you there, Mr. Gobelman?

20 A. Yes.

21 Q. Okay. What is this document, sir?

22 A. The document that I created that would  
23 show the areas where asbestos-containing material  
24 was found throughout the site.

1 Q. And this is from the first hearing,  
2 correct?

3 A. Yes.

4 Q. This was presented to the Board as  
5 evidence in the first hearing?

6 A. Correct.

7 Q. After the Board issued its decision, you  
8 determined this very same map was inaccurate,  
9 correct?

10 A. I determined that Site 3 depicted in this  
11 map didn't line up with other information that I had  
12 regarding the boundaries in Site 3.

13 Q. Okay. Let's go back to 205-22, which is  
14 the base map.

15 Would it be helpful for me to put it up on  
16 the easel?

17 HEARING OFFICER HALLORAN: Sure.

18 BY MS. BRICE:

19 Q. 205-22 is the original base map from the  
20 first report?

21 A. Yes.

22 Q. On this map that you created, I believe  
23 you testified that you used the northern boundary on  
24 Site 3 from where it was located on the map used in

1 the first hearing, including 202, about 10 feet to  
2 the north; is that correct?

3 A. I moved the boundary to the north because  
4 the three maps that I compared to didn't have good  
5 relationships to each other; and, therefore, I moved  
6 -- I decided in order to allocate the cost, I would  
7 just use the end line of Site 3 as the boundary of  
8 Site 3.

9 Q. Okay. The question is more simple than  
10 that. You moved -- turn to 202. On 205-22 you  
11 moved the northern boundary about 10 feet to the  
12 north, correct?

13 A. Correct.

14 Q. As I understand it, and you just said you  
15 moved it to where you thought it would co-exist with  
16 a fence that you claim you saw on a Google image; is  
17 that right?

18 A. Yes.

19 Q. But you weren't sure that that was exactly  
20 accurate, were you, about it being co-extensive --  
21 the northern boundary being co-extensive with the  
22 fence line?

23 You weren't 100-percent sure that that was  
24 accurate, were you?

1           A.    No, I thought I was accurate, but that is  
2 where I put the northern boundary was on the fence  
3 line.

4           Q.    Okay.  Let's go back to your deposition,  
5 page 58, please.  This is the first deposition  
6 again, and I'm on page 58 line 4.

7                   "The fence line" -- tell me if you are  
8 there.

9           A.    I am.

10          Q.    Okay.  "The fence line is demarking" --  
11 this is your answer, "The fence line is demarkating  
12 that somewhere inside that fence line of Site 3.  
13 Whether it's accurate that the boundary of Site 3 is  
14 actually on the fence line, there is no information  
15 on that.

16                   "Question:  Okay.

17                   "Answer:  I'm just making that as an  
18 assumption, and I'm making it to Site 3 is the fence  
19 line."

20                   Did you say that?

21          A.    Yes.

22          Q.    Okay.  And then just for -- let's just go  
23 to page 60, also, and then lines 4 through 9.  So,  
24 "Answer:  The assumption that I'm making is that the

1 fence encompasses Site 3.

2 "Question: Encompasses is different from  
3 being on Site 3 boundary, though.

4 "Answer: It can be on the GAFK site  
5 re-boundary. I don't know."

6 Do you see that?

7 A. Yes.

8 Q. Even though you didn't know, you put it  
9 there anyway, didn't you?

10 A. Yes, at the time it was a bad  
11 representation.

12 Q. And you then tied the location of many  
13 Site 3 boundaries, such as boring locations, to this  
14 new northern boundary of Site 3 on 205-22; isn't  
15 that right?

16 A. Yes.

17 Q. 205-22 wasn't your first draft of your  
18 base map, for the second base map?

19 A. I don't recall.

20 Q. Let's look at 221 in your binder. Do you  
21 see this?

22 A. Yes.

23 Q. Okay. What is this document?

24 A. I believe it was a pdf that we had laid

1 into the site.

2 Q. Okay. So, this is a document -- I'll note  
3 to the bottom it says, "SG003644."

4 So, this was produced by you, correct?

5 A. I guess. I don't know.

6 Q. But it says "Andrews Engineering" on it,  
7 does it not?

8 A. Yes.

9 Q. Okay. What's the date on there? I  
10 believe it says April 2018. Do you see that?

11 A. Yes.

12 Q. Okay. And that's before your first  
13 damages report in this case, correct?

14 A. Correct.

15 Q. Okay. And this document has state plane  
16 coordinates on it, does it not?

17 A. Yes.

18 Q. But you didn't use this map, did you --

19 A. That was --

20 Q. Can I finish my question? This is not the  
21 same as 205-22, is it?

22 A. No.

23 Q. Do you know who Don L. Jenkins is?

24 A. No.



1 Q. So, it turns out, as we've discussed, you  
2 made some mistakes when you created 205-22, and  
3 Mr. Dorgan pointed these out.

4 In fact, the northern boundary of Site 3  
5 is not co-extensive with the fence, is it?

6 A. No.

7 Q. Okay. So, everything tied to the northern  
8 boundary in Site 3 was also misplaced on 205-22;  
9 isn't that right?

10 A. The borings within the right-of-way were  
11 tied to the northern boundary of what I would have  
12 called Site 3. So, they were moved. When I moved  
13 it up, it moved up.

14 Q. Okay. So, just to be clear, so everything  
15 you had tied to the northern boundary of Site 3 was  
16 also misplaced on 205-22? It locked it into the  
17 northern boundary?

18 A. The borings within 0393, yes.

19 Q. Let's look at your second base map again,  
20 207-13. This is your corrected base map, right?

21 A. Yes.

22 Q. By correcting the base map, your IDOT  
23 attributions went up, as we previously discussed,  
24 correct?

1 A. Yes.

2 Q. They went from about 489,000 to about  
3 \$600,050, right, roughly?

4 A. Roughly.

5 Q. And that's because when you moved Site 3  
6 boundary north on 205-22, it impacted how much of  
7 the work was tied to the IDOT -- your IDOT area of  
8 liability, correct?

9 A. Yes, it affected some of the areas.

10 Q. Take a look at, just by way of example,  
11 205-26, which is your North Shore Gas Line IDOT area  
12 of liability?

13 A. Yes.

14 Q. And then pull up the same one for 207,  
15 which I believe is 207-17. Are you there?

16 A. Yes.

17 Q. Okay. So, on 205-26, what was the square  
18 footage of your Site 3 IDOT area of liability for  
19 North Shore Gas?

20 A. On 205?

21 Q. 205-26.

22 A. The area on the outside of 0339 --

23 Q. Inside. Inside the green. 3278, do you  
24 see that?

1           A.    Yes.

2           Q.    And is that site 3 IDOT area of liability  
3 square footage for the North Shore Gas Line based on  
4 this map?

5           A.    I believe so.

6           Q.    Okay.  So, then, as we said, going back to  
7 207-17, I would like you to answer the same question  
8 with respect to 207-17.

9                    What is the square footage?

10          A.    The square footage that I'm attributing to  
11 IDOT is -- it looks like 4271.  That is also I'm  
12 assessing a larger area beyond the D326, were in the  
13 original photo, the allocation for IDOT ended prior  
14 to D326.

15          Q.    Right.

16          A.    The area becomes larger, because of the  
17 way that is allocated.

18          Q.    But it becomes larger because of what  
19 changes you had to make in the map because in the  
20 first map, it was a smaller area of liability; but  
21 after you made the change, it was a larger area of  
22 liability, correct?

23          A.    Yes, it changed.

24          Q.    Now, I have a question here:  Once you

1 realized you needed to correct your initial base map  
2 205-22, you didn't go back to Exhibit 202 from the  
3 first hearing, did you?

4 A. No.

5 Q. You didn't begin anew with other maps from  
6 the first hearing, right?

7 A. Yes.

8 Q. Instead you used 205-22 as your starting  
9 point, and that had Mr. Nguyen make some changes to  
10 it; is that accurate?

11 A. I changed the location of the  
12 right-of-way.

13 Q. Okay. And anything tied to the northern  
14 boundary of Site 3; isn't that correct?

15 A. It applied -- it moved the northern  
16 boundary of Site 3 south ending.

17 Q. Right. But you started with 205-22. You  
18 didn't start with a new map and go back and create  
19 something new.

20 You just started with 205-22 and moved  
21 things at 205-22 to come up with 207-13?

22 A. Correct.

23 Q. As I understand it, you don't have an  
24 opinion at this point on the accuracy of the AECOM

1 maps contained in the final report; is that right?

2 A. I don't have an opinion regarding the map  
3 on the final report.

4 Q. So, for creating these base maps, and I  
5 think you described it in 205, is that correct, the  
6 sources you relied upon?

7 A. Yes.

8 Q. Okay. I'm just going to -- if you want to  
9 turn to 205-7, it might make it easier for sake of  
10 reference. Okay?

11 So, I have it here. You say that you used  
12 a legal description to plot parcel 0339; is that  
13 right?

14 A. Yes.

15 Q. And you used the IDOT as-built to plot the  
16 stationing; is that correct?

17 A. Correct.

18 Q. And you used ELM-15, which is 205-45, to  
19 plot the site 3 borings, correct?

20 A. Yes.

21 Q. And you used AECOM map 66-99, which we had  
22 up on the board here. You used that one to plot the  
23 site 6 borings; is that correct?

24 A. Yes.

1 Q. Okay. You also used that document to plot  
2 and scale the northeast excavation, right? I think  
3 that is on 205-8 up at the top.

4 A. Yes.

5 Q. And you used Mr. Dorgan's Figure 1, which  
6 is 204-38, that we talked about a lot in this case,  
7 to plot the AT&T line, right?

8 A. Correct.

9 Q. And, finally, you used AECOM's final site  
10 survey to plot the North Shore gas line, the  
11 Waukegan waterline and the Nicor waterline; is that  
12 correct?

13 A. Correct.

14 Q. And you used the same sources for both  
15 maps, Exhibit 205-22 and 207-13; is that right?

16 A. Correct.

17 Q. But you admit that some of these sources  
18 are inconsistent with one another, do you not?

19 A. The layout of Site 3 was inconsistent  
20 among the maps, yes.

21 Q. Let's turn to 205-43. Actually, I think  
22 it's 205-42. I apologize.

23 What is this document showing?

24 A. The layout I had created showing the site

1 3 layout based upon the final report, based on the  
2 northern easement that we had for the corners, the  
3 layout of the Atwell survey, and the layout of  
4 Mr. Dorgan's Site 3 limits.

5 Q. So, the point of this was to show certain  
6 of these maps were inconsistent with one another,  
7 right?

8 A. Yes, I made the assumption originally that  
9 the Atwell survey had to be more accurate than the  
10 others.

11 Q. Okay. But you used Dorgan 1 for the AT&T  
12 lines, right?

13 A. It is the only map that I had to show  
14 where the AT&T lines were.

15 Q. I believe that the document that you have  
16 right there shows some of the 205-46. So, this  
17 shows some of the AT&T line?

18 A. It shows some communication line.

19 Q. Okay, thank you. So, you used the Dorgan  
20 one for the AT&T line, and you used the AECOM final  
21 site report for the location of the Nicor line, the  
22 North Shore gas line and the City of Waukegan line  
23 that's is green on this 205-42, correct?

24 A. Yes, but I also would represents this map

1 of 205-46 only shows the partial area of Site 3, and  
2 not the entire area of Site 3, where all  
3 communication lines come in.

4 Q. Right. I understood. But I think when I  
5 showed you the rest of 66 previously, and the record  
6 will reflect what it reflects, but I believe the  
7 AT&T lines are shown throughout 66, which you  
8 testified to previously that you had in your  
9 possession prior to drafting your expert report.

10 So, my point is that you used, to create  
11 your base map, the red line for some of your -- to  
12 locate certain things, and the green lines to locate  
13 some certain things, which you say are inconsistent  
14 with one another; is that right?

15 A. The location layout of Site 3 doesn't line  
16 up with each other.

17 Q. Go back to 205-22, please. If you read in  
18 the legend, I can bring it up here to you, it says  
19 -- what does it say under No. 2? If you could read  
20 the legend No. 2 to me.

21 A. It says, "IDOT right-of-way 0393, land  
22 acquisition legal description and Atwell plat of the  
23 property surveyed July 22nd, 2018."

24 Q. Okay. And the Atwell -- hand me that



1 back. You are referencing Exhibit 205-22, correct?

2 A. Exhibit 205-22, yes.

3 Q. And on looking at the three lines, the  
4 three Site 3 boundaries, the Atwell map is included,  
5 correct? That was 205-42?

6 A. Yes.

7 Q. Okay. Can you please provide your answer  
8 again, Mr. Gobelman?

9 Does the Atwell on 205-43 have the Atwell  
10 plat? 205-42.

11 A. Yes.

12 Q. Turn the page to 205-43, please, I believe  
13 you testified earlier, I'm not sure, that your map  
14 is this black dotted, the dashed line; is that  
15 correct?

16 A. I believe so.

17 Q. Okay. And that doesn't line up with the  
18 northern or eastern boundary on any of these other  
19 maps identified on 205-43, does it?

20 A. No.

21 Q. When creating a map from different  
22 sources, you need a common point of reference,  
23 right?

24 A. You need to be able to tie it into to

1 something to make it work right.

2 Q. So, do you need a common point of  
3 reference?

4 A. Ideally, it would be nice that all the  
5 figures had the same plat that you could tie into.

6 Q. Okay. Let's turn to your deposition at  
7 page 85, please, line 8. Again, this is your first  
8 deposition.

9 HEARING OFFICER HALLORAN: What page again?

10 MS. BRICE: 85.

11 BY MS. BRICE:

12 Q. The question is: "What's the reference  
13 that you -- well, would you agree you need to have a  
14 similar reference point in order to prepare  
15 different maps?"

16 "Answer: Uh-huh."

17 "Question: Right?"

18 "Okay."

19 Then the court reporter said, "Is that a  
20 'yes'?" And the witness says, "Yes. Sorry."

21 Do you see that?

22 A. Yes.

23 Q. Do you deny saying that in your  
24 deposition?

1 A. No.

2 Q. But you agree that Dorgan Figure 1 lacks a  
3 common point of reference with your base map? Do  
4 you remember talking about that?

5 A. No.

6 Q. Okay. Would you agree that Dorgan  
7 Figure 1 lacks a common point of reference with your  
8 base map?

9 A. Yes.

10 Q. Yet you used this to plot the AT&T line,  
11 correct?

12 A. Yes.

13 Q. I understand that you believe the most  
14 reliable way to plot the property is to GPS them in;  
15 is that right?

16 A. Yes, it's creating maps at the  
17 northeastern coordinates. It would be an accurate  
18 way of producing where they are at.

19 Q. What I asked is: The most reliable way to  
20 determine property boundaries is to GPS them in?

21 Is that something you believe?

22 A. I believe it's an accurate way of  
23 depicting --

24 Q. Is it the most reliable way?

1 A. I never compared reliability.

2 Q. Turn to page 79 in your deposition, and  
3 starting at line 17, and the question is: "Is there  
4 a more reliable way to determine property boundaries  
5 than this sort of manual overlay in CAD?"

6 "Objection, vague and ambiguous.

7 "THE WITNESS: Well, if I have to -- I  
8 mean, in dealing with properties, you have legal  
9 descriptions that define the property boundaries,  
10 you can GPS them in to obtain corners and running a  
11 line down, determining what they are.

12 "Okay. Did you do that here?"

13 "No."

14 Do you see that there, sir?

15 A. Yes.

16 Q. So, you didn't do that here, right, using  
17 the GPS?

18 A. No.

19 Q. When you prepared your initial base map,  
20 you used the CQM, which is Christopher Quail Mary  
21 final site survey; is that right?

22 You can turn to 205-45 right there.

23 Sorry, 47.

24 A. Okay.

1 Q. Okay. And you used this to place your key  
2 site figures, correct?

3 A. I believe so.

4 Q. Okay. This is attached to your report,  
5 right?

6 A. Yes.

7 Q. So, there are northings,  
8 n-o-r-t-h-i-n-g-s, and eastings, e-a-s-t-i-n-g-s, on  
9 this survey; isn't that correct?

10 A. Correct.

11 Q. And where are those northings and eastings  
12 on this document? Can you please describe it for  
13 me?

14 A. The northern easements are shown at the  
15 corners of Site 3.

16 Q. Okay. And these were likely GPS'd in,  
17 then, I take it?

18 A. I would assume so.

19 Q. But you didn't rely on these GPS  
20 coordinates to geo locate the northern boundary of  
21 site 3, did you?

22 A. I utilized those coordinates in comparing  
23 it to the Atwell survey.

24 Q. That's not my question. You didn't use

1 these coordinates to create your northern boundary  
2 for Site 3 on 205-22, correct?

3 A. Correct.

4 Q. The Board's description -- the Board's  
5 decision, excuse me, describes IDOT's areas of  
6 liability? Scratch that. Sorry.

7 So, in some instances, the Board  
8 identified certain boring locations in its decision,  
9 correct?

10 A. Yes.

11 Q. So, the placement of the borings on your  
12 map is important, right?

13 A. Yes.

14 Q. Okay. Let's just turn back a couple pages  
15 to 205-45. What is this document?

16 A. It's a Figure 15 soil boring locations for  
17 Site 3. It is Figure 15, soil boring location map  
18 Site 3 from an ELM Consulting report.

19 Q. And this is a draft document, is it not?

20 A. Yes.

21 Q. And this is a document you used to locate  
22 your Site 3 borings, right?

23 A. Yes.

24 Q. And this document says it's approximate

1 boring locations. Does it not say that?

2 Down there under legend, "Approximate  
3 location." Do you want to blow it up?

4 "Approximate locations of surface and  
5 subsurface characterization boundary lines." Do you  
6 see that?

7 A. Yes.

8 Q. He was pointing out that it says -- it  
9 doesn't say "Approximate locations of boring  
10 locations." It says, "Approximate locations of  
11 surface and subsurface characterization boundary  
12 lines."

13 So, it's an approximate location of the  
14 Site 3 boundary; is that right?

15 A. I'm not sure what it's representing.

16 Q. But you used this document?

17 A. Correct.

18 Q. And it doesn't have GPS locations on it,  
19 does it?

20 A. No.

21 Q. And it doesn't have grid -- any kind of  
22 grid or state plane coordinates on it, does it?

23 A. It doesn't have state plane coordinates.

24 Q. How about a grid, do you see a grid?

1 Do you see a grid on this piece of paper?

2 A. The borings are gridded at that 50-foot  
3 spacing.

4 Q. Okay. That did not answer the question.  
5 Do you see a grid on this piece of paper?

6 A. Define "grid"?

7 Q. Define a grid? A grid with lines that go  
8 -- or the box that lines can go, you know, up and  
9 down and across horizontal and vertical.

10 A. I do not see horizontal and vertical  
11 lines.

12 Q. And you used this map, I understand,  
13 because you thought this is the best map that  
14 identified Site 3 borings in the record; is that  
15 right?

16 A. I used this map because it gave me  
17 measurable distances between the borings.

18 Q. Okay. Was this the best map that you  
19 could find that has the location of the borings on  
20 it?

21 A. It's the map I used.

22 Q. Okay. Let's go to page 98 of your  
23 deposition, please, and go to line 24. And, again,  
24 we're still on the first deposition.



1 I would like to -- I'm on page 98, down at  
2 the bottom line 24, and I'm going to go up to page  
3 99. It says, "Why did you use ELM-15, given  
4 everything we just talked about, to plot your  
5 borings?

6 "Answer: It was the best map that I could  
7 find that had the locations of those borings."

8 Do you see that?

9 A. Yes.

10 Q. 25-45 and ELM-15, correct?

11 A. I believe so.

12 Q. Take a look back at Exhibit 202, which  
13 we've talked about, which was your map presented at  
14 the first hearing.

15 A. Yes.

16 Q. This map has borings on it, doesn't it?

17 A. Yes, it does.

18 Q. Okay. But you didn't use this map to  
19 create your base map and figures, did you?

20 A. No, because this was just a pdf of a  
21 figure that I had received from Mr. Dorgan's report  
22 submitted. So, there was no geo spatial  
23 representation on the figures. It was just a pdf  
24 scan.

1 Q. Okay. But this is a map that you  
2 presented as evidence to the Board at the first  
3 hearing, to be relied upon by the Board as evidence,  
4 correct?

5 A. I provided this map of a markup of  
6 Mr. Dorgan's map.

7 Q. And you testified about it at the first  
8 hearing, correct?

9 A. The borings and circles contain the  
10 specimen-containing material.

11 Q. And you didn't use this map to generate  
12 your base map and figures. We've already discussed  
13 it, and you said, "Yes." I'm just going to move on.

14 If you can turn to 67, please. If you  
15 turn to 67, you'll see the first page is the Removal  
16 Action Work Plan Revision 4, and I would like you to  
17 go to 67-534, which is six or seven pages in. It's  
18 just an excerpt of the final removal action work  
19 plan.

20 A. Sorry?

21 Q. 57-534?

22 A. 57-534?

23 Q. Yes. This is the final report, final  
24 removal action work plan, prepared by AECOM,

1 correct? Exhibit 67.

2 A. I believe so.

3 Q. It doesn't say "draft" on it, does it?

4 A. No.

5 Q. And this 67534 has boring locations -- B3  
6 boring locations on it, does it not?

7 A. Yes.

8 Q. But you didn't use it, did you?

9 A. No.

10 Q. You just assumed that -- well, strike  
11 that.

12 Let's go back to 205-45, this document  
13 here, Figure 15, ELM-15 that we've been talking a  
14 lot about.

15 I want to talk about how you used this to  
16 plot your Site 3 borings. What is hand scaling?

17 A. Well, given that the boring locations are  
18 50 feet apart from each other, so using that grid  
19 and the measurement from boundaries coming up where  
20 the locations the borings are located.

21 Q. My question is: What is hand scaling?

22 A. It's scaling off of a map and finding out  
23 the distance.

24 Q. So, it's actually measuring distances on a

1 map.

2 So, did you measure your distances to get  
3 your Site 3 boring off of a pdf of 205-45?

4 A. Yes.

5 Q. And did you do that with an engineer  
6 scale?

7 A. Most likely.

8 Q. And, so, did you use the scale here at the  
9 bottom as the scale to determine how far these  
10 borings were from certain points, such as the  
11 northern boundary or the western boundary? I  
12 believe that's what you testified about.

13 A. I believe I would have printed this map in  
14 a larger print page paper-wise, and put it wouldn't  
15 reduce -- it wouldn't mess the scaling, as it's  
16 represented on this figure so that it would be more  
17 accurate in its measurements.

18 Q. Okay. But that's not really my question.  
19 I'm asking what you did do, not what you might have  
20 done or could have done.

21 A. I did it.

22 Q. You know for sure you did that? You  
23 printed it larger?

24

1           A.    I would have printed, you know, this pdf  
2    on a larger piece of paper, not having it scaled,  
3    having no scaling, so that it would be more  
4    accurate, and then measuring from the location where  
5    the borings are located.

6           Q.    Okay. Did you talk about doing it like  
7    that in your report? Is there anything in your  
8    report that says that you blew this document up to  
9    correct for the scale?

10          A.    I didn't discuss in detail how exactly I  
11    did it.

12          Q.    I just want to make sure I understand.  
13    So, if you took this map with these boundaries, and  
14    you measured with whatever scale you used, let's say  
15    -- let's just take a boring location.

16                  Let's just take the third one in on the  
17    top row, third one in from the right. Okay?  
18    Because it's hard to read.

19          A.    Okay.

20          Q.    So, how did you plot that using your  
21    scaling? Can you walk me through that?

22          A.    Well, I would have had to not necessarily  
23    rescale every single location. All I would have to  
24    do is confirm that the boring location, as the scale

1 says within the document, that the location stages  
2 between each boring is 50 feet.

3 So, once you confirm that that spacing in  
4 that top row are 50 feet apart, and that they are in  
5 a -- laterally on the same plane, then you can --  
6 the only thing you need do is scale off and mark and  
7 find the location of one boring, and then everything  
8 else would just lay in.

9 Q. Okay. But didn't you testify, just a  
10 little while ago, that you measured -- from the  
11 northern boundary of Site 3, you would measure down  
12 on the scale, and then you would measure from the  
13 western boundary on the scale to geo -- not geo  
14 locate. To locate the boring on this map; isn't  
15 that what you said?

16 A. I believe so, yes.

17 Q. Okay, thank you. In your supplemental  
18 report, you moved some Site 3 and 6 features, which  
19 we discussed, correct?

20 A. I'm not sure what you are referring to.

21 Q. Okay. Let's turn to 208, please, in your  
22 binder. And this is the expert rebuttal  
23 supplemental report of Douglas G. Dorgan, Jr., on  
24 damages attributable to IDOT. Okay?

1 A. Yes.

2 Q. And I would like you to turn to 208-11.

3 Okay?

4 A. Okay.

5 Q. And this exhibit purports to depict  
6 certain features on sites 3 and 6, correct?

7 A. Yes.

8 Q. And you don't dispute the accuracy of this  
9 figure, do you?

10 A. I didn't have any opinion regarding those  
11 figures.

12 Q. Okay. Let's -- the figure compares where  
13 you place features in your initial August report  
14 with where you place them in your November  
15 supplemental report, and where AE Com and Mr. Dorgan  
16 placed them, correct?

17 MS. O'LAUGHLIN: Objection. This goes beyond  
18 direct examination of Mr. Gobelman. He didn't  
19 reference this document. You can make any point you  
20 want to through her witness.

21 Mr. Dorgan says he doesn't have an opinion  
22 on it, and it's beyond the scope of direct.

23 MS. BRICE: I would like to respond, if you  
24 don't mind. This is actually a critical document,

1 and it has to with the boring locations on Site 6  
2 and site 3, and how they've been changed, how they  
3 don't align with Mr. Dorgan and AE Com's location,  
4 and they talked the whole time about where he put  
5 his boring locations.

6 I don't understand how I can't  
7 cross-examine him on that. Mr. Halloran is going to  
8 speak.

9 HEARING OFFICER HALLORAN: Ms. O'Laughlin, do  
10 you want to respond?

11 MS. O'LAUGHLIN: It's the cross-examination of  
12 Mr. Gobelman of our direct. At any point she wants  
13 to make of Mr. Dorgan in his report, she can do so.

14 Mr. Gobelman already said he hasn't looked  
15 at the document. It's going beyond the direct, and  
16 she can make whatever argument she wants, but it's  
17 not proper.

18 HEARING OFFICER HALLORAN: Ms. Brice?

19 MS. BRICE: I will move on and make my point  
20 with Mr. Dorgan. Before he said he had no opinion  
21 about the document. He did not say he had never  
22 seen the document.

23 HEARING OFFICER HALLORAN: We can move on,  
24 Ms. Brice. Thank you.



1 MS. BRICE: Give me one second.

2 (Pause.)

3 HEARING OFFICER HALLORAN: Go ahead. I'm  
4 sorry.

5 BY MS. BRICE:

6 Q. Let's go to 207-20, please. Tell me if  
7 you're there.

8 A. 207-20?

9 Q. Correct. Okay. Is this generally what  
10 you believe to be the IDOT area of liability?

11 A. In regards to the filling and capping  
12 allocation.

13 Q. Well, the maximum amount of the IDOT  
14 liability, is it depicting that; yes or no?

15 I'm not trying to trick you. That's my  
16 understanding.

17 A. Yes.

18 Q. Okay. So, on Site 3, your IDOT area of  
19 liability involves the eastern portion of 0393,  
20 correct?

21 A. Correct.

22 Q. And you went to B326, because it was the  
23 next cleanest boring, right?

24 A. Right.

1 Q. Okay. And on Site 6, you're going from  
2 just west of 1S to about 4.5S?

3 A. Correct.

4 Q. Was 5S a clean boring?

5 A. No.

6 Q. Was 6S a clean boring?

7 A. No.

8 Q. Was 7S a clean boring?

9 A. I don't believe so.

10 Q. And was 8S a clean boring?

11 A. I don't think so.

12 Q. The soil boring doesn't tell you exactly  
13 how much ACM was located in the spot was taken, does  
14 it? It's more representative?

15 A. It doesn't say anything about anything,  
16 other than visual cues.

17 Q. But you don't know do you how much ACM was  
18 associated with any given soil boring located on  
19 your map, correct?

20 A. Other than what they define as analytical  
21 or basically representative.

22 Q. You need to excavate it to really see what  
23 was there beneath the soil boring, correct?

24 A. A soil boring is a spot location that

1 gives you representation of what is in the area.

2 Q. Can you turn to 207-18, please? Are you  
3 there?

4 A. Sorry, yes.

5 Q. 207-18. So, B350 is located on Site 3,  
6 correct? That was an area that the Board pointed  
7 out that IDOT was liable for?

8 A. Yes.

9 Q. Okay. But in your opinion, in reaching  
10 your attribution, you didn't consider how much  
11 asbestos was below B350, did you?

12 A. No.

13 Q. Okay. And on Site 6, just take 4S, you  
14 didn't take into account the amount of ACM's  
15 analytically work effort were connected to it, did  
16 you?

17 A. I didn't take into account what they  
18 discovered analytically, no.

19 Q. Mr. Dorgan stated in his report that  
20 Mr. Peterson told him that upon excavation, he had a  
21 continuing theme of ACM running from 1S to 8S?

22 MS. O'LAUGHLIN: Objection. It's past  
23 reflection. This was the subject of the offer of  
24 proof.

1 MS. BRICE: I'm getting there.

2 BY MS. BRICE:

3 Q. I'm going to ask you about the photos, but  
4 I'm not waiving my objection, nor am I agreeing that  
5 any of the testimony that you gave about the photos  
6 should be admitted. Okay?

7 Mr. Peterson and Mr. Dorgan discussed  
8 photographs they claimed showed a seam of asbestos  
9 from 1S to 8S, right?

10 A. They discussed there was asbestos  
11 continuing along that line underneath Greenwood  
12 Avenue.

13 Q. And you decided not to opine on this new  
14 evidence in your supplemental report, correct?

15 A. No, my opinion is that the Board ruled  
16 that the Detour Road A was not a part of the IDOT  
17 allocation, which reflected in the original hearings  
18 that we knew there was contamination in 5S through  
19 8S, and the Board did not include those borings in  
20 IDOT's liability.

21 MS. O'LAUGHLIN: Objection. This goes beyond  
22 the direct examination. If evidence about Mr.  
23 Peterson is going to be offered in an offer of  
24 proof, it seems inappropriate and unfair.

1 to have it both ways.

2 If it's an offer of proof, the examination, the  
3 cross, should be an offer of proof. The Hearing Officer  
4 ruled it should not be included and, thus, it's an offer of  
5 proof. Now she's cross-examining him on it.  
6 You can't have it both ways. it's either part of it or it's  
7 not.

8 The substance of my objection is JM objected when  
9 we had questions about his reaction to Mr. Peterson, and the  
10 Hearing Officer ruled against them, and they did it through  
11 an offer of proof.

12 And now counsel for JM is questioning Mr. Gobelman  
13 about that same exact subject that we were limited from  
14 doing. They want it both ways. They want to cross-examine  
15 him on an area that's been specifically excluded. So,  
16 outside the direct examination

17 HEARING OFFICER HALLORAN: You can do an offer  
18 of proof in the examination. That is why I said  
19 originally the offer of proof is the way to cross  
20 exam.

21 MS. O'LAUGHLIN: This cross-examination is done  
22 solely for the offer of proof?

23 HEARING OFFICER HALLORAN: Yes.

24 MS. O'LAUGHLIN: Thank you. It was unclear to

1 me. It's solely for the offer of proof.

2 MS. BRICE: Thank you. I just have a couple of  
3 questions with respect to the offer of proof, and  
4 then I'm going to go outside the offer of proof to  
5 something that we did not object, to which he  
6 testified about. Okay?

7 All I was trying to do is clarify about  
8 the photographs.

9 BY MS. BRICE:

10 Q. You are not offer any opinions about the  
11 photographs in this hearing?

12 You said in your deposition that you were  
13 not going to offer any opinions based upon the  
14 review of the photographs. That's all I'm trying to  
15 establish. I can go to the line and page, if you  
16 want me to.

17 A. Okay.

18 Q. Go to page 26, line 11 through 18.

19 A. 26 is the first dep?

20 Q. 26 is the first dep, line 11 through 18,

21 "Question: What conclusions did you draw from  
22 looking at the photographs?

23 "Answer: I don't know if I actually drew  
24 a conclusion. I was mainly looking to see what

1 types of work was going on in the area in question.

2 "Question: Okay. Are you planning to  
3 offer any opinions based upon review of the  
4 photographs?

5 MS. O'LAUGHLIN: Objection, vague to the  
6 deposition testimony and foundation, and it's not  
7 clear what photos are being referenced in the  
8 deposition.

9 MS. BRICE: If you want to move up, we're  
10 talking about the 10,000 photos. If you look on  
11 page 26, he talks about 10,000 photos, and I said,  
12 "Did you look at every single photograph?"

13 And he said, "Unfortunately." And I  
14 believe earlier he testified about 10,000 photos  
15 with respect to Mr. Peterson.

16 HEARING OFFICER HALLORAN: I do recall that.

17 MS. BRICE: Thank you for the additional  
18 foundation in reference to the photographs. Please  
19 clarify.

20 HEARING OFFICER HALLORAN: Please proceed,  
21 Ms. Brice.

22 BY MS. BRICE:

23 Q. I think we discussed this earlier, and I  
24 read it out of your deposition, but I'm going to

1 just confirm it again.

2 You don't dispute the accuracy of the  
3 figures in Mr. Dorgan's report used -- I'm sorry.  
4 You don't dispute the accuracy of Figures 3 and 4  
5 from Mr. Dorgan's report, other than they didn't  
6 identify the source material; is that correct?

7 A. Can you point me to where his figure is,  
8 so I can look at it?

9 Q. Sure. It would be in 204-40 and 41.

10 A. I believe those were produced in the  
11 original hearing.

12 Q. You're not disputing the accuracy of  
13 either of these documents?

14 A. I have no opinion whether it's being  
15 accurate or not.

16 Q. You are not disputing it, though?

17 A. No.

18 Q. Okay. Sorry, that was outside the offer  
19 of proof in that series of questions. You did  
20 testify about the boring locations.

21 Okay. I just want to ask you a couple of  
22 questions here -- actually, you know what I'm going  
23 to do, I'm going to go to your 202, your document  
24 202.



1           And you explained earlier that detour  
2 road A was this gray line that went from the  
3 southwest to the northeast, correct?

4           A.    Yes.

5           Q.    And on your figure here, Detour Road A  
6 extends into Greenwood Avenue; does it not? It  
7 intersects with Greenwood Avenue?

8           A.    It butts up against Greenwood Avenue, yes.

9           Q.    Okay. But they come together, correct,  
10 greenwood Avenue and Detour Road A?

11          A.    They butt up against each other, yes.

12          Q.    On Figure 3 here, I think you can maybe  
13 see this, the Detour Road A goes all the way to  
14 station 15 of Detour Road A.

15                Do you see that?

16          A.    As it shows in that figure, the Detour  
17 Road A butts up against the pavement of Greenwood  
18 Avenue.

19          Q.    Okay. But it goes to 15 -- station 1550  
20 about on this figure, correct?

21          A.    The stationing that would be associated  
22 with the farthest east portion of Detour Road A that  
23 butts up against Greenwood Avenue would be  
24 approximately 15 plus 50 in the stationing that they

1 assigned to the Detour Road A.

2 Q. Correct.

3 A. It's an offset to the right of some  
4 distance.

5 Q. Right. And boring 7S is noted right here  
6 before you get to station 15; is that correct?

7 A. Yes.

8 Q. And this is Figure 4 right here, Figure 4  
9 right here. This is down here at the bottom of the  
10 cross-section of Greenwood; is that correct?

11 A. It's a portion of the cross-section of  
12 Greenwood.

13 Q. Right. It's the most eastern portion of  
14 that, correct?

15 A. It is an inferred eastern portion of  
16 Greenwood.

17 Q. Okay. What is depicted on here -- you  
18 said you didn't dispute anything on this.

19 What is depicted on here is the eastern  
20 portion of Greenwood Avenue, right?

21 A. It's depicting the area of Greenwood  
22 Avenue that is within Site 6 shown on the figure.

23 Q. Okay. So, I just want to draw your  
24 attention to -- let's take boring location 7S.

1 Okay?

2 A. Uh-huh.

3 Q. And then let's go down to 7S. If you  
4 follow this down here at the bottom, what is this  
5 showing?

6 Is this showing that they had to, based  
7 upon the plan, excavate the peat out from under  
8 here, and build back up to this elevation here about  
9 587 something or other?

10 A. No, it doesn't show that.

11 Q. What are you saying it shows?

12 A. It is showing -- you're showing a portion  
13 of a cross-section that's in the original plans that  
14 is being used by the contractor for information only  
15 of what is necessary consisting of Greenwood Avenue.

16 It is not depicting what is necessary to  
17 be done in the building of the Detour Road A.

18 Q. Okay. That wasn't my question.

19 A. It is.

20 Q. No, my question is about Greenwood Avenue.

21 A. All right.

22 Q. It's all about Greenwood Avenue. I'm not  
23 talking about detour road A. I don't care about  
24 Detour Road A whatsoever.

1 HEARING OFFICER HALLORAN: We're going to stop  
2 for a 15-minute break. We'll be back no later than  
3 3:20.

4 (Recess taken.)

5 HEARING OFFICER HALLORAN: We're back on the  
6 record for cross-examination of Mr. Gobelman.

7 MS. BRICE: Thank you, Mr. Halloran.

8 BY MS. BRICE:

9 Q. I just have a couple questions going back  
10 to this Exhibit 204-41A, and I'm talking about the  
11 cross-section for Greenwood Avenue, right?

12 And I'm going to hand you 21A-26A, which I  
13 believe you've seen before. Okay? Over here on the  
14 right, it has with the sort of V shape, it indicates  
15 unsuitable material to be removed.

16 Do you see that?

17 A. Yes.

18 Q. Okay. And on this document, it has with  
19 that same thing, it has the word "peat" and it has  
20 location of unsuitable materials to be removed,  
21 correct?

22 A. Yes.

23 Q. Okay. This document 21A-26, without the  
24 clarifications on it, is from the as-built drawings;

1 **is it not?**

2 A. It is a portion of the page of the  
3 as-built diagram. It does not reflect the true  
4 intent of how it's represented in the as-built  
5 drawings.

6 **Q. Let's go to the as-built drawings. That**  
7 **drawing was actually admitted into evidence. Here**  
8 **is the as-built drawing 21A.**

9 **Does it say or indicate that unsuitable**  
10 **materials be removed?**

11 A. It provides a legend what the hashed lines  
12 in those areas mean. It reflects the material that  
13 is to be removed with this page. It's provided to  
14 the contractor for his information only, not to  
15 represent what has to be.

16 **Q. Can you give that back to me or second?**  
17 **This is an as-built drawing, is it not?**

18 A. It is a drawing within the plans that they  
19 have firmed up and now called as built.

20 **Q. And then the first page of 21A, it says**  
21 **these are the as-built drawings, does it not?**

22 A. It reflects any markups on there is  
23 showing these are as-built, yes.

24 **Q. Okay. I have one question. All I want to**

1 say is you take 7S right here on this 204-41A, and  
2 you go down, do you see peat soft material below it?

3 A. The figures that you show there is peat  
4 soft material.

5 Q. Thank you. EPA had requirements about  
6 clean corridors, correct?

7 A. Yes.

8 Q. They wanted a clean corridor for an entire  
9 length of the utility line, right?

10 A. If it was going to be utilized, yes.

11 Q. But you didn't include the work required  
12 for creating an entire clean corridor when you did  
13 your attributions, right?

14 A. It reflects the locations of 039 and the  
15 borings that the Board told us were to be allocated  
16 to IDOT.

17 Q. In reaching your opinion, you often relied  
18 on linear footage and square footage, correct?

19 A. Yes.

20 Q. And the linear footage or square footage  
21 was based upon your base maps, correct?

22 A. The base maps, yes.

23 Q. But you concede that the features and  
24 boundaries on your base map are merely

1 **approximations and not exact locations; isn't that**  
2 **true?**

3 A. I don't have the exact locations. I don't  
4 have any coordinates telling me what those boring  
5 locations are, so it's based upon measurements of  
6 known documents.

7 Q. Okay. They are not exact locations, they  
8 are approximations, correct?

9 A. Sure.

10 Q. If you can turn to -- I'm going to talk  
11 about your attributions now.

12 If you could turn to 207-15, and this is  
13 the Waukegan waterline figure, correct?

14 A. Yes.

15 Q. Are you there?

16 A. Yes.

17 Q. You claim the Board specifically stated  
18 that the liability was only associated with the  
19 borings that they laid out in the ruling; is that  
20 right?

21 A. Correct.

22 Q. Okay. But they never specifically say  
23 those words as to 0393 in the opinion, do they?

24 A. I don't recall exactly what the wording is

1 in there.

2 Q. Okay. So, this is your interpretation of  
3 the Board's ruling, correct?

4 A. It is what I believe the Board stated.

5 Q. Okay. Take a look at deposition page 113,  
6 lines 2 through 16. The first deposition.

7 And we're talking about 0393 here, and it  
8 says, "That's your interpretation of it, correct?"  
9 And you say, "Yes."

10 Do you see that?

11 A. No, I don't know what page you are on.  
12 You said page --

13 HEARING OFFICER HALLORAN: I don't want anybody  
14 to rush.

15 THE WITNESS: You said page 2 and I didn't  
16 know.

17 BY MS. BRICE:

18 Q. Page 113, lines 2 through 6.

19 A. Yes.

20 Q. Hold on. I'm sorry. Okay, go to line 9.  
21 We're talking about the right-of-way, correct,  
22 "Because Mr. Dorgan" -- your answer: "Because  
23 Mr. Dorgan interpreted that the Board ruling was for  
24 the entire 3939 right-of-way, where the Board



1 specifically stated that it's only associated with  
2 the boring that they laid out in the ruling.

3 "Question: That's your interpretation of  
4 it, correct?"

5 And you said, "yes." Do you see that?

6 A. Yes.

7 Q. And, I take it, that you didn't include  
8 the Waukegan waterline because you didn't believe  
9 there were any borings that fell near the Waukegan  
10 waterline; is that right?

11 A. It's outside the borings that the Board  
12 represented in their ruling.

13 Q. That is the way that you interpret the  
14 ruling?

15 A. That's what I said.

16 Q. Turn to -- if you could turn to 205-24,  
17 please? This is from your first report, correct?

18 A. 205-24, yes.

19 Q. Okay. And right here, 0393 appears to be  
20 straddling -- I mean, the Waukegan waterline appears  
21 to be straddling 0393 on the south side, right?

22 A. Okay.

23 Q. Is that right?

24 A. Yes, it appears to be above and below it

1 in different places.

2 Q. Okay. Now, in your supplemental report,  
3 you move parcel 393 we've established, right?

4 A. Yes.

5 Q. But you didn't move the Waukegan  
6 waterline, right?

7 A. Yes, it did move. It's straddling 0393.

8 Q. Okay. Well, let's take a look at your  
9 deposition. This is your second deposition on G2, I  
10 would say. So, I'm going to take 41 and 42, and  
11 let's just go to 41, line 24, and it says, "Did the  
12 utility line shift, too?

13 "Answer: No.

14 "Question: No? The Waukegan waterline  
15 didn't shift?

16 "Answer: No.

17 ""Question: And why didn't those shift?

18 "Answer: Because they were tied to  
19 something else. They were just laid in as not tied  
20 to the boundary. They were just laid into the  
21 site."

22 Do you see that?

23 A. I'm sorry, I'm looking at 41. I don't see  
24 where you are at.

1 Q. Last line on 41 and then going down on to  
2 42.

3 A. Sorry, I was looking at page 41. Yes, I  
4 see where you are at, yes.

5 Q. So, here you said that the Waukegan  
6 waterline did not move to the south. You said that  
7 in your deposition, correct?

8 A. It appears so.

9 MS. O'LAUGHLIN: Objection. The testimony is  
10 not inconsistent. He's just reading the deposition.

11 MS. BRICE: Okay. I'm sorry, he just testified  
12 the Waukegan waterline moved to the south, and I'm  
13 impeaching him where he's telling me where it did  
14 not move to the south. I don't understand.

15 HEARING OFFICER HALLORAN: I agree. Objection  
16 overruled.

17 MS. O'LAUGHLIN: I will clarify that.

18 HEARING OFFICER HALLORAN: You can do it on  
19 redirect. Thank you.

20 BY MS. BRICE:

21 Q. Sorry, I got taken a little bit off  
22 course. Okay. Turn to 207-15, please, and this is  
23 your Waukegan waterline in your supplemental report.

24 As you noted, it's still in the same

1 place, right? It's still straddling 0393; is that  
2 right?

3 A. Correct.

4 Q. You didn't do any drafts of your base map  
5 and figures between your August and November report,  
6 did you?

7 A. No.

8 Q. Okay. I would like to mark Exhibit 217.

9 (Said document was marked as  
10 Exhibit No. 217 for  
11 Identification.)

12 BY MS. BRICE:

13 Q. 217-1 is an email from Mr. Steven Gobelman  
14 to Evan McGinley Ellen O'Laughlin, and Matt Doherty,  
15 and the first line says, "Attached are the revised  
16 figures. R1 were the first changes. It only  
17 adjusted the location of parcel 0393, and R2 were  
18 the pictures used in the supplemental."

19 Okay. I would like to stick with this  
20 document. If you could turn to 217-5, this email is  
21 written after both of your reports were submitted,  
22 correct, November 13th, 2018?

23 A. It was submitted to them on November 13th.

24 Q. This is after your reports were written,

1 correct? The record will reflect what it reflects.

2 Okay. Go to 217-5, please. Do you see  
3 that the Waukegan waterline is not straddling 0393.  
4 It's actually above the 0393 line; is it not?

5 A. It appears to be, yes.

6 Q. Okay. Now, turn to 217-14. At 217-14,  
7 low and behold, it's straddling the line again.

8 Do you see that? Do you see that?

9 A. Yes.

10 Q. It's back again straddling the line?

11 A. Yes.

12 Q. Okay. In this one it has been moved south  
13 along with the northern boundary, correct?

14 A. Yes.

15 Q. Okay, thank you. Let's assume for a  
16 moment that 217-05, the one where it was all within  
17 0393, the Waukegan waterline, is correct.

18 If the Board finds IDOT is liable for all  
19 costs associated with work done in 0392, IDOT would  
20 be liable for the costs associated with Waukegan  
21 waterline, would it not?

22 A. I'm sorry, can you repeat that?

23 Q. Assuming 217-51 is correct, which is the  
24 document that you drafted in the Andrews document,

1 assuming that's correct, and that's consistent with  
2 Mr. Dorgan's document, for the record, and the Board  
3 finds IDOT is liable for all costs associated with  
4 work done within parcel 0393, IDOT would be liable  
5 for all costs associated with the Waukegan  
6 waterline; isn't that correct?

7 MS. O'LAUGHLIN: Objection, vague. If you  
8 understand the question, I'm trying to catch up with  
9 the numbers.

10 MS. BRICE: Mr. Halloran, can I ask the  
11 question?

12 HEARING OFFICER HALLORAN: I'm not sure what  
13 kind of objection that is. I'm sorry.

14 MS. O'LAUGHLIN: The objection is vague.

15 HEARING OFFICER HALLORAN: What about you are  
16 trying to catch up with the numbers?

17 MS. O'LAUGHLIN: Because I believe the numbers  
18 were so rushed through and Mr. Gobelman may not  
19 understand the question.

20 HEARING OFFICER HALLORAN: Okay. So,  
21 Mr. Gobelman, do you need more time?

22 THE WITNESS: No, I don't believe so.

23 HEARING OFFICER HALLORAN: Okay, thank you.

24 THE WITNESS: If the Board's ruling stated that

1 IDOT was liable for all 0393, then in this figure,  
2 IDOT would be liable for the cost associated with  
3 the waterline as it relates to Site 3.

4 BY MS. BRICE:

5 **Q. I'm going to go to your AT&T attributions**  
6 **at this point.**

7 MS. BRICE: Mr. Halloran, I might have  
8 misunderstood you, as far as wrapping it up. Do I  
9 have to be done within the next 45 minutes?

10 HEARING OFFICER HALLORAN: We're trying to get  
11 out of here by 4:30, quarter to 5:00. Again, I  
12 don't want to rush you.

13 I would like to get out of here, you know,  
14 and we can continue the cross-exam tomorrow morning.  
15 We have to come back anyway. Try to throttle down.  
16 Let's wrap up around 4:30 or so.

17 MS. BRICE: I'm trying to get to the point.

18 HEARING OFFICER HALLORAN: I know, but don't go  
19 fast.

20 MS. BRICE: Right, that's the problem I'm  
21 running into. I want to make sure everyone can hear  
22 everything clearly, and I want to get through the  
23 points. I'm not trying to belabor it. I skipped  
24 over a bunch of stuff.

1 HEARING OFFICER HALLORAN: Do you have a  
2 problem starting tomorrow at 9:00-ish to continue  
3 your cross?

4 MS. BRICE: No.

5 HEARING OFFICER HALLORAN: Okay. Again, don't  
6 rush. Do your normal pace, and we'll finish around  
7 4:30.

8 MS. BRICE: Okay, thank you.

9 HEARING OFFICER HALLORAN: Thank you.

10 BY MS. BRICE:

11 Q. Okay. Mr. Gobelman, let's talk about the  
12 Site 3A AT&T attribution.

13 You used linear feet within Site 3 to  
14 calculate your IDOT attributions for the AT&T line,  
15 right?

16 A. I would like to refer to my map.

17 Q. Okay, sure. Go ahead. It's 205 or 207,  
18 sorry. 207-16, 6. 217 -- sorry, I'm losing it.  
19 It's 207-16, I believe. Yes, you're there. Are you  
20 there?

21 A. Yes. I'm sorry.

22 Q. You use linear feet right to calculate  
23 your Site 3 IDOT attributions?

24 A. Yes.



1 Q. And that's because you wanted to provide  
2 the ratio between the footage of the entire site  
3 versus the areas for which IDOT was liable?

4 A. Correct.

5 Q. Okay. You agree that using linear  
6 measurements was not the best way to make  
7 attributions in some instances; isn't that true?

8 A. Yes, in some instances.

9 Q. According to the supplemental report, you  
10 say, "The AT&T lines on Site 3 were a total of 1060  
11 linear feet; is that right?

12 A. Yes.

13 Q. And you calculated the portions of the  
14 line you believe fell within the IDOT area of  
15 liability. You found it to be 199 feet, and then  
16 you divided that to get your 18.8 percent; is that  
17 right?

18 A. Yes.

19 Q. So, is your numerator -- hold on. Okay.  
20 Same sort of questions I had a minute ago.

21 If the Board were to find that IDOT was  
22 liable for all of 0393, your calculations would have  
23 to include the remainder of those two lines that run  
24 through 0393, right?

1           A.    Yes.

2           Q.    Okay.  Let's go to Site 6.  On Site 6, you  
3 first calculated the entire length of the north and  
4 the south corridors; and to do this, you said you  
5 relied on JM0040329, which I believe is in 205-49.

6                    If you can look at 205-49 and confirm for  
7 me that that's the document you used, I would  
8 appreciate it.  This is attached to your report.

9           A.    I was looking for 040329.  I was looking  
10 at that Bates number.  That number was on this  
11 figure.

12           Q.    I don't see it on this figure.  This came  
13 from your report.

14                    Does your report reference drawing No. 4,  
15 or something like that?

16                    I think you testified earlier that you  
17 looked at the utilities, I'm pretty sure.

18           A.    In the report, it references that I used  
19 the figure that was JM0040329.

20           Q.    Okay.  If you go to 213E1261.  Can you  
21 pull that up?  That's 213E1261.  We pulled up on the  
22 screen the same document, I believe, with the Bates  
23 number JM0040329 with Exhibit No. 213-1261.

24                    So, Mr. Gobelman, is this the document

1 that is here in your expert report under 205-49?

2 A. It appears so.

3 Q. What I would like for you to do is take  
4 this green highlighter for me, and on your exhibit  
5 that you have there, 205-49, I would like you to  
6 tell me where you measured -- the area you measured  
7 to reach your lineal -- northern Site 6 linear  
8 footage of 2820, and where you measured on the south  
9 side to reach 2650.

10 I'm trying to figure out what was included  
11 in your numbers, what areas.

12 MS. O'LAUGHLIN: Objection. Counsel is asking  
13 Mr. Dorgan -- Mr. Gobelman -- counsel is asking  
14 Mr. Gobelman to do something he's not prepared to,  
15 and this does not apply.

16 There is no foundation. It is  
17 inappropriate to ask him to do that.

18 BY MS. BRICE:

19 Q. Mr. Gobelman, you say in your expert  
20 report that you used this document, did you not, to  
21 calculate the numbers to come up with your  
22 denominator for the IDOT area liability on Site 6,  
23 which is 5470 linear feet, correct?

24 A. Yes.

1 Q. Okay. So, all I'm trying to do is for you  
2 to identify for me what went into that calculation  
3 of 5470, as it's very important because you use it  
4 as your denominator in a couple of different  
5 instances, and I need to know what you were  
6 including in that to see if the denominator is  
7 accurate or not.

8 A. I don't remember what I marked off of this  
9 figure.

10 Q. So, you can't do that for me? You can't  
11 tell me how you measured that?

12 A. I can't accurately depict on this figure  
13 how I measured it.

14 Q. Okay. You said, I believe, that you  
15 believed it to be the entire length of the north  
16 corridor and the south corridor; is that correct?

17 MS. O'LAUGHLIN: Objection.

18 BY MS. BRICE:

19 Q. You testified to it.

20 HEARING OFFICER HALLORAN: I recall that  
21 testimony.

22 THE WITNESS: Yes.

23 HEARING OFFICER HALLORAN: You may proceed.

24 THE WITNESS: Yes.

1 BY MS. BRICE:

2 Q. Okay. So, if it's the entire length of  
3 the north side and south side, where would it be on  
4 that document? Can you just mark what would be the  
5 entire length of the north side and south side on  
6 that document, please?

7 MS. O'LAUGHLIN: Objection. Mr. Gobelman  
8 cannot be compelled to create an exhibit.

9 MS. BRICE: I'm sorry, he testified this is  
10 what he did. I'm just trying to get him to recreate  
11 what is based in his report. I don't know how this  
12 could possible be objectionable.

13 HEARING OFFICER HALLORAN: I sort of agree with  
14 Ms. O'Laughlin, to try to do an accurate drawing --

15 MS. BRICE: It doesn't have to be accurate. I  
16 just want to know where he thinks the entire line of  
17 the north side of site and south side of Site 6,  
18 where they go to. He said that he did this, and he  
19 based his calculations on it. If he can't point it  
20 out, that's a big problem, in and of itself.

21 MS. O'LAUGHLIN: Same objection.

22 HEARING OFFICER HALLORAN: See what you could  
23 do, Mr. Gobelman. She can examine you on redirect.  
24 Objection overruled.

1 THE WITNESS: At this point, I can't accurately  
2 depict on this map to see the measurements that I  
3 made.

4 BY MS. BRICE:

5 Q. Okay. You came to an attribution of  
6 1.6 percent, right? Look in your report.

7 A. Yes.

8 Q. Your 1.6 percent, as I understand it, you  
9 took 90 feet, which was the distance between 3.5S to  
10 4.5S; is that right, and divided it by 5470?

11 A. Yes.

12 Q. Okay. So, in other words, for your  
13 denominator here, 5470, to be correct, you would  
14 need there to be work done on the AT&T line along  
15 the entire length of the north side and south side  
16 of Site 6; is that correct?

17 A. That's what I used.

18 Q. Okay. If you are going to be right, if  
19 your denominator is right, those AT&T lines needed  
20 to go along the entire north side and south side of  
21 site 60, because you're using a denominator of 5470  
22 to calculate the AT&T lines on Site 6?

23 A. 5470 is the denominator that I used, yes.

24 Q. Okay. That's not my question. My

1 question was: In order for your denominator to be  
2 correct, in order to reach the calculation for the  
3 site 6 AT&T line, those lines would need to traverse  
4 the whole north side and south side of Site 6; is  
5 that not correct?

6 A. They would have to be in the entire  
7 length.

8 Q. So, yes?

9 A. Yes.

10 Q. I believe you heard Dr. Ebihara, did you  
11 not, testify that that was not the case?

12 MS. O'LAUGHLIN: Objection to the same reason  
13 that Ms. Brice objected to our questioning about  
14 Mr. Peterson. It's not part of his opinion.

15 She can't question him about it. He's not  
16 offering opinions based on Mr. Ebihara's testimony.

17 MS. BRICE: I'm cross-examining him on his  
18 opinion.

19 HEARING OFFICER HALLORAN: I agree with  
20 Ms. Brice. You can ask questions on your redirect.  
21 If there is more information, Mr. Gobelman can  
22 answer. It may be information important to him.  
23 You can redirect him, if you need to.

24 MS. BRICE: I mean, I can take five minutes and

1 find all of the exhibits that show that. This is a  
2 faster way to get to the question.

3 MS. O'LAUGHLIN: I don't mean to mess up your  
4 thoughts.

5 MS. BRICE: I disagree. It's an inconsistent  
6 argument that you made with Mr. Peterson. Thank you  
7 for your speaking objection.

8 BY MS. BRICE:

9 Q. Do you recall what Dr. Ebihara and  
10 Mr. Peterson said about the AT&T lines and whether  
11 or not they ran the entire length of the north side  
12 of Site 6 and the south side of Site 6?

13 A. I don't recall exactly where they said  
14 they came out of the ground.

15 Q. Okay. We've established that it's -- if  
16 they do not run the entire length of the north side  
17 of Site 6 and south side of Site 6, then your  
18 denominator is inaccurate?

19 A. If it turned out that they were short  
20 earlier, my denominator would be different distance  
21 and the percentage would go up accordingly.

22 Q. Your percentage would go up? I think your  
23 percentage would go down. The record will reflect  
24 what it reflects.



1           Actually, Mr. Dorgan pointed that out in  
2 his initial rebuttal report on 206-13. If you want  
3 turn to that, I can make you turn to it, but I'll  
4 just read it into the record, if no one objects, or  
5 if they want me to have you to turn to me 2613, I  
6 can.

7           But he says, "Based on the record, the  
8 AT&T lines do not run the entire length of the north  
9 and south corridor of site 6. As a result,  
10 Mr. Gobelman's calculations are incorrect."

11           If that was his expert report in response  
12 to your first response, your August report, but you  
13 didn't make any changes to address that point in  
14 your supplemental report in Exhibit 207, did you?

15           A. My only changes that I did on the base  
16 map, I wasn't going to recalculate or rebut  
17 Mr. Dorgan's rebuttal of my report and create a  
18 whole new report based upon all the things he  
19 pointed out.

20           All I was doing is making sure the  
21 accuracy of my base map was correct, based upon the  
22 location of 0393.

23           Q. Let's consider your numerator here, which  
24 is 90 feet. Just to be clear, in order for your

1 numerator to be correct, your Site 6 borings, and  
2 your measurement between your Site 6 boring needs to  
3 be correct; is that right?

4 The numerator was 90 feet. You measured  
5 from 3.5S to 4.25S is what you said in your report.  
6 I'm just trying to establish that if that's your  
7 numerator, your measurement would have to be  
8 correct?

9 A. I measured from the point that the phone  
10 line comes into Site 6 to a halfway point between 4S  
11 and 5S.

12 Q. Okay. You say that's 90 feet?

13 A. Yes.

14 Q. And that's for your numerator to be  
15 correct -- I mean, that measurement has to be  
16 correct, in order for your numerator to be correct,  
17 right?

18 A. Yes.

19 Q. Your math, right?

20 A. Yes.

21 Q. Okay. I'm not going to belabor this. You  
22 calculated your site 3 and 6 attributions, the  
23 combined ones, the same way that Mr. Dorgan did, and  
24 your Site 3 and 6 numbers are premised on your Site

1 3 and 6 attribution numbers, right?

2 Do the calculations you do on the top part  
3 is the attributions, and then you got -- maybe  
4 that's the bottom part. Then you got the total  
5 cost, and then you divided by the attribution cost,  
6 to come up with your attribution for Site 3 and 6,  
7 right?

8 A. Yes.

9 Q. Okay. So, all I'm trying to point out  
10 here is, you know, if your numbers for Site 3 and  
11 Site 6 alone are incorrect, then your combined Site  
12 3 and 6 attribution is also incorrect, right?

13 A. Yes, the percentage would go up.

14 Q. Turn to 205-11, please. This is ACM's  
15 soils. Tell me when you are there?

16 A. 205-11?

17 Q. Yes.

18 A. Okay.

19 Q. I think this is the one -- you don't have  
20 a figure for ACM soils in Exhibit 207, do you?

21 A. No.

22 Q. So, we need to go back. That's why I'm  
23 going back to 205 on this one.

24 That's where your discussion of ACM soils

1 is located, correct, in 205 instead of 207?

2 A. Yes.

3 Q. Okay. You say you did your calculations  
4 similar to the AT&T calculations, right?

5 A. Yes.

6 Q. And, again, you used this 5470 linear feet  
7 as your denominator, correct?

8 A. Yes.

9 Q. And that's because you believe that the  
10 USEPA required a clean corridor, no matter what, for  
11 the whole entire Site 6; is that right?

12 A. My understanding that the AT&T lines went  
13 through the entire corridor.

14 Q. That is not my question. My question was:  
15 You believe that USEPA required a clean corridor, no  
16 matter what, for the entire Site 6, that is why you  
17 used the 5470 number?

18 A. It required a clean corridor for the  
19 utilities in the corridor.

20 Q. Okay. Turn to your deposition, page 126,  
21 line 4 through 11 in the first deposition.

22 MS. O'LAUGHLIN: 126?

23 MS. BRICE: Correct.

24

1 BY MS. BRICE:

2 Q. Line 4, my understanding that a clean  
3 corridor -- okay, sorry. Let's go back up a little  
4 bit.

5 125-24, "Question: What type of  
6 excavation work was involved in Site 6, do you know?

7 "Answer: hum.

8 "Question: All of Site 6?

9 "Answer: My understanding that created a  
10 clean corridor, no matter what, for the entire site.

11 "Question: For the whole northern  
12 boundary of Site 6 and the whole southern boundary  
13 of Site 6?

14 "Answer: Yes, I believe they did  
15 excavation associated with that, yes.

16 "So, clean corridors their whole way?

17 "Answer: I believe so, yes."

18 Do you see that?

19 A. Yes.

20 Q. Once again, for your denominator to be  
21 correct, they would have had to do excavation work  
22 along the entire north side and south side of  
23 Site 6, correct?

24 A. I included the entire length of the north

1 and south side, yes.

2 Q. Okay. And your numerator -- let's talk  
3 about your numerator here. Staying with 205-11, you  
4 say your numerator is 197 feet, but you said from  
5 the western edge of Site 6 to halfway between 4S and  
6 5S; is that right?

7 A. Yes.

8 HEARING OFFICER HALLORAN: Let's call it a day.

9 MS. BRICE: I'm not too far. I mean, I'm  
10 pretty close. It depends on how many times I have  
11 to go back to the deposition.

12 (Discussion off the record.)

13 HEARING OFFICER HALLORAN: Pamela, we can go  
14 back on the record now. I think we're going to go  
15 back on the record and close it, and continue it on  
16 the record for tomorrow, October 29th. We're having  
17 problems with Webex. For tomorrow, October 29th,  
18 9:00 a.m.

19 (Discussion off the record.)

20 HEARING OFFICER HALLORAN: We're back on the  
21 record. I'm the Hearing Officer. We're going to  
22 close this hearing today and continue it on record  
23 until tomorrow October 29th at 9:00 a.m. Thank you.  
24 You all have a good night.

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(The following proceedings were  
adjourned until October 29th,  
2020, at 9:00 o'clock a.m.)

1 STATE OF FLORIDA )  
 ) SS:  
 2 COUNTY OF PINELLAS )

3

4 I, PAMELA A. MARZULLO, Notary Public in and for  
 5 the County of Pinellas and State of Florida, do hereby  
 6 certify that STEVEN GOBELMAN was first duly sworn to testify  
 7 the whole truth and that the above deposition was recorded  
 8 stenographically by me, and was reduced to typewriting under  
 9 my personal direction.

10 I further certify that the said deposition was  
 11 taken at the time and place specified.

12 I further certify that I am not a relative or  
 13 employee or attorney or counsel of any of the parties, nor a  
 14 relative or employee of such attorney or counsel or  
 15 financially interested directly or indirectly in this  
 16 action.

17 In witness whereof, I have hereunto set my hand  
 18 and affixed my seal of office at Clearwater Beach, Florida,  
 19 this 31st day of October, A.D., 2020.

20

21 \_\_\_\_\_  
 PAMELA A. MARZULLO  
 Notary Public  
 22 GG 156897  
 My Commission expires 10/31/2022  
 23

24



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**Requested Corrections to the October 28, 2020**  
**Corrected Transcript Received on February 2, 2021**

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10	16	It crosses over Nicor <del>GAFK</del>	It crosses over Nicor <b>Gas</b>	
41	11	<del>MS. BRICE:</del>	<b>Delete this entire line.</b>	
41	12	<del>MS. O'LAUGHLIN:</del>	MS. BRICE:	
41	18	<del>MS. BRICE:</del>	<b>MS. O'LAUGHLIN:</b>	
41	20	<del>MS. O'LAUGHLIN:</del>	<b>MS. BRICE:</b>	
65	16	Frak?	<b>Ramp?</b>	2:17
65	17	Frak was not	<b>Ramp</b> was not	2:17
82	22	attributions in Exhibit <del>S</del> , correct?	attributions in Exhibit <b>F</b> , correct?	3:56
84	15-17	And you had this document, this 204:38 in your possession. At the time you wrote your Report, <del>it didn't show up</del> , right?	And you had this document, this <b>204-38</b> in your possession at the time you wrote your Report, <b>Exhibit 205</b> , right?	3:59
96	22	Do you deny saying that Sir? Yes.	Do you deny saying that sir? <b>Nope.</b>	4:21
102	4-5	"Answer: It can be on the GAFK site re-boundary. I don't know."	"Answer: It can be on the <b>Site 3 boundary</b> . I don't know."	4:29
121	21-22	Q. 57534? A. 57534.	<b>Q. 67-534? A. 67-534.</b>	5:02
159	5	faster way to get to the question. MS. O'LAUGHLIN: I don't mean to mess up your thoughts. <del>MS. BRICE: I disagree.</del>	faster way to get to the question. I don't mean to mess up your thoughts. <b>MS. O'LAUGHLIN: I disagree.</b>	AUDIO CUTS OUT AT 6:08