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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JAMES A. GLASGOW, VICKIE L. GLASGOW,
BILL HOPPE AND PAT HOPPE,

Complainants,

vs.

No. PCB 00-221

GRANITE CITY STEEL,
Respondent.

Proceedings held on July 10, 2001 at 9:00 a.m., at the City
Hall, 2000 Edison Avenue, Mayor's Conference Room, Granite City,
Illinois, before Hearing Officer Steven C. Langhoff.

Reported by: Darlene M. Niemeyer, CSR, RPR
CSR License No.: 084-003677

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A P P E A R A N C E S

FREEARK, HARVEY, MENDILLO, DENNIS, WULLER,
CAIN & MURPHY, P.C.

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BY: Chester R. Babst, III
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1 P R O C E E D I N G S
2 (July 10, 2001; 9:00 a.m.)

3 HEARING OFFICER LANGHOFF: All right. We are going on the
4 record now.

5 Good morning, everyone. My name is Steven Langhoff. I am
6 the Pollution Control Board Hearing Officer assigned to this
7 matter who will be conducting the hearing today and tomorrow.
8 This is PCB 00-221, James Glasgow, Vickie Glasgow, Bill Hoppe and
9 Pat Hoppe versus Giant City Steel.

10 For the record, it is Tuesday, July 10th, 2001, and we are
11 beginning at 9:00.

12 MR. MUSKOPF: Excuse me.

13 MR. BABST: Excuse me. It is Granite City Steel.

14 HEARING OFFICER LANGHOFF: Granite City Steel. I am sorry.
15 What did I say?

16 MR. BABST: Giant City.

17 HEARING OFFICER LANGHOFF: I apologize. I have Granite
18 City Steel written here. I must be thinking about Carbondale or
19 something like that.

20 I want to note for the record that there are no members of
21 the public present other than witnesses. Members of the public
22 are encouraged and allowed to provide public comment if they so
23 choose.

24 At issue in this case are allegations made in the Second

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1 Amended Complaint filed on November 13th of 2000 by James
2 Glasgow, Vickie Glasgow, Bill Hoppe and Pat Hoppe, or the
3 complainants, against Granite City Steel, or the respondent. The
4 Second Amended Complaint alleges in Count One that the generation
5 of dust has unreasonably interfered with the complainants'
6 enjoyment of life or the conduct of any lawful business or
7 activity, in violation of Section 9(a) of the Illinois
8 Environmental Protection Act, or the Act, 415 ILCS 5/9A, 1998.
9 This alleged violation may be referred to during the hearing as
10 the dust nuisance.

11 Count Two alleges that the generation of noise pollution
12 has unreasonably interfered with the complainants' enjoyment of
13 life or the conduct of any lawful business or activity, in
14 violation of 35 Ill. Admin. Code 900.102, thereby violating
15 Section 24 of the Act, 415 ILCS 5/24, 1998. This alleged
16 violation may be referred to as the noise nuisance.

17 I note that the complainants seek a civil penalty pursuant
18 to Section 42A of the Act, 415, ILCS 5/42A, 1998.

19 I want to take a brief moment to let you know what is going
20 to happen today and after the proceeding today. You should know
21 that it is the Pollution Control Board and not me that will make
22 a final decision in this case. My job as a Hearing Officer

23 requires that I conduct the hearing in a neutral and orderly
24 manner so that we have a clear record of the hearing here today.

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1 It is also my responsibility to assess the credibility of any
2 witnesses giving testimony today, and I will do so on the record
3 at the conclusion of the proceedings.

4 We will begin with opening statements from the parties and
5 then we will proceed with the complainants' case followed by the
6 respondent having an opportunity to put on a case in its behalf.

7 We will conclude with any closing arguments that the
8 parties wish to make and then we will discuss off the record a
9 briefing schedule which will be set on the record at the
10 conclusion of the proceedings.

11 The Board's procedural rules and the Act provide that
12 members of the public shall be allowed to speak or submit written
13 statements at hearing. Any person offering such testimony today
14 shall be subject to cross-examination by both of the parties.
15 Any such statements offered by members of the public must be
16 relevant to the case at hand. I will call for any statements
17 from members of the public at the conclusion of the proceedings.

18 This hearing was noticed pursuant to the Act of the Board's
19 procedural rules and regulations and will be conducted pursuant
20 to Sections 101.600 through 101.632 of the Board's procedural
21 rules.

22 At this time I will ask the parties to make their

23 appearances on the record beginning with the complainants.

24 MR. MUSKOPF: Thank you, Mr. Hearing Officer. My name is

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1 Jeff Muskopf and I am here representing James and Vickie Glasgow
2 and Bill and Pat Hoppe.

3 HEARING OFFICER LANGHOFF: Thank you. For the respondent.

4 MR. BABST: Yes, sir. My name is Chester Babst, and I am
5 representing the respondent, Granite City Steel. With me is Ms.
6 Stacia Christman, also representing the respondent.

7 HEARING OFFICER LANGHOFF: Thank you, Mr. Babst. Do we
8 have any preliminary matters that need to be discussed on the
9 record?

10 MR. MUSKOPF: I think we had a stipulation as to expert
11 qualifications for Mr. Zak and for Mr. Babst's expert. And I
12 think the stipulation with regard to Mr. Zak was that he is duly
13 qualified as an expert in the areas of noise management, human
14 impact of noise, and noise measurement. Is that fair?

15 MR. BABST: No. Actually, what I said that I would agree
16 to is that I think that he is a qualified expert with respect to
17 noise pollution measurement, and also with available noise
18 abatement technologies.

19 MR. MUSKOPF: Okay.

20 MR. BABST: I would, when you are finished, Mr. Muskopf,
21 like to submit a motion in limine to restrict certain types of

22 testimony by Mr. Zak.

23 HEARING OFFICER LANGHOFF: First of all, let's get to the
24 stipulation. What is -- I still don't know exactly what the

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1 stipulation is. Is it fair to say that both the parties experts,
2 it is stipulated that they will be qualified as experts?

3 MR. MUSKOPF: Basically, subject to what Mr. Babst said
4 with regard to Mr. Zak.

5 HEARING OFFICER LANGHOFF: Was that noise pollution?

6 MR. BABST: The measurement of noise pollution and also the
7 availability of noise abatement techniques.

8 HEARING OFFICER LANGHOFF: Does that go for your expert
9 also, Mr. Babst? Mr. Muskopf, is that --

10 MR. MUSKOPF: Yes.

11 HEARING OFFICER LANGHOFF: Okay. Let the record reflect
12 that the parties have stipulated that each other's experts will
13 be considered experts in their field of measurement of noise
14 pollution and the availability of noise abatement techniques.

15 And is there anything further on your motion in limine, Mr.
16 Babst?

17 MR. BABST: Yes. What I am unwilling to stipulate with
18 respect to Mr. Zak's testimony is with respect to three different
19 areas. I would like to submit this motion which sets forth what
20 I am about to articulate in a little greater detail. But
21 essentially I am unwilling to stipulate that Mr. Zak is an expert

22 to testify with respect to the cost of noise abatement
23 technology. There has been no evidence presented to me that
24 suggests that he is an expert in construction costs, estimating,

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1 and the only evidence that I have is that what information he has
2 provided to us has been basically as a result of companies
3 telling him what costs were involved in certain abatement
4 projects. That is clearly hearsay. It does not establish him as
5 an independent expert who has the ability to evaluate the cost of
6 noise abatement techniques in this particular circumstance.

7 I am also unwilling to stipulate that he has any ability to
8 testify with respect to the economic reasonableness of any noise
9 abatement option that he might suggest. There is absolutely no
10 evidence that Mr. Zak has any background in finance or
11 accounting. And, therefore, I think that type of testimony goes
12 outside his expertise, which is interpreting noise measurements
13 and identifying available techniques to abate noise.

14 The third restriction that I would like placed upon Mr.
15 Zak's testimony has to do with his opining as to the
16 reasonableness of any interference with the -- pursuant to Part
17 900. I do not believe -- first of all, an expert witness is
18 provided to give us, as lay people, the ability to understand a
19 technical area. I do not dispute the fact that understanding
20 noise measurements and talking about noise abatement techniques

21 is something that is certainly within the area of an expert such
22 as Mr. Zak. But as far as whether something is reasonable or
23 unreasonable in terms of its interference with respect to one's
24 life or health, that is not something that a noise expert has any

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1 greater ability to opine to than you, I, or anyone else in this
2 room.

3 So I am asking that any questions regarding the
4 reasonableness or unreasonableness of the alleged interference
5 not be permitted to be asked or answered by Mr. Zak.

6 HEARING OFFICER LANGHOFF: Okay. Mr. Muskopf, do you need
7 a minute to read the motion?

8 MR. MUSKOPF: No. I will respond in order to Mr. Babst's
9 three areas. First of all, the cost of abatement. Essentially
10 Mr. Babst is saying that Mr. Zak -- his experience is based on
11 hearsay, based on what companies have told him as to different --
12 the cost of various noise abatement measures. Well, the law is
13 very clear in Illinois that experts can rely on hearsay as long
14 as it is something that is typically relied on by an expert in
15 their field. Experts don't have to rely on evidence that is
16 otherwise admissable. And essentially that's how all experts
17 come to be qualified as experts, based on their knowledge and
18 understanding of hearsay evidence.

19 Mr. Zak will, I am sure, be able to give testimony as to
20 his experience and background and qualifications in addressing

21 the cost of noise abatement procedures. That is a part of his
22 job. What he does is evaluate noise problems and makes
23 recommendations as to how to fix them. That is his official job,
24 more or less, given to him by the State of Illinois. So it is

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1 entirely within the purview of what he does as an expert to opine
2 as to the cost of abatement measures.

3 Second of all, on the economic reasonableness issue, I
4 don't think you have to be an expert in finance or have CPA
5 background. That's not what the Illinois regulations require.
6 Reasonableness is a fairly loosely -- economic reasonableness is
7 a fairly loosely defined criteria. Mr. Zak has been provided
8 with the information -- or some of the information that the
9 respondent has disclosed in discovery as to their financial
10 status. He also has wide background and experience in
11 recommending cost effective noise abatement measures.

12 Then on the issue of whether Mr. Zak can give -- express an
13 ultimate opinion as to whether the noise and dust -- or the
14 noise, rather, from Granite City Steel constitutes an
15 unreasonable interference, experts do it all of the time. I have
16 got a case -- I am sorry I don't have copies for everyone. But
17 it is called Wiegman versus Hitch-Inn Post of Libertyville, Inc.
18 A portion of the opinion that I would direct the Hearing
19 Officer's attention to is on page nine. Because the jury is not

20 required to accept an expert's opinion allowing him to testify as
21 to the ultimate issue in a case such as negligence does not usurp
22 the jury's function. So this is a jury case and it says that an
23 expert can give an ultimate opinion.

24 We are before the Illinois Pollution Control Board. They

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1 are far more expert than a lay jury in deciding matters like
2 this. I don't think they would be unduly swayed by Mr. Zak's
3 opinion that ultimately the noise from Granite City Steel is an
4 unreasonable interference. Anyway, that's another part of Mr.
5 Zak's job description, is I am sure he knows the Illinois
6 regulations better than anyone in this room with the exception of
7 perhaps Mr. Hearing Officer. What he does is in addition to
8 evaluating noise problems and providing suggestions for their
9 solution, is he reads the Illinois regulations on noise. And he
10 interprets them and he looks at the Board's -- at the Illinois
11 Pollution Control Board's decisions on the reasonableness or
12 unreasonableness of a given noise source and, again, is
13 completely within the purview of his qualifications as an expert.

14 HEARING OFFICER LANGHOFF: Okay. Thank you. I am going to
15 take a minute to read this.

16 MR. BABST: Excuse me. Could I make one other statement
17 before that or --

18 HEARING OFFICER LANGHOFF: Go ahead, Mr. Babst.

19 MR. BABST: Just with respect to the cost of abatement,

20 that the difference between what Mr. Muskopf has suggested that
21 experts do get hearsay information, I think that is correct. But
22 based on what we have been told, Mr. Zak's information is twice
23 removed. He is getting information from companies who have gone
24 and done certain noise abatement projects, so he is being told by

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1 them what information they got from someone else. So I think it
2 is somewhat different, and he does not have the ability to
3 basically break down the individual components of what something
4 might cost, and really what I am directing this primarily to is a
5 noise barrier of some magnitude.

6 The second thing is with respect to the economic
7 reasonableness. Mr. Muskopf is saying that is a fairly loosely
8 defined term. I think it does require some ability to understand
9 financial statements and a business condition which, again, Mr.
10 Muskopf has offered in his statements no indication that Mr. Zak
11 has any background in doing that.

12 And, finally, the fact that the Illinois Courts have
13 allowed an expert to opine as to the ultimate issue in a case,
14 that might be fine, but this is, again, something that does not
15 require expert testimony. It is something that everybody in this
16 room can understand and, therefore, it is outside the purview of
17 an expert's capability and certainly what he can testify to.

18 Thank you.

19 MR. MUSKOPF: Real quickly, I thought of the name of the
20 case. It is Wilson versus Clark. It is an Illinois Supreme
21 Court opinion and it is the leading case on the types of
22 materials that experts can rely upon in forming their opinions,
23 and whether it is hearsay twice removed, or thrice or four times,
24 it makes no difference. I don't have a copy of that case with

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1 me. I didn't expect this argument necessarily.

2 MR. BABST: Just so that is not left like that, I did tell
3 you Friday and yesterday, Mr. Muskopf, that I was going to object
4 to exactly the lines of questioning that I just articulated. So
5 please don't leave the Hearing Officer with the impression that I
6 have surprised you with this.

7 MR. MUSKOPF: No. I am sorry. To be fair, I understood
8 that Mr. Babst would be making these arguments. I didn't
9 understand that the basis of one of his arguments would be that
10 Mr. Zak was relying on the hearsay. I don't know that we
11 specifically talked about that or not. But to be perfectly fair
12 and up front on the record, no, I am not claiming surprise. I
13 don't think that Mr. Babst is springing this on me in any way.

14 MR. BABST: Thank you.

15 HEARING OFFICER LANGHOFF: For the record, this issue was
16 touched upon very briefly at one of our last -- I guess it was
17 the last telephone status prehearing conference.

18 We will go off the record for a moment while I look over

19 this document.

20 (Whereupon a short recess was taken.)

21 HEARING OFFICER LANGHOFF: Okay. We are back on the
22 record. I am ready to make my ruling on Mr. Babst's, Granite
23 City Steel's motion in limine to exclude opinion testimony of the
24 complainants' expert, Gregory Zak.

17

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1 With regards to the first issue, testimony regarding the
2 cost of moving coal piles or designing, constructing, or
3 maintaining a sound barrier --

4 (Whereupon a short recess was taken when the power went
5 off.)

6 HEARING OFFICER LANGHOFF: I will be sustaining the motion
7 with regards to the cost of moving coal piles and other
8 associated testimony, based on some of the deposition testimony
9 that Mr. Zak has not done any work or estimating on what that
10 would cost. And I will -- but I will be denying the motion with
11 regards to constructing and maintaining a sound barrier as part
12 of that first issue. Mr. Zak testified in his deposition and
13 will be expected to testify today some of the costs, and
14 respondent can cross-examine Mr. Zak on where he came up with
15 some of those figures.

16 I will also sustain the motion with regards to the second
17 issue, testimony regarding the economic reasonableness of Granite

18 City moving coal piles or designing, constructing and maintaining
19 a sound barrier, on the grounds that Mr. Zak isn't a financial
20 expert in this area and has had no formal education or training
21 in accounting or economics.

22 I will also sustain the motion in limine with regards to
23 the third issue, testimony regarding the reasonableness of any
24 alleged interference with the complainants' enjoyment of life.

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1 Although that may be the ultimate issue of the case -- it may or
2 may not be the ultimate issue of the case, I believe that is
3 outside the purview of Mr. Zak's expert area, and is certainly
4 for the Board to decide.

5 Is there any questions regarding that ruling, Mr. Muskopf
6 or Mr. Babst?

7 MR. MUSKOPF: No, no, sir.

8 MR. BABST: No.

9 HEARING OFFICER LANGHOFF: Okay. We are off the record.

10 (Discussion off the record.)

11 HEARING OFFICER LANGHOFF: Back on the record. Is there
12 anything else outstanding or prehearing that we need to present
13 before we proceed?

14 MR. MUSKOPF: No, sir, Mr. Hearing Officer, not that I am
15 aware of.

16 HEARING OFFICER LANGHOFF: Okay. Thank you. Would the
17 complainants like to give a brief opening statement on behalf of

18 their client?

19 MR. MUSKOPF: Yes, thank you. Could we go off the record a
20 second?

21 HEARING OFFICER LANGHOFF: Yes.

22 (Discussion off the record.)

23 HEARING OFFICER LANGHOFF: Okay. We are back on the
24 record.

19

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1 MR. MUSKOPF: Members of the Board, Jim and Vickie Glasgow
2 and Bill and Pat Hoppe are the complainants in this case. They
3 are individuals and homeowners and have the misfortune of being
4 next-door neighbors to Granite City Steel. Granite City Steel
5 operates a steel plant which consumes approximately 900,000 tons
6 of coal per year, and emits a great amount of dust and noise in
7 the process.

8 This proceeding is brought for a violation of Section 9(a)
9 and Section 24 of the Environmental Protection Act, and the
10 evidence will be quite clear that Granite City Steel has been
11 knowingly and willfully violating Illinois law by emitting dust
12 and noise which unreasonably interferes with the Glasgows' and
13 Hoppes' enjoyment of life and their property.

14 The evidence will also make clear that a technically
15 feasible and economically reasonable solution is available; that
16 a continuous noise monitoring system is appropriate; that a

17 system of penalties for future noncompliance is warranted, and
18 that justice requires the imposition of civil penalties for
19 Granite City Steel's cavalier disregard of its neighbors, its
20 community, and the law.

21 HEARING OFFICER LANGHOFF: Thank you, Mr. Muskopf. Mr.
22 Babst?

23 MR. BABST: If I could, Mr. Hearing Officer, I would like
24 to reserve my right to give opening remarks at the time that I

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1 present my case.

2 HEARING OFFICER LANGHOFF: All right. Very well. Thank
3 you.

4 Okay. Mr. Muskopf, your case-in-chief. Would you call
5 your first witness? We will have the witness sit right here in
6 this chair.

7 MR. MUSKOPF: Thank you. For my first witness I would like
8 to call Mrs. Carolyn Carpenter.

9 HEARING OFFICER LANGHOFF: All right. Please swear in the
10 witness.

11 (Whereupon the witness was sworn by the Notary Public.)

12 C A R O L Y N C A R P E N T E R,
13 having been first duly sworn by the Notary Public, saith as
14 follows:

15 DIRECT EXAMINATION

16 BY MR. MUSKOPF:

17 Q. Would you give us your name please, ma'am.
18 A. Carolyn Carpenter.
19 Q. Mrs. Carpenter, where do you live right now?
20 A. 2123 State Street, Granite City.
21 Q. Do you know the Glasgows or the Hoppes?
22 A. I know the Hoppes.
23 Q. Were you neighbors of theirs at one time?
24 A. Yes.

21

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1 Q. Did you live in the neighborhood that is across
2 Edwardsville Road from Granite City Steel's coal piles?
3 A. Yes.
4 Q. How long did you live in that neighborhood?
5 A. For 29 years.
6 Q. What was your address?
7 A. 2105 Alexander Street.
8 Q. How many houses away were you from the Hoppes?
9 A. There was two houses between our houses.
10 Q. So can you estimate in distance how far you were from
11 Edwardsville Road -- the intersection of Alexander and
12 Edwardsville?
13 A. Less than a half a block.
14 Q. Do you still own a home in that neighborhood?
15 A. Yes, I do.

16 Q. Is it the same address that you just gave?
17 A. Yes.
18 Q. And who lives there now?
19 A. My mother.
20 Q. Do you still visit her?
21 A. Yes.
22 Q. On your State Street address do you have any noise or
23 dust problems from Granite City Steel?
24 A. There is some dust.

22

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1 Q. How far is your State Street address from the Granite
2 City Steel coal piles?
3 A. Oh, it is quite a ways from the coal piles. We are
4 closer to the other part of the plant now.
5 Q. Okay. Are the dust conditions better on State Street
6 than they were on Alexander?
7 A. Oh, yes.
8 Q. Are you happy to be away from that dust and noise?
9 A. Yes.
10 Q. Would you tell us basically what kinds of dust and noise
11 problems you had when you were living in the neighborhood by the
12 Hoppes?
13 A. Well, the dust was really terrible. It is like black
14 coal dust and it is all over everything. It is in the grass. It
15 is in your windows, inside. The windows that face the mill side

16 of our house we had caulked completely shut. They were not
17 opened. And the dust still comes in and lays in the window
18 ledges.

19 Q. So would you open any windows in nice weather in your
20 house when you lived?

21 A. No.

22 Q. And you are saying that even with the windows closed --
23 and I assume you had your doors shut?

24 A. Yes.

23

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1 Q. That dust would find its way into your home?

2 A. Yes.

3 Q. So what affect did that have on you, or how did you deal
4 with that?

5 A. Well, it was just constantly trying to keep it clean.
6 When my son was small and he played in the yard he always had
7 black stuff on his socks and shoes from the grass. You can't sit
8 on the porch swing because there is always black dust on it. You
9 wipe it up and an hour later it is dusty again. It would somehow
10 get in the car windows and be on the dash of the car, even with
11 the windows shut. It was just terrible.

12 Q. Did you ever breathe any of that dust?

13 A. Well, I am sure I did.

14 Q. Did you get it in your eyes or your nose or your mouth?

15 A. I never noticed any in there, no.

16 Q. Have you ever been concerned about the health affects of
17 breathing the coal dust?

18 MR. BABST: I am going to object to that, Mr. Hearing
19 Officer. If there is going to be any testimony about the adverse
20 health affects, there has been no medical evidence suggested to
21 me, no medical expert.

22 MR. MUSKOPF: I am not asking this witness, Mr. Hearing
23 Officer, to render a medical opinion. I am simply asking the
24 witness whether she is concerned about the health affects of coal

24

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1 dust.

2 MR. BABST: Well, my question here is that there has to be
3 some causal relationship established. With all due respect, I
4 don't think Mrs. Carpenter would be the individual to provide
5 that.

6 MR. MUSKOPF: Well, in fact -- I just very simply don't --
7 I am not sure what Mr. Babst means by causal relationship.

8 HEARING OFFICER LANGHOFF: I am going to sustain the
9 objection.

10 MR. BABST: Thank you.

11 MR. MUSKOPF: May I make an offer of proof, Mr. Hearing
12 Officer, on this point?

13 HEARING OFFICER LANGHOFF: Yes.

14

OFFER OF PROOF EXAMINATION

15

BY MR. MUSKOPF:

16

Q. Have you been concerned about the health affects of

17

breathing coal dust for the 29 years that you were on Alexander?

18

A. Yes, it was a concern.

19

Q. Okay. What about the noise, did you ever hear any noise

20

from --

21

HEARING OFFICER LANGHOFF: I am sorry. Are you --

22

MR. MUSKOPF: Oh, I am sorry. I am out of my offer of

23

proof.

24

HEARING OFFICER LANGHOFF: Thank you.

25

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1

DIRECT EXAMINATION (continued)

2

BY MR. MUSKOPF:

3

Q. Did you ever hear any noise from the Granite City Steel

4

coal piles?

5

A. Well, I do remember one night there was a terrible noise

6

coming from the plant. Well, I had called the police because I

7

didn't know where the noise was coming from. It was really,

8

really loud. And when I called the police and asked what the

9

noise was, they told me -- they asked me first where my address

10

was. I told them, and they said there was -- that they had had

11

several complaints and that the coke plant, is what they called

12

it, had something stuck in a pipe and they were trying to blow it

13

out. This was like maybe 1:00 in the morning. And it just went

14 on and on for a long time before they ever finished with it.

15 Q. I am sorry. I think I forgot to ask you. How long ago
16 did you move from Alexander to State Street?

17 A. In 1996.

18 Q. So the last time you were living on Alexander was 1996?

19 A. That's right.

20 Q. How often do you go back to visit?

21 A. I go back two or three times a week to visit my mother.

22 Q. Has the dust gotten any better over there since you
23 moved away?

24 A. It does not look like it to me.

26

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1 Q. Are there any other noise sources that you are aware of
2 that you think come from Granite City Steel that you heard while
3 you were there, either as a resident or visiting your mother?

4 A. Well, you could hear the trucks going in and out that
5 brought the coal in.

6 Q. What about can you hear back up beepers?

7 A. Yes.

8 MR. BABST: Objection. It is a leading question. He
9 has -- you asked for sources of noise. I think we should allow
10 her to answer that.

11 HEARING OFFICER LANGHOFF: Okay. Let's go off the record
12 for a moment.

13 (Discussion off the record.)

14 HEARING OFFICER LANGHOFF: Okay. Back on the record.

15 MR. BABST: I object to the question as leading, Mr.
16 Hearing Officer.

17 HEARING OFFICER LANGHOFF: Thank you. Mr. Muskopf.

18 MR. MUSKOPF: The leading question is one which announces
19 the answer. I didn't ask -- a leading question would be, for
20 instance --

21 HEARING OFFICER LANGHOFF: All right. Any other argument?

22 MR. MUSKOPF: No.

23 HEARING OFFICER LANGHOFF: I am going to overrule the
24 objection, and I believe it has been answered.

27

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1 Did you answer that question, ma'am, about the beepers?

2 THE WITNESS: Yes.

3 HEARING OFFICER LANGHOFF: And the answer was?

4 THE WITNESS: Yes, the beepers did go off.

5 HEARING OFFICER LANGHOFF: Thank you.

6 Q. (By Mr. Muskopf) Did you hear the clatter of metal
7 tracks from the bulldozers that they used on the coal piles?

8 A. I don't recall that.

9 Q. Do you recall any other noises from the coal piles?

10 A. No.

11 Q. Okay. Was it a big deal to you to have to put up with
12 the dust and the noise when you were on Alexander?

13 A. Yes.

14 Q. Would you say that you live a more peaceful life being
15 away from that dust and noise?

16 A. Yes.

17 MR. MUSKOPF: Thank you very much for your time.

18 THE WITNESS: You are welcome.

19 MR. MUSKOPF: This gentleman may have some questions for
20 you.

21 THE WITNESS: All right.

22 HEARING OFFICER LANGHOFF: Mr. Babst, cross-examination of
23 Mrs. Carpenter?

24 MR. BABST: Yes. Thank you.

28

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1 CROSS EXAMINATION

2 BY MR. BABST:

3 Q. Mrs. Carpenter, how old is your son today?

4 A. He is 36.

5 Q. So your testimony with respect to when he would get
6 dirty was some years ago?

7 A. Yes, when he was a child, yes, sir.

8 Q. Just to summarize the concern with noise, you did
9 testify that there was a very loud noise one night from something
10 that had gone wrong in the coke plant?

11 A. Yes, sir.

12 Q. And you did, I think, say that you could hear truck

13 traffic from your house?

14 A. Yes.

15 Q. Were you able to tell whether those trucks were trucks
16 going into the Granite City property or whether those trucks were
17 continuing on Edwardsville Road to some other designation?

18 A. Well, you could hear the ones that were turning in,
19 because they would slow down as they would turn in.

20 Q. So you could hear brakes?

21 A. Yes.

22 Q. Could you also hear trucks that were going straight
23 through Edwardsville Road?

24 A. I don't remember that.

29

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1 Q. Okay. When you moved into your home, your prior home,
2 was the coke plant in existence at that time?

3 A. Yes, it was.

4 Q. Were there coal piles in that east area of the plant,
5 that you recall?

6 A. I don't really remember.

7 Q. In the area where you did live, were there other
8 businesses, any other industrial complexes or any other
9 commercial operations?

10 A. There were no more like factories.

11 Q. Is there a scrap yard that was anywhere near your

12 property?

13 A. I don't think so.

14 Q. An auto repair facility?

15 A. I believe at that time when we bought the house that it
16 was -- there was a beauty shop over there and a gas station, I
17 believe.

18 Q. Are you currently employed, Mrs. Carpenter?

19 A. Yes.

20 Q. Could you tell me where?

21 A. Yes. I work for DORS, Department of Rehabilitative
22 Services.

23 Q. Have you ever worked for Granite City Steel?

24 A. No, I haven't.

30

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1 MR. BABST: I have no other questions.

2 HEARING OFFICER LANGHOFF: Anything on redirect, Mr.
3 Muskopf?

4 MR. MUSKOPF: Yes.

5 REDIRECT EXAMINATION

6 BY MR. MUSKOPF:

7 Q. Mrs. Carpenter, when you were living on Alexander and
8 when you go back to visit now, based on your experience living
9 there and visiting, is there anything in that neighborhood or
10 near that neighborhood, any person, any business that makes near
11 the dust or the noise that Granite City Steel makes?

12 A. No.

13 MR. MUSKOPF: Okay. Thank you.

14 MR. BABST: No further questions.

15 HEARING OFFICER LANGHOFF: Okay. Thank you, Mrs.

16 Carpenter.

17 (The witness left the stand.)

18 HEARING OFFICER LANGHOFF: Mr. Muskopf, call your next

19 witness, please.

20 MR. MUSKOPF: Yes, sir. My next witness is Mr. Jack

21 Carpenter.

22 HEARING OFFICER LANGHOFF: All right. Please swear the

23 witness.

24 (Whereupon the witness was sworn by the Notary Public.)

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1 J A C K C A R P E N T E R ,

2 having been first duly sworn by the Notary Public, saith as

3 follows:

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

5 B Y M R . M U S K O P F :

6 Q. Would you give us your name, please, sir.

7 A. Jack Carpenter.

8 Q. Mr. Carpenter --

9 HEARING OFFICER LANGHOFF: Excuse me just a minute. Can

10 you hear down there, Mr. Babst?

11 MR. BABST: Yes, sir.

12 HEARING OFFICER LANGHOFF: Okay. I am sorry. Go ahead.

13 Q. (By Mr. Muskopf) Mr. Carpenter, have you been sitting
14 here while your wife has been giving testimony?

15 A. Yes, sir.

16 Q. Have you heard what she said?

17 A. Uh-huh.

18 Q. You need to say yes.

19 HEARING OFFICER LANGHOFF: You will have to answer out loud
20 yes or no for the court reporter to write it down.

21 THE WITNESS: Okay. I am hard of hearing, too. Yes, sir.

22 Q. (By Mr. Muskopf) Mr. Carpenter, where do you live?

23 A. I live at 2123 State Street.

24 Q. How long have you lived there?

32

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1 A. Four years.

2 Q. Where did you live before that?

3 A. 2105 Alexander.

4 Q. Okay.

5 A. In Granite City.

6 Q. And were you in the same neighborhood as Bill and Pat
7 Hoppe?

8 A. Yes, sir.

9 Q. How many houses away were you?

10 A. Two houses. We was the third house from the corner.

11 Q. How many years did you live at 2105 Alexander?
12 A. About 29 years.
13 Q. You still own that property?
14 A. Yes, sir.
15 Q. Your wife's mother lives there now?
16 A. Yes, sir.
17 Q. Do you visit at all?
18 A. Yeah.
19 Q. About how often do you make it over to your house on
20 Alexander?

21 A. I usually go out there less than what my wife does. I
22 would say maybe once a week or once every two weeks --

23 Q. Okay.

24 A. -- and that. I do work on the house and work in the

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1 yard and that.

2 Q. Okay. Would you say that there is a dust and a noise
3 problem --

4 A. Yes.

5 Q. -- at 2105 Alexander?

6 A. Quite a bit of dust and noise problems.

7 Q. Where does the dust come from?

8 A. It comes from the coke plant, the coal piles across the
9 highway there.

10 Q. Is it your understanding that those are Granite City
11 Steel's coal pipes and coke plant?

12 A. Yes, sir.

13 Q. And where does the noise come from?

14 A. It comes from over there where the trucks are going in
15 and out off the highway, cutting in and out through the gates and
16 that to load up.

17 Q. How would you describe the dust at 2105 Alexander?

18 A. Well, I would not want to move back out there again, to
19 tell you the truth. It is terrible. You can -- I can walk out
20 in my shed and anything I touch, you know, your hands are just
21 black. And you can't lay down or sit down in the yard because of
22 the coal dust. And I am sure bringing all that stuff in, you
23 know, you worry about your lungs and that, you know. I have
24 never had my lungs checked and that, but you just worry about

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1 your health.

2 MR. BABST: I would object to that response as being
3 nonresponsive.

4 MR. MUSKOPF: I don't have a response.

5 HEARING OFFICER LANGHOFF: I am going to overrule the
6 objection.

7 Q. (By Mr. Muskopf) Who maintains the yard over there at
8 your house on Alexander?

9 A. The guy next door cuts the grass and that, and the wife

10 and I, we go out there a lot of times and pull the weeds around
11 the fence and that.

12 Q. Did you used to cut the grass when you were there?

13 A. Yes, before my heart attack.

14 Q. I see. When you were out cutting the grass could you
15 see dust in the air from the coal piles and the coke plant?

16 A. Many times.

17 Q. Did you ever breathe any of that dust in your nose or
18 mouth?

19 A. Well, any time you breathe the air you are going to
20 breathe it in, yes, sir.

21 Q. Did you ever blow your nose after cutting the grass or
22 being outside for a time?

23 A. Well, I blowed my nose and that, but I never checked it.

24 Q. Okay. Did you ever notice any dust or black --

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1 A. I never paid any attention.

2 Q. Now, would this dust find its way into your house on
3 Alexander?

4 A. Oh, yes, sir.

5 Q. Was there anything you could do to keep it out?

6 A. No. We caulked the windows, and even today the windows
7 are still caulked and that. And you can go and wipe the window
8 sills on the inside and get that black dust in there. It still

9 comes in.

10 Q. How long does it take for dust -- how long did it take
11 for dust to buildup inside of your house on Alexander?

12 A. I don't know. I never did check to find out. The wife
13 done the cleaning.

14 Q. Yeah. And would it get on your car or anything outside?

15 A. Oh, yes. I couldn't leave my windows down.

16 Q. Did you ever have people over for a barbecue or to sit
17 outside?

18 A. We had people over to sit outside and that. But we
19 never did barbecue. I never did barbecue out there, no.

20 Q. Did you spend much time outside?

21 A. Working in the yard and hosing the house and stuff down,
22 yes, and the porch. You would hose it down and the water would
23 just be black on you.

24 Q. I am sorry? The water was what?

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1 A. Black looking when you hosed the porch and the house
2 off. It would just be black.

3 Q. How often would you hose the house and porch down?

4 A. Every chance I would get. There is times I would get
5 out there and wash it down two or three times a week just to keep
6 the dust and stuff off.

7 Q. Is there anything -- is there anybody or any business in
8 that neighborhood that made near the dust or the noise that

9 Granite City Steel did?

10 A. No, sir.

11 Q. Are you --

12 A. Not that I know of.

13 Q. Are you happy to be away from it?

14 A. I am very happy.

15 Q. I think you said you would not want to move back over

16 there?

17 A. No way.

18 Q. That was because of the dust and the noise?

19 A. Because of the dust and the noise and you can't let kids

20 get out there and play, you know. It is just not good for kids

21 to get around there and playing in the yard and that.

22 MR. MUSKOPF: That's all I have for you, Mr. Carpenter.

23 Thank you very much.

24 HEARING OFFICER LANGHOFF: Mr. Babst.

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1 CROSS EXAMINATION

2 BY MR BABST:

3 Q. Mr. Carpenter, if you can't hear me, let me know. How

4 long has your mother-in-law lived in the -- in your home near the

5 coke plant?

6 A. About four years.

7 Q. She moved in when you and your wife moved out?

8 A. I believe it was about four years. You would have to
9 ask the wife on that. Because when we moved out we was -- we
10 lived there until we went and worked on the house we are living
11 in now.

12 Q. Okay.

13 A. I would say roughly around four years.

14 Q. The responses that you made with respect to when you
15 were cutting the grass, that was back when you lived in the
16 house; is that correct?

17 A. Yes, sir.

18 Q. That would have been 1996 and before?

19 A. Yes, sir, but we still go out there and pull the weeds
20 and that.

21 Q. But you no longer cut the grass; is that right?

22 A. Since I had my heart attack, no.

23 Q. When you talked about washing down the house was that,
24 again, while you lived in the house?

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1 A. No, I still go out there and wash the house down.

2 Q. And you go down and wash the house down a couple times a
3 week?

4 A. No, I don't go out there a couple times a week now and
5 wash the house down. When I lived there, it was two and three
6 times a week I would wash the house.

7 Q. That was in 1996 and prior to that time?

8 A. Yes.

9 Q. Mr. Carpenter, do you recall when you moved into that
10 house whether the coke plant was in existence across from
11 Edwardsville Road?

12 A. Yes.

13 Q. Do you recall whether the coal piles were in existence
14 in the general area where they are today?

15 A. The coke piles and that, I can't recall them being this
16 close to the highway.

17 Q. Okay.

18 A. I never paid that much attention. But I am pretty sure
19 that -- I couldn't say that they was that close to the highway.

20 Q. But you do remember coal piles in that general area?

21 A. I don't recall the coal piles and stuff.

22 Q. Okay.

23 A. If they have had them they probably had them way back in
24 the fields and that. I am not sure.

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1 MR. BABST: Okay. I have no further questions.

2 HEARING OFFICER LANGHOFF: Thank you, Mr. Babst. Mr.
3 Muskopf?

4 REDIRECT EXAMINATION

5 BY MR. MUSKOPF:

6 Q. Mr. Carpenter, since the time that you left Alexander

7 and moved to State Street, and when you go back, do you notice if
8 the dust is any better or any worse on Alexander?

9 A. It seems to me that it is just worse. Like I say, I go
10 out in my shed, like I am going out there today and do some work
11 out there. But if I go in my shed anything I touch out there
12 your hands are just black.

13 Q. When did you first notice the dust getting worse there?

14 A. When the wind -- it depends on the wind and that. If
15 the wind is -- when it is strong --

16 Q. No, I --

17 A. -- it is going to --

18 Q. I mean over the years. Have you noticed that the dust
19 has gotten any better or worse over the years?

20 A. I never paid that much attention. The only thing I know
21 is that the coke -- the coal dust and that, you know, that is
22 over there, it is just all over in the shed and in the grass.
23 And you wash off the porch and it is all over the porch and still
24 getting in the house.

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1 Q. So as I understand it, the dust is coming from the coal
2 piles?

3 A. Yes.

4 Q. And the coke plant itself?

5 A. Yes.

6 MR. MUSKOPF: Okay. Thank you very much, sir. I

7 appreciate your time.

8 HEARING OFFICER LANGHOFF: Yes, Mr. Babst.

9 RE CROSS EXAMINATION

10 BY MR. BABST:

11 Q. Mr. Carpenter, did you ever call the -- anyone at
12 Granite City to complain about the dust?

13 A. Yes, I have called them before.

14 Q. Do you recall when you called them?

15 A. I can't recall.

16 Q. Okay. Can you recall the last time you might have
17 called them?

18 A. Pardon?

19 Q. The last time you called them?

20 A. I can't recall the last time I called them.

21 Q. Would it have been before you moved?

22 A. Before I moved, yes.

23 MR. BABST: Okay. Thank you.

24 THE WITNESS: Okay.

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1 FURTHER REDIRECT EXAMINATION

2 BY MR. MUSKOPF:

3 Q. Well, you are not through yet.

4 A. Okay.

5 Q. When you called Granite City Steel to complain did you

6 complain about dust and noise or both?

7 A. Both.

8 Q. Did they ever do anything about it?

9 A. No.

10 Q. What did they tell you when you complained?

11 A. That they would just tell -- you know, that they would

12 do what they could. They just -- when you call them and you

13 complained about it they would just either put you on hold or

14 nobody is there, or they would see what they can do, and that's

15 it, or that they had have had a complaint and they are taking

16 care of it.

17 Q. So did they do anything to address your complaint?

18 A. No.

19 Q. After you complained, did anything get any better?

20 A. No.

21 Q. Did you see any real point in complaining to them any

22 more?

23 A. No. I still don't.

24 MR. MUSKOPF: Okay. Thank you very much, sir.

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1 HEARING OFFICER LANGHOFF: Mr. Babst?

2 MR. BABST: Yes.

3 FURTHER RECROSS EXAMINATION

4 BY MR. BABST:

5 Q. When you did call, Mr. Carpenter, do you remember who

6 you called?

7 A. No, I don't know who it was. I don't know if it was the
8 secretary or who it was.

9 Q. You just called the number at Granite City?

10 A. Granite City Steel.

11 Q. You don't recall who you spoke with?

12 A. No.

13 Q. And you mentioned that you complained about both dust
14 and noise; is that correct?

15 A. Dust and noise from the trucks, yes.

16 Q. Okay. When Mr. Muskopf was asking you questions, you
17 did not say anything about noise. What noise did you complain
18 about when you called Granite City?

19 A. The trucks going in and out of the gates.

20 Q. You say going in and out of the gates?

21 A. Yes.

22 Q. It is your understanding that the coal trucks come back
23 out that gate right at the end of your road?

24 A. The trucks would go in and come back out the gates.

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1 MR. BABST: Okay. That's all.

2 HEARING OFFICER LANGHOFF: Mr. Muskopf?

3 MR. MUSKOPF: All right. Now you are finally free to go.

4 HEARING OFFICER LANGHOFF: Okay. Thank you, Mr. Carpenter.

5 MR. MUSKOPF: Thanks.

6 (The witness left the stand.)

7 HEARING OFFICER LANGHOFF: Okay. Mr. Muskopf.

8 MR. MUSKOPF: Yes. For my next witness I would like to
9 call Mr. Norman Martinez.

10 HEARING OFFICER LANGHOFF: Would you swear the witness,
11 please.

12 (Whereupon the witness was sworn by the Notary Public.)

13 N O R M A N M A R T I N E Z,

14 having been first duly sworn by the Notary Public, saith as
15 follows:

16 DIRECT EXAMINATION

17 BY MR. MUSKOPF:

18 Q. Could you give us your name, please.

19 A. Norman Martinez, or Martinez, whichever you prefer.

20 Q. How do you prefer it?

21 A. Martinez.

22 Q. Okay. Then that's the way we will say it. Mr.
23 Martinez, where do you live?

24 A. 2227 Alexander.

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1 Q. 2227?

2 A. (Nodded head up and down.)

3 Q. How long have you lived there?

4 A. Let's see. Since 1970. You figure it out.

5 Q. Since 1970?

6 A. (Nodded head up and down.)

7 MRS. MARTINEZ: No.

8 HEARING OFFICER LANGHOFF: I am sorry, ma'am. We will --

9 THE WITNESS: I am sorry. I will back up.

10 HEARING OFFICER LANGHOFF: I am sorry, ma'am. We are going

11 to have Mr. Martinez answer the questions and then later we will

12 have you on the stand, if you will just keep your comments to

13 yourself.

14 THE WITNESS: That's my fault. I am sorry.

15 MR. MUSKOPF: That is okay, Mr. Martinez.

16 HEARING OFFICER LANGHOFF: Do we have the answer there?

17 Since 1970, is that the answer?

18 THE WITNESS: No. Roughly 30 years.

19 HEARING OFFICER LANGHOFF: Thank you.

20 Q. (By Mr. Muskopf) And what do you do for a living, sir?

21 A. I am retired.

22 Q. What did you do before you retired?

23 A. I was mechanic at McDonald Douglas and Boeing.

24 Q. Did you raise kids in your house on 2227 Alexander?

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1 A. One.

2 Q. From what age to what age did you have a child at your

3 house there?

4 A. From approximately six to 18, 19, when he went to
5 college.
6 Q. What was his name?
7 A. Michael, Craig Michael Martinez.
8 Q. What did you call him?
9 A. Mike.
10 Q. Mike. Did you -- when Mike was six years old did you
11 let him play out in the yard?
12 A. Yes.
13 Q. Did you ever notice any coal dust on him when he came
14 back in?
15 A. All of the time.
16 Q. What was it like?
17 A. Just black coal dust. I mean, it is like somebody
18 threw something black on his tennis shoes, socks, whatever, his
19 hands.
20 Q. Now, did you have any pets over there?
21 A. No.
22 Q. Where do you think -- this coal dust, where do you think
23 it comes from?
24 A. I know where it comes from. It comes from Granite City

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1 Steel, the coke plant, and the coal piles.
2 Q. Would you say there is a dust problem at your house on
3 Alexander?

4 A. A bad problem.

5 Q. How far away are you from the intersection of Alexander
6 and Edwardsville Road?

7 A. I would say one block.

8 Q. Okay.

9 A. I am in -- the Hoppes live on the corner, and there is
10 about a half block and then I live in the next half block.

11 Q. I see. Does that dust get on anything you have outside
12 in your yard?

13 A. It gets on everything.

14 Q. What about inside the house?

15 A. It manages to get in your house also.

16 Q. Do you ever keep --

17 A. Even -- pardon me.

18 Q. I am sorry.

19 A. Even with the windows completely closed and storm
20 windows also.

21 Q. Do you ever open your windows in good weather?

22 A. Never.

23 Q. Why not?

24 A. It is just -- it gets too black, too dusty.

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1 Q. So you keep your windows closed all of the time and you
2 have got storm windows and the dust still finds its way in the

3 house?

4 A. It still seeps in there some way.

5 Q. What about in your car? Does it get in your car?

6 A. Well, the same way.

7 Q. Do you ever breathe the dust?

8 A. Yeah, well, when I am out in the yard, all of the time.

9 Q. Do you spend much time out in the yard?

10 A. I do now.

11 Q. What do you do?

12 A. Oh, tinkering in the garage, yard work, outside work,

13 whatever.

14 Q. And when you spend time out in the yard do you get

15 dusty?

16 A. The same way.

17 Q. Okay.

18 A. Very dusty.

19 Q. Anything you touch?

20 A. Not dusty. Black.

21 Q. Black.

22 A. Dust and black, to me, are two different things.

23 Q. Okay. So you get black on you?

24 A. Absolutely. Black coal dust. That is what it is. That

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1 is what it amounts to.

2 Q. Do you breathe any of that? Did I ask you that?

3 A. No, you didn't.

4 Q. Do you breathe any of that coal dust?

5 A. Yes all of the time when I am outside.

6 Q. Does it get in your nose or your mouth or your eyes?

7 A. I have a chronic sinus problem now.

8 Q. And have you had any doctor tell you that your chronic
9 sinus problem has anything to do with the coal dust?

10 MR. BABST: Objection. That calls for a hearsay response.
11 Again, he has not offered any medical testimony to link any
12 medical problem with the coal dust, and it would be improper to
13 allow it.

14 HEARING OFFICER LANGHOFF: Okay.

15 MR. MUSKOPF: I am attempting to establish that foundation.
16 And there is a hearsay -- a well recognized exception to the
17 hearsay rule that statements made in the course of medical
18 treatment are -- fall outside of the scope of the hearsay rule.
19 That's how people can come in and tell what their doctor told
20 them. It happens all of the time at trial.

21 MR. BABST: I believe in these cases, Mr. Hearing Officer,
22 that this type of testimony has not been allowed to establish
23 medical issues, and I don't think it should be allowed in this
24 case.

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1 MR. MUSKOPF: Mr. Hearing Officer, I would like to draw

2 your attention to the Applicable Rules of Evidence in
3 Administrative Hearings in Illinois, and it is Section 1040. It
4 says, the rules of evidence in privilege as applied in civil
5 cases in the circuit courts of this state shall be followed.
6 Evidence not admissable under those rules of evidence may be
7 admitted, however, if it is of a type commonly relied upon by
8 reasonably prudent men in the conduct of their affairs.

9 Somebody goes to the doctor, they say I have a sinus
10 problem, the doctor says it is because of coal dust, I think that
11 is exactly the type of information that a reasonably prudent
12 person would rely upon in their affairs. It is squarely within
13 the statute.

14 MR. BABST: And I would, if I could, direct your attention,
15 Mr. Hearing Officer, to I think it is the Logsdon case, which I
16 believe was the case that you were involved in where you have
17 not -- or there has not been allowed medical testimony without
18 establishing some causal relationship between the alleged problem
19 and the manifestation in human health.

20 HEARING OFFICER LANGHOFF: Okay. This is not really a
21 hearsay objection. This is more the medical -- more the fact
22 that there has been no discovery and any kind of medical evidence
23 that has been presented before, am I correct?

24 MR. BABST: That's correct, as well as -- I mean, I think

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1 it is both that and he has called for basically what a doctor

2 said to him.

3 MR. MUSKOPF: I guess I am just missing the point. I think
4 it is entirely proper that Mr. Martinez can testify what a doctor
5 told him. I am attempting to establish the foundation of the
6 causal relationship that Mr. Babst is so intent on having before
7 this kind of evidence is allowed.

8 MR. BABST: How can we possibly have a causal relationship
9 based on something that was told to Mr. Martinez -- Martinez, I
10 am sorry, sir -- that I would have no ability to cross-examine
11 the physician to find out any of the details that would have gone
12 into his diagnosis, assuming this is what he did say to him.

13 MR. MUSKOPF: That's the mischief of hearsay. We are not
14 talking about a hearsay objection. The ability to cross-examine
15 the person that told the person who is in court testifying, that
16 is what the hearsay rule is all about. But this isn't a hearsay
17 objection. It is not a hearsay problem. There is an exception
18 to the hearsay rule for when a doctor tells you here is what your
19 condition is. You can come into court and testify to that. I
20 would be happy to file a supplemental brief. I am just certain
21 that the law is crystal clear on that.

22 HEARING OFFICER LANGHOFF: Anything else, Mr. Babst?

23 MR. BABST: Well, all I can say is that certainly toxic
24 tort cases would be much simpler if Mr. Muskopf was correct. We

1 would not have to bring a doctor in. You could just have
2 plaintiffs come in and say I was told this and I was told that.
3 I don't think that is what the law is, and it should not be
4 allowed in this case.

5 HEARING OFFICER LANGHOFF: I am going to sustain the
6 objection as to the medical testimony. Mr. Martinez is free to
7 testify as to what his health affects are and what the dust
8 and/or noise has done. But anything further down the line, down
9 the hearsay chain -- I want to make it clear that I am not
10 sustaining the objection on any kind of hearsay. It is just what
11 has been disclosed and what this case has been narrowed down to.

12 MR. MUSKOPF: All right. May I make an offer of proof on
13 this point?

14 HEARING OFFICER LANGHOFF: You may.

15 MR. MUSKOPF: Thank you.

16 OFFER OF PROOF EXAMINATION

17 BY MR. MUSKOPF:

18 Q. Mr. Martinez, back before we had this interruption I was
19 asking you if any doctor has told you that your chronic sinus
20 condition is related in any way to the coal dust?

21 A. No, he didn't -- he didn't really come out and say that
22 that would cause -- that that is what was causing it. But since
23 I have retired I am in the area quite a bit more, and this
24 chronic -- as a matter of fact, even an operation was involved.

1 It has gotten worse, because you are in the area more. I am in
2 the area more, a lot more in the last two or three years than I
3 was when I was working. I was away from all of this dust and
4 all, whatever. And I am sure that it affects whatever you got,
5 your sinuses, or anything in that area when you breathe something
6 that is not normal.

7 MR. MUSKOPF: Okay. I am outside of my offer of proof now.

8 HEARING OFFICER LANGHOFF: Okay. Thank you, Mr. Muskopf.

9 DIRECT EXAMINATION (continued.)

10 BY MR. MUSKOPF:

11 Q. Mr. Martinez, for different legal reasons I need to go
12 back and ask you a couple of questions and basically I am looking
13 for the same -- let me -- it may seem to you that I was not
14 listening to you, but I really was. Now, how long have you been
15 retired?

16 A. Two years, going on three.

17 Q. When you were -- before you were retired, you worked at
18 Boeing, and that's in St. Louis?

19 A. Correct.

20 Q. What kind of hours did you work before your retirement?

21 A. I was strictly the second shift, number two shift, which
22 is 3:30 to 12:00, whatever, you know, 3:30 to 12:00.

23 Q. Was it a full work week, 40 hours?

24 A. Yes, sometimes 40. Sometimes weekends, you know.

1 Q. Okay. Now that you are retired, do you spend more time
2 or less time around your house?

3 A. More time.

4 Q. Okay.

5 A. All of the time.

6 Q. Okay. And you said that you have a chronic sinus
7 condition?

8 A. Yes.

9 Q. What kind of condition? What symptoms do you have?

10 A. Well, it is constant headaches, you know, constant
11 headaches and compression in your nose.

12 Q. Congestion, is that what --

13 A. Congestion.

14 Q. Do you have difficulty breathing through your nose?

15 A. Yes.

16 Q. What about coughing? Do you cough or wheeze or anything
17 like that?

18 A. I wheeze.

19 Q. And how long have you had that set of symptoms that we
20 just talked about?

21 A. They have gotten worse within the last couple of years.

22 Q. And did you have them before you retired?

23 A. Not that I recall.

24 Q. Okay. So since you retired, you are saying that these

1 symptoms have flared up?

2 A. Uh-huh.

3 Q. That's a yes?

4 A. Yes.

5 Q. Do you have any idea -- you have your own idea what is
6 causing your symptoms to get worse?

7 A. Well, I have ideas, but I am not saying it is correct or
8 not, but it is -- like I said before, any time you breathe or
9 inhale foreign matter or any kind of foreign matter that
10 disagrees with your body, you are going to have complications,
11 and it seems like that is what I am having.

12 Q. Are you breathing more coal dust or less coal dust since
13 you retired?

14 A. I am breathing more because I am there more.

15 Q. And are you saying that your symptoms are getting worse
16 when you breathe this dust?

17 A. Well, I repeat again, if you are -- I am there more and
18 it has gotten worse. So, evidently, you can put one and one
19 together or one and two together and you get them both.

20 Q. Okay. Have you ever heard any noise -- do you think
21 there is a noise problem at your house from Granite City Steel?

22 A. Well, we don't hear them as much as I think the Hoppes
23 do, because they are right up on them. But we do hear the
24 beeping. We can't hear the trucks too much. But we hear the

1 booming, the constant noise from the coke plant. It will knock
2 you out of bed a lot of times.

3 Q. So --

4 A. And it --

5 Q. I am sorry.

6 A. It is just a constant noise.

7 Q. Does it irritate you?

8 A. Yes, it does.

9 Q. Have you ever called to complain?

10 A. No. We have called the alderman.

11 Q. What did your alderman do for you?

12 A. He complained to Granite City Steel. As a matter of
13 fact, we had a case before on this.

14 Q. A lawsuit?

15 A. It was not a lawsuit, but it was just an EPA case.

16 Q. How did that turn out?

17 A. Not very good. It was concerning at the time when the
18 coal dust was first being hauled into the coal piles, and I can't
19 recall how the -- what the outcome was, you know, what they
20 decided on it.

21 Q. So when you said that the noise from the coke plant
22 would knock you out of bed, are you saying that you would be
23 asleep and you would be woken up by a noise from Granite City
24 Steel?

1 A. Absolutely.

2 Q. How often would that happen?

3 A. Well, it varied. I imagine it was at the time what they
4 were doing at the coke plant. What I understand is if they were
5 in the process of a heat or something like that or something, it
6 would boom. And that's what we complained to the alderman about.
7 That plus the fact that all these constant coal trucks were being
8 hauled in. You know, the coal dust was being hauled in more and
9 more and more to the point that it is on the highways now. It
10 was way in the back area but now it is completely down
11 Edwardsville Road.

12 Q. Can you tell me about how often you have a problem with
13 noise from Granite City Steel? Is it once a month, once a year?

14 A. No, no, it is every week. It is constant. It is a
15 constant noise. It is a constant beeping.

16 Q. Does it get on your nerves?

17 A. Yes.

18 Q. Is it hard to find peace and quiet in your house because
19 of that noise?

20 A. Yes, it is.

21 MR. MUSKOPF: All right. Thank you, sir. That's all of
22 the questions I have for you right now.

23 HEARING OFFICER LANGHOFF: Thank you. Mr. Babst.

24 MR. BABST: Yes.

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CROSS EXAMINATION

BY MR. BABST:

Q. Mr. Martinez, what did you do for Boeing?

A. What did I do?

Q. Yes, sir.

A. Like I said, I was a mechanic and I repaired different presses, machines, different things.

Q. In repairing, what type of equipment did you use?

A. In repairing them?

Q. Uh-huh.

A. Mechanical tools. Do you want the specific --

Q. I just wanted to know if in your line of work whether you were in an environment where you had to wear any respiratory control or where dust was an issue in the workplace?

A. Could you come again with the question?

Q. Yes, sir. I mean, in your work at Boeing whether the type of work you did required you to use some type of respiratory control, whether it was particularly dusty in your work environment?

A. Well, at times. I mean, the different jobs.

Q. Uh-huh.

A. Different jobs that you had, it depended on what kind of job you did. If you worked with dust or, you know, if you were down in a machine where you needed a respirator or something like

1 that. It depended on the job that you done.

2 Q. In the many years that you were with the company, when
3 you did those dusty type of jobs did you always wear a respirator
4 or did you start to wear that at some point in time?

5 A. They required to us wear them.

6 Q. But in the early days were you required to wear them as
7 well?

8 A. Yes.

9 Q. You never worked in an environment at Boeing where you
10 were doing work in a dusty area without any type of protection?

11 A. Well, we -- I have worked in an area that required them,
12 but that was -- they more or less left it up to us, you know.

13 Q. Uh-huh.

14 A. It was not a requirement at the time.

15 Q. Uh-huh.

16 A. If you thought that it was going to affect your health
17 then you went and issued or checked out a respirator and used it.

18 Q. Okay. You say that you have lived in your current
19 address approximately 30 years; is that correct?

20 A. Yeah, 30 years.

21 Q. And your son Mike is how old today?

22 A. He is 45.

23 Q. So when you were talking about your experiences with him
24 in the yard, this was many years ago?

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1 A. Well, it was the first 18 years.

2 Q. So it was --

3 A. Yes.

4 Q. -- more than 20 years ago?

5 A. We moved in there when he was six years old, in that
6 area.

7 Q. Okay. With respect to the noise that you have talked
8 about, you did say that you can hear beeping from the coke plant?

9 A. Right.

10 Q. I think you said, and correct me if I am wrong, that you
11 really don't hear the trucks?

12 A. We are not that close enough to hear the trucks, I don't
13 believe.

14 Q. Can you --

15 A. But the beeping and the booming and all of that, that is
16 constant.

17 Q. And can you hear any of the traffic noises on
18 Edwardsville Road?

19 A. Huh-uh.

20 Q. Or do you ever notice any sounds from airplanes flying
21 over your house?

22 A. Oh, yeah, yeah.

23 Q. Do you know whether the area in which you live is in
24 part of a flight pattern? Is the noise traffic fairly frequent?

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1 A. From what? From the coal plant or from the airplanes or
2 what?

3 Q. Yes. How many times a day would you perhaps notice
4 planes flying overhead?

5 A. It varies. I mean, maybe once a day or maybe twice a
6 day. I don't know.

7 Q. Okay. I think Mr. Muskopf did ask you this question,
8 but I don't know if I understood it. How many times during a
9 night are you awakened by noises that you think come from the
10 steel plant?

11 A. Like I told him, and I will tell you the same. It
12 depends on what they are running over there, I guess. Maybe two
13 or three times a week. But constantly, the boom, like an
14 explosion, you know, enough to where it will rock you out of bed.

15 Q. So it is not the back up alarms, at least in your
16 house --

17 A. Right.

18 Q. -- that wake you during the night?

19 A. Pardon?

20 Q. Are you awakened by the beeping of back up alarms during
21 the night?

22 A. Oh, yes, the beeping also.

23 Q. So that wakes you up at night and the booms wake you up
24 at night?

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1 A. Yes.

2 Q. This could happen a couple of times a week?

3 A. Two, three, sometimes four. It depends on -- like I
4 said, it depends on what they are running over there at the coke
5 plant.

6 Q. I will show you a picture and ask if you could identify
7 that?

8 A. If I can identify it?

9 Q. Yes, sir.

10 A. Well, what do you want me to identify on it?

11 Q. I am sorry. Let Mr. Muskopf take a look at it, if you
12 would. Can you tell what that is a picture of?

13 A. It is a picture of -- this looks like the Hoppes' house
14 at Edwardsville Road.

15 Q. Okay. I asked -- I think you testified that the coal
16 trucks that come in here more and more, and really I could not
17 understand whether you were saying that the sound goes all up and
18 down Edwardsville Road or were you saying that there is coal dust
19 all up and down Edwardsville Road?

20 A. I was saying when I told him that they were coming in
21 more and more was concerning the prior complaint that we had
22 years ago through the EPA, at the time that they were starting to
23 bring those -- that coal dust in.

24 Q. Okay. Just so that I understand, then, it is not your

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1 testimony today that those trucks are causing coal dust to be all
2 up and down Edwardsville Road?

3 A. Absolutely. They caused it then and they are causing it
4 worse now because they are coming in more.

5 Q. Could you tell from that picture whether that picture is
6 around the gate where the coal trucks come in?

7 A. I would say it is further -- right back in here
8 somewhere.

9 Q. Can you tell from that picture -- I mean, do you see any
10 coal dust or material in that picture, at any rate?

11 A. Well, I think the reason for that is because on our last
12 complaint I think one of the stipulations was that the Granite
13 City Steel would clean the streets off constantly with the
14 machines.

15 Q. Let me ask you that same question again. Do you see any
16 coal dust on that particular picture?

17 A. No.

18 Q. Thank you.

19 A. Can I ask you a question?

20 HEARING OFFICER LANGHOFF: No, Mr. Martinez. Sorry.

21 MR. MUSKOPF: You didn't mark that, did you.

22 MR. BABST: No, but I will. We will mark all of these.

23 MR. MUSKOPF: Okay.

24

MR. BABST: It is in the pictures, the picture pack.

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1 MR. MUSKOPF: Okay. I just have a couple more questions.

2 MR. BABST: I am not finished.

3 MR. MUSKOPF: Oh, I am sorry.

4 HEARING OFFICER LANGHOFF: Go ahead, Mr. Babst.

5 Q. (By Mr. Babst) I am interested in this other case, Mr.
6 Martinez. You were involved in a case with the Illinois EPA a
7 number of years ago; is that correct?

8 A. The hearings, right. We had hearings.

9 Q. You testified at a hearing; is that correct?

10 A. Well, I don't know if it was testimony or if it was just
11 a hearing. But it was not -- what it was, it was concerning the
12 bringing in of the coal dust, the coal that was being brought in.

13 Q. The Illinois EPA was a part of that hearing; is that
14 correct?

15 A. I think so, yes.

16 Q. When you moved into your home 30 years ago was the coke
17 plant in its current location?

18 A. Was it there then?

19 Q. Yes, sir.

20 A. Yes.

21 Q. Were the coal piles in the general area where they are
22 today?

23 A. No.

24 Q. There were no coal piles there at all?

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1 A. Not on the highway, no, not right from -- you can see
2 the highway and it was off the highway.

3 Q. Now, in connection with the hearing that you talked
4 about with the IEPA, the Illinois Environmental Protection
5 Agency, are you aware of whether or not the coal trucks -- after
6 this hearing, whether or not the coal trucks continued to come in
7 that gate and leave from the same gate?

8 A. Yes.

9 Q. They did?

10 A. The reason that we are aware of it is because we had our
11 alderman in on this and he followed the coal trucks to the point
12 where they were picking the coal dust up and bringing it to the
13 area where they are dumping it now.

14 Q. Do you know whether today the coal trucks still exit
15 from that gate?

16 A. Yes.

17 Q. They do continue to exit from that gate?

18 A. Yes.

19 Q. The empty trucks come right out that gate?

20 A. Right.

21 MR. BABST: I have no other questions.

22 HEARING OFFICER LANGHOFF: Thank you. Mr. Muskopf,

23 redirect?

24 MR. MUSKOPF: Yes, thank you.

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1 REDIRECT EXAMINATION

2 BY MR. MUSKOPF:

3 Q. Mr. Martinez, do you remember when Mr. Babst was asking
4 you about the airplanes flying over?

5 A. Uh-huh, yes.

6 Q. When was the last time an airplane flying over has
7 knocked you out of bed?

8 A. Never.

9 Q. That picture that you were looking at, did you see a
10 street sweeper in the picture?

11 A. Did I see one.

12 Q. Yeah.

13 A. No.

14 Q. Do you have any way of telling whether a street sweeper
15 had just gone by right before that picture was taken?

16 A. Yes. It is clean. The picture is clean.

17 Q. Okay. Thank you.

18 A. If the sweeper had not gone by there it would have been
19 dirty.

20 MR. MUSKOPF: Thank you, sir. That's all I have for you
21 right now.

22 HEARING OFFICER LANGHOFF: Just a second, Mr. Martinez.

23 Anything else, Mr. Babst?

24 MR. BABST: No, sir.

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1 HEARING OFFICER LANGHOFF: Okay. Thank you, Mr. Martinez.

2 (The witness left the stand.)

3 HEARING OFFICER LANGHOFF: For the record, I know that has
4 not been marked, but do you have a number or exhibit for that
5 picture yet? Do you know what it will be marked?

6 MS. CHRISTMAN: Yes, it will be part of Respondent's
7 Exhibit Number 3.

8 HEARING OFFICER LANGHOFF: For the record, that photo that
9 Mr. Martinez looked at will be part of Respondent's Number 3.
10 Thank you.

11 All right, Mr. Muskopf.

12 MR. MUSKOPF: Yes. We call Mrs. Norma Martinez.

13 (Whereupon the witness was sworn by the Notary Public.)

14 N O R M A M A R T I N E Z,
15 having been first duly sworn by the Notary Public, saith as
16 follows:

17 DIRECT EXAMINATION

18 BY MR. MUSKOPF:

19 Q. Could you give us your name, please.

20 A. Norma Martinez.

21 Q. How are you this morning, ma'am?

22 A. Tired.
23 Q. Did you stay up too late last night?
24 A. I am always tired.

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1 Q. How come?
2 A. Well, I have a lot of medical problems.
3 Q. Does the coal dust bother you in any way at your house?
4 A. Yes, the smell.
5 Q. Let me -- where do you live? What is your address?
6 A. 2227 Alexander.
7 Q. You live there with your husband who just testified
8 right before you?
9 A. Uh-huh.
10 Q. Is that a -- you have to answer with --
11 A. Yes.
12 Q. Okay. And about how long have you lived there, do you
13 remember?
14 A. Well, in that house, at 2227 Alexander, we have been
15 there since November of 1970. But before that we lived for 13
16 years across the street at 2228 Alexander.
17 Q. Well, I guess you didn't have to rent a moving van,
18 then, did you?
19 A. No.
20 Q. Why don't you just move out of that neighborhood?
21 A. Well, at the time that we were living in the apartments

22 this house that was for sale was in the price range that we could
23 afford at the time because he was working at A. L. Smith and
24 there was a lot of working problems, and we couldn't afford to

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1 move anywhere else. And this house came up for sale for
2 \$8,000.00 so we bought it.

3 Q. Does the -- do you think there is a dust problem and a
4 noise problem from Granite City Steel at your house?

5 A. Oh, yes, and it is worse than it was when I moved into
6 the apartments 43 years ago.

7 Q. Well, why don't you and your husband just move away from
8 that neighborhood now?

9 A. Well, we can't afford it.

10 Q. Would you like to move away from the dust and the noise?

11 A. Yes, I would.

12 Q. Is it fair to say that you probably do most of the
13 housecleaning, as opposed to your husband?

14 A. He helps me a lot now.

15 Q. What is your housecleaning like with the coal dust?

16 A. Well, it is worse. Used to, you could take a cloth and
17 you could go across your coffee table or your TV or counter tops
18 or something with the rag and, you know, clean it off. But
19 anymore it seems like it kind of smears, like there is -- you
20 know, it is like oily or something.

21 Q. Like the dust is more oily?
22 A. Yes, like an oily substance.
23 Q. When did that start?
24 A. Oh, I guess it has been like that for about maybe three

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1 or four years or longer.
2 Q. Now, how bad was the dust when -- let's start with when
3 you first moved into 2228. Was there dust at all from Granite
4 City Steel?
5 A. Oh, yeah, bad.
6 Q. And then when you left 2228 was the dust any -- over
7 those 13 years, did the dust problem get any worse or any better?
8 A. It has gotten worse.
9 Q. Okay. Then from the time you moved into 2227, to the
10 present, has it -- do you understand --
11 A. Yes.
12 Q. -- what I am asking you?
13 A. (Nodded head up and down.)
14 Q. From the time you moved across the street to today, has
15 the dust gotten any better or worse?
16 A. It has gotten worse, because those piles now are clear
17 up to the fence where the highway is, and those things are as
18 high as mountains. That is where all that beeping noise is, is
19 those -- I don't know what you call them that push that dirt up
20 there to make the piles higher.

21 Q. Bulldozers?
22 A. Yes.
23 Q. Or Caterpillars?
24 A. Or Caterpillars or whatever they are.

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1 Q. So are you saying that you remember the piles, that they
2 didn't used to be so close to Edwardsville Road?
3 A. I don't even remember seeing any piles when I first
4 moved into the area.
5 Q. Okay. And now you would describe them as mountains?
6 A. Yeah, and some of them are so high they are all the way
7 back past Lake School and they have grass growing over them.
8 Q. Do you ever remember those coal piles being that big
9 let's say ten years ago?
10 A. Not like they are now, no, huh-uh.
11 Q. Did they run as many trucks in and out ten years ago as
12 they do now?
13 A. Well, I don't stand out there and watch them, but I
14 remember here about, oh, three weeks ago, I was standing in the
15 middle of the street with the landlord that has the apartments
16 across the street, and I guess within a matter of about 15
17 minutes we counted about ten trucks going in there.
18 Q. Do you ever hear any noises from those coal piles?
19 A. Well, the beeping of those trucks.

20 Q. Okay. Any other noises?

21 A. Yeah, that loud booming that jars and shakes the house,
22 you know.

23 Q. Do you know what that is from?

24 A. Well, I have heard it is from when they pour something,

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1 water or something, inside the plant. We had a real bad one one
2 day last week.

3 Q. Now, are you saying that that comes from the plant, as
4 opposed to the coal piles?

5 A. That comes from the plant, I think, not the piles.

6 Q. Okay. The booming comes from the plant?

7 A. Yeah.

8 Q. And not the piles?

9 A. (Nodded head up and down.)

10 Q. Do you ever -- your husband testified that he gets woken
11 up sometimes from the noise?

12 A. At night.

13 Q. Does it ever wake you up?

14 A. Yeah, the beeping sometimes it does, yeah. And then
15 them jolts, them blasts, too, at night. We have had them.

16 Q. Does that knock you out of bed, too?

17 A. Yes. It scares you to death.

18 Q. Are you retired?

19 A. I have always been retired (laughing).

20 Q. That's nice. So what time do you get up in the morning?

21 A. Well, it depends on how I feel. If I feel good, I get
22 up early. If I don't feel good, I get up -- normally I am always
23 up by 8:30 in the morning.

24 Q. Are you ever up before 7:00?

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1 A. Oh, yeah.

2 Q. Do you ever hear any beeping noises before 7:00?

3 A. Oh, yeah, a lot of times.

4 Q. Do you ever stay up after 10:00 p.m.?

5 A. Not anymore.

6 Q. Okay. So if you are -- if you hear noises at night from
7 like -- would you say the noise from the plant that you hear is
8 like an explosion?

9 A. At night, yeah, when they jolt the house so bad, yeah.

10 Q. So would that be after 10:00, then, when you have heard
11 those noises?

12 A. Oh, gosh, you hear them at all hours.

13 Q. So it could be at 3:00 in the morning or 5:00 in the
14 morning or midnight?

15 A. Absolutely.

16 Q. Okay. When is the last time an airplane has knocked you
17 out of bed?

18 A. Since they put a stop to those sonic booms.

19 MR. MUSKOPF: Okay. I don't have any more questions for
20 you right now.

21 THE WITNESS: Okay.

22 MR. MUSKOPF: Thank you.

23 HEARING OFFICER LANGHOFF: Okay. Mr. Babst?

24 MR. BABST: Yes.

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1 CROSS EXAMINATION

2 BY. MR. BABST:

3 Q. Mrs. Martinez, you mentioned that there was some coal
4 pile with grass growing over them; is that correct?

5 A. Uh-huh.

6 Q. Can you tell me where they are located in connection
7 with Edwardsville Street?

8 A. Most of them that have the grass growing over them are
9 across the street from Casey's, at Casey's, and Lake School,
10 straight across. They are on the -- well, some of them call it
11 Edwardsville Road and some of them call it 162.

12 Q. Okay. With respect to those coal piles, have you ever
13 seen any of the equipment working on those piles?

14 A. Well, years ago you could see them when they were piling
15 them up, you know.

16 Q. I am just trying to figure out whether you are talking
17 about piles that are being used to feed coal into the coke
18 battery or whether these are areas that --

19 A. They are not even being used. They have been sitting
20 there so long that grass has grown on them.

21 Q. Okay. The booming that you talked about, does that
22 happen on a regular basis or does it happen irregularly?

23 A. Well, lately I don't think I hear it as often as we used
24 to, but --

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1 Q. I mean, would it happen every hour on the hour?

2 A. No, no. It would happen maybe sometimes two or three
3 times a day and then maybe you wouldn't hear it again for three
4 or four days or a week, and then sometimes maybe you could go for
5 a month and you wouldn't hear it.

6 Q. It comes, as best you can tell, from some other area in
7 the plant, not from the coal piles; is that correct?

8 A. No, it is not coming from the coal piles. It is coming
9 from the plant.

10 Q. And you said that the beeping noises from the equipment
11 that works on the coal piles does awaken you sometimes?

12 A. Uh-huh.

13 Q. Can you give me an idea of how often you might be
14 awakened by that beeping noise?

15 A. Sometimes it is worse than others. How many times in
16 the night?

17 Q. Uh-huh. I mean, if you could give me a rough idea of

18 how many times in a week that may happen to you?

19 A. Oh, gosh. Sometimes maybe it would be two or three
20 weeks that I wouldn't hear it, and then sometimes it would wake
21 me up maybe two or three times in the night.

22 Q. So do you think that there is something different they
23 are doing on some nights than other nights, or why is it do you
24 think this beeping sometimes awakens you and other times it

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1 doesn't?

2 A. My medication I think that I take.

3 Q. Do you ever notice the sound of airplanes flying over
4 your home?

5 A. Yeah, I can hear them once in awhile.

6 Q. Was the coke plant, as best you can remember, in its
7 current location when you moved into your -- first of all, I
8 guess when you moved into the rental property?

9 A. The coke plant was there, yes, but those piles weren't.

10 Q. They were not? The best you can recall there were no
11 coal piles in that area of the plant when you moved into your
12 rental property?

13 A. Not in that area.

14 Q. Have you ever complained to anyone at the company
15 regarding either the noise or the dust?

16 A. Not the company, no.

17 MR. BABST: Nothing else.

18 HEARING OFFICER LANGHOFF: Mr. Muskopf.

19 REDIRECT EXAMINATION

20 BY MR. MUSKOPF:

21 Q. Ma'am, do you think it would do any good if you complain
22 to the people at Granite City Steel that they are making too much
23 dust for you?

24 A. No.

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1 Q. Do you think they would change anything just to
2 accommodate you?

3 A. No.

4 MR. MUSKOPF: Okay. Thank you very much. No more
5 questions.

6 MR. BABST: Nothing else.

7 HEARING OFFICER LANGHOFF: All right. Thank you, Mrs.
8 Martinez.

9 (The witness left the stand.)

10 HEARING OFFICER LANGHOFF: Do you want to take five
11 minutes?

12 MR. MUSKOPF: Yes, or ten.

13 HEARING OFFICER LANGHOFF: No, we will take five minutes
14 and be back at 20 till.

15 MR. MUSKOPF: Okay.

16 (Whereupon a short recess was taken.)

17 HEARING OFFICER LANGHOFF: Okay. We are back on the
18 record.

19 Okay. Mr. Muskopf, your next witness.

20 MR. MUSKOPF: Yes. I would like to now call Mr. Bill
21 Hoppe.

22 HEARING OFFICER LANGHOFF: All right. Please swear in the
23 witness.

24 (Whereupon the witness was sworn by the Notary Public.)

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1 W I L L I A M H O P P E,
2 having been first duly sworn by the Notary Public, saith as
3 follows:

4 DIRECT EXAMINATION

5 BY MR. MUSKOPF:

6 Q. Would you state your name, please.

7 A. William Hoppe.

8 Q. Mr. Hoppe, where do you live?

9 A. At 2815 Edwardsville Road.

10 Q. How long have you lived there?

11 A. Almost 40 years.

12 Q. Who lives there with you right now?

13 A. My wife, Pat.

14 Q. Who did you buy that home from?

15 A. Can I move over here or something?

16 Q. Is that air bothering you?

17 A. Yes, it is cold.

18 HEARING OFFICER LANGHOFF: Can I turn it off?

19 MR. BABST: Sure.

20 Q. (By Mr. Muskopf) Do you know when your house was built?

21 A. I would say the late 1920s, the early 1930s. I am not
22 positive.

23 Q. So you moved in in approximately what year?

24 A. November 11th of 1961.

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1 Q. How do you remember that date so well?

2 A. Because it is our wedding anniversary.

3 Q. Who did you buy that house from?

4 A. I finished making the payments for my mother and father.

5 Q. Were you raised in that house then?

6 A. I was there and then we moved about half a block east or
7 west of where I am at and then we moved back into where I am at
8 now.

9 Q. So have you lived in that neighborhood most of your
10 life?

11 A. Yes.

12 Q. How old are you now?

13 A. I am 61.

14 Q. And by the way, what do you do for a living?

15 A. An electronic technician.

16 Q. Are you still working?
17 A. Yes.
18 Q. Do you work a full 40 hours a week?
19 A. Yes.
20 Q. Where is your place of employment?
21 A. It is between Madison and Venice.
22 Q. That's pretty close by here, right?
23 A. It is -- yes, it is three and three-tenths miles from my
24 house

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1 (Whereupon a document was duly marked for purposes of
2 identification as Complainant Exhibit C34 as of this
3 date.)
4 Q. (By Mr. Muskopf) I have an exhibit that I want to show
5 you. It has been marked as C34. It is a big one. Okay. Does
6 anything on this aerial survey look familiar to you?
7 A. There is the blast furnace and where I am living.
8 Q. Okay. Do you see your house on this map?
9 A. Do you mind if I turn it around?
10 Q. Do whatever you need to.
11 A. Yes.
12 Q. Okay. What I would like for you to do is take this blue
13 pen and sort of color in your house that is on Exhibit C34.
14 A. (Witness complied.)
15 Q. Okay. Then write an H, put the letter H right next to

16 that?

17 A. (Witness complied.) The top of the garage.

18 Q. So the H is on the top of your garage and you have
19 colored in --

20 A. My house.

21 Q. Your house. Okay. You live very near the intersection
22 of Alexander and Edwardsville?

23 A. Yes.

24 Q. Do you have a dust problem at your house?

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1 A. Yes.

2 Q. Where does that dust come from?

3 A. Across the street, the coal piles.

4 Q. Do you get any dust from the plant itself?

5 A. Yes.

6 Q. Have you ever taken any videotapes of -- let me ask you
7 this, backing up a little bit. Do you have a noise problem at
8 your house?

9 A. Yes.

10 Q. Where does the noise come from?

11 A. Across the street, from payloaders, cat, and I call it a
12 yuke, a pickup truck. Well, not a pickup truck, but a truck.
13 Also on down there is steam escaping, and I think it is from the
14 coke ovens when they open them up or whatever. It is like an

15 explosion and that.

16 Q. So are there any other -- any houses nearby yours?

17 A. The Glasgows right across the street.

18 Q. Do you live in a residential neighborhood?

19 A. Yes.

20 Q. On this map here, if we look at the boundary of Nameoki

21 Road, 23rd Street and Edwardsville Road, that forms a triangle;

22 is that right?

23 A. Yes.

24 Q. Okay. Can you indicate with that blue pen the streets

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1 that I was talking about here?

2 A. You mean indicate it by writing on it?

3 Q. Well, write it on there. Yes, mark it on there?

4 A. Just draw?

5 Q. Yes.

6 A. (Witness complied.)

7 Q. All right. In this triangle that you have just drawn,

8 what kind of buildings are located in there?

9 A. There used to be an old truck stop cafe or restaurant
10 like. That was Charles Street. Where is Charles Street. Right
11 up in here. And there is a service station, a Casey's service
12 station.

13 Q. Why don't you mark -- is it still there?

14 A. Yes, they just build it a couple of years ago.

15 Q. Put an S where it is.
16 A. Okay. (Witness complied.)
17 Q. Then what was here?
18 A. It used to be an old truck stop and a restaurant. They
19 tore the truck stop down.
20 Q. Is there still a restaurant?
21 A. It is closed.
22 Q. Why don't you put an R there?
23 A. An R there. Okay. (Witness complied.)
24 Q. Okay.

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1 A. Let's see. Here used to be -- it is a repair shop now.
2 (The witness marking on the map.) Right behind the Glasgows.
3 Q. Is that still --
4 A. They are still --
5 Q. Still in business?
6 A. It is up for sale.
7 HEARING OFFICER LANGHOFF: Let the record reflect that Mr.
8 Hoppe wrote RS. Is that for repair shop?
9 THE WITNESS: Yes, for repair shop.
10 HEARING OFFICER LANGHOFF: Okay. Thank you.
11 Q. (By Mr. Muskopf) Why don't you fill in that R a little
12 bit better to make it a little more clear?
13 A. Okay. (Witness complied.)

14 Q. Now, are there any houses in the triangle besides yours
15 and the Glasgows?

16 A. Yes.

17 Q. Can you see those on the map here?

18 A. Some of them.

19 Q. Are there any other businesses in that area?

20 A. There is one on the corner up here. It is a resale shop
21 now.

22 Q. The corner of what streets?

23 A. Nameoki and 23rd Street.

24 Q. Are there any other industrial plants anywhere near your

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1 house besides Granite City Steel?

2 A. Industrial plants? There is a slag plant or something
3 down west of us.

4 Q. How far away?

5 A. A little over a quarter of a mile.

6 Q. Okay. What is between your house and the coal piles?

7 A. Just the highway.

8 Q. How many lanes?

9 A. It goes from -- it is two lanes in front of the house,
10 well, going into four lanes right in front of the house.

11 Q. Then after you get across -- that is Edwardsville Road,
12 right?

13 A. Yes.

14 Q. After you get across Edwardsville Road, how far are the
15 coal piles?

16 A. Probably maybe 100 foot.

17 Q. How far are you from the -- any part of the plant of
18 Granite City Steel?

19 A. The front of my house to the highway is about 75 foot
20 and then I don't know how wide the highway is. And then there is
21 about 60 foot of drainage ditch in there, and then Granite City
22 Steel's property is on the other side of it.

23 Q. Is there a blast furnace or a coke oven or something
24 like that nearby?

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1 A. It is over in this area (indicating).

2 Q. Why don't you put -- write a circle.

3 A. Okay. Can I flip it around for a minute?

4 Q. Sure.

5 A. I don't know whether I can see it or not. I can't tell
6 where it is. (The witness drawing on map.)

7 Q. Is that blue pen showing up on there? Yes.

8 A. Approximately in that area.

9 Q. Okay. You have drawn a circle around the little white
10 dot on there?

11 A. Yes.

12 Q. Okay. What are you -- what is in that circle as far as

13 you know?

14 A. I believe that is where they make coke out of the coal.

15 Q. Do you get any dust from that area where you have drawn
16 the circle?

17 A. Yes, I do.

18 Q. What do you call that? Do you call that the coke oven?

19 A. I call it coke ovens and then there is two stacks and
20 stuff is coming out of it also.

21 Q. Now, did you make a videotape of any of the noise or the
22 dust that comes to your house from Granite City Steel?

23 A. Yes.

24 Q. Let me -- I have a TV set up here and VCR. I am going

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1 to play some of this tape for you. It is marked Exhibit C25.

2 (Whereupon said videotape was duly marked for purposes of
3 identification as Complainant Exhibit C25 as of this
4 date.)

5 Q. (By Mr. Muskopf) I am fast forwarding through this
6 beginning part. Does that look like the video footage that you
7 took with the video camera?

8 A. Yes.

9 Q. I am going to get to several points and stop and play
10 the tape, and then ask you what you -- what is on the tape.

11 Okay?

12 A. (Nodded head up and down.)

13 MR. MUSKOPF: For the record, I have got the tape at the
14 four minute and 54 -- at approximately the four minute and 54
15 second mark.

16 (Playing videotape.)

17 Q. (By Mr. Muskopf) Whose house is that right there?

18 A. That's the Glasgows.

19 Q. They live across Alexander from?

20 A. Across the street from me, yes.

21 Q. And that's a view where -- excuse me a second. We are
22 at the counter five minutes and 23 seconds. And that's a view
23 down what street?

24 A. Alexander Street.

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1 Q. Okay. In which direction?

2 A. North.

3 Q. Okay.

4 A. If you could stop at that, there was a little read
5 house. That's where the Carpenter's lived, right behind that
6 white one there.

7 Q. Okay. So at time five minutes and 35 seconds, there was
8 a red house where the Carpenter's lived?

9 A. Yes.

10 Q. I am next going to play the tape at the 16 minute and 18
11 second mark.

12 (Playing videotape.)

13 Q. (By Mr. Muskopf) Tell me what we are seeing in that part
14 of the video right there?

15 A. You see the coal dust blowing over from the back side of
16 the pile, I believe.

17 Q. Why don't you describe the entire scene for us just
18 quickly?

19 A. That is looking towards -- right where you pointed first
20 it looks like the gate across the street from me. And they have
21 got the railroad tracks where that train is, and they load the
22 train cars up. And the piles are just piled up there. I don't
23 see the payloader loading the cars up, so I imagine it is just
24 the wind blowing around the piles and whipping the coal dust over

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1 our way.

2 Q. The date indicator -- first of all, you took this
3 videotape; is that right?

4 A. Yes. It is out of my yard, so I would say yes.

5 Q. Okay. Where were you standing when you took it, can you
6 tell?

7 A. I would say in the corner, the southwest corner of my
8 yard.

9 Q. Is there a date or a time, or a date stamp on this?

10 A. The date would have been -- that would have been May the
11 18th of 2000.

12 Q. On the videotape it has this date printed on there,
13 right?

14 A. Yes.

15 Q. Was that, as far as you know, accurate?

16 A. Yes.

17 Q. Okay. I want to go to the 17 minute and 13 second mark.

18 (Playing videotape.)

19 Q. (By Mr. Muskopf) Tell me what we are seeing right now.

20 We are actually at 17:05.

21 A. Well, they brought a -- I don't know if it is bricks or
22 rocks or what over there in that car, and they will dump it out
23 there and you will see the wind blowing it around the piles yet.

24 Q. Blowing what around the piles?

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1 A. The coal dust.

2 Q. Do you see that very much from your house, wind blowing
3 coal dust off the piles?

4 A. Yes.

5 Q. How often?

6 A. Whenever the wind is coming from the south, at probably
7 anywhere around 20 miles an hour you see it, at 20 to 30 miles an
8 hour.

9 Q. Okay. I want to go to the 18 minute and 37 second mark.

10 MR. BABST: When was that again? I am sorry.

11 MR. MUSKOPF: At 18 minutes and 37 seconds.
12 MR. BABST: Okay.
13 Q. (By Mr. Muskopf) Now, the view we have -- we are almost
14 there.
15 (Playing videotape.)
16 Q. Okay. The view we have right here is of what?
17 A. It looks like it is a little bit southeast of my house.
18 Q. Okay. Across Edwardsville Road?
19 A. Yes.
20 Q. That's the coal pile there?
21 A. Yes.
22 Q. Do you have any idea about how high that coal pile is in
23 that picture?
24 A. I can't tell, but it is higher than the telephone poles

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1 that is over there.
2 Q. Okay.
3 A. I don't know how high that would be.
4 Q. Are you moving -- we are at 18:53 right now. Are you
5 moving the camera from right to left?
6 A. Yes.
7 Q. You started straight across --
8 A. Yes.
9 Q. -- Edwardsville and now it is going back from left to
10 right?

11 A. Yes.

12 Q. And does this footage -- is that a survey of the coal
13 piles --

14 A. Yes.

15 Q. -- that are across the street from your house?

16 A. Yes.

17 Q. Are there more coal piles than we what have just seen
18 here?

19 A. Yes.

20 Q. Across from your house?

21 A. Yes.

22 Q. Are those the immediate coal piles across from your
23 house?

24 A. Yes. You can see the coal piles right there.

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1 Q. At 19:28.

2 A. I believe the guard shack is off on the east side of
3 where the picture is at now.

4 Q. That would be to the right?

5 A. Yes. No, it would be to the left of the --

6 Q. To the left of the screen?

7 A. Yes, of the screen.

8 Q. Okay.

9 A. You can see the rust and that.

10 Q. What do you see in this scene?

11 A. The bricks and the coal dust in the back. But there is
12 like -- I call it bricks. I don't know if it is from the
13 furnaces or what, but there is a lot of rust in that and it is
14 blowing around and so is the coal dust off the piles.

15 Q. Right here where we are at, at 19:51, is that a good
16 example of the kind of dust that blows off of the coal piles
17 across the street from your house?

18 A. Yes.

19 Q. Does any of that dust blow over to your yard and to your
20 house?

21 A. Yes.

22 Q. Okay. I want to go to the 22 minute and 45 second mark
23 next.

24 (Playing videotape.)

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1 Q. (By Mr. Muskopf) Tell me what we are seeing right now at
2 22:45?

3 A. I had a riding lawn mower, and that's the dust blowing
4 over that has landed on the seat.

5 Q. Now, I want you to listen to the audio part of this tape
6 and ask you if that's your voice, okay?

7 (Playing videotape.)

8 Q. (By Mr. Muskopf) Was that your voice?

9 A. Yes.

10 Q. Do you know how long the dust had been on the tractor
11 seat at the time you made that tape?

12 A. How long it had been on there? I couldn't really tell
13 you exactly how long, but it was in the morning whenever it was
14 wiped off, and I am not positive of what time it was in, but it
15 was that day.

16 Q. On any given day if you wipe that tractor seat -- where
17 is the tractor located, by the way?

18 A. Sitting on our back porch.

19 Q. Okay. On any given day if you wipe that tractor seat
20 clean, how long would it take to get dust like we saw in that
21 video, that much dust on the tractor seat?

22 A. If the wind is from the south, I would say maybe two and
23 a half, three hours.

24 Q. Okay. Next I want to go to the 24 minute, 32 second

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1 mark.

2 (Playing videotape.)

3 Q. (By Mr. Muskopf) Okay. We are at 24 minutes, 32 seconds
4 and I have the audio on. First of all, what does the date say on
5 the screen?

6 A. June the 29th of 2000.

7 Q. Does that seem right to you?

8 A. Yeah.

9 Q. Okay.

10 MR. BABST: Mr. Hearing Officer, if Mr. Muskopf intends to
11 put the audio on to demonstrate noise levels, I am going to
12 object to that, because unless he has --

13 MR. MUSKOPF: I am not.

14 MR. BABST: Okay.

15 MR. MUSKOPF: I mean, for the record, I am not putting the
16 audio on to demonstrate noise levels. I am, rather, putting the
17 audio portion of the videotape on as an indicator of the types of
18 noise that we are talking about.

19 MR. BABST: Well, I would object to that. The problem I
20 have is unless we have a noise recorder here that can demonstrate
21 that the noise measurements that you were taking, if you were
22 taking them at that time, are the same, it is going to be bias by
23 the speakers. I don't think that a television speaker is capable
24 of representing, even in a qualitative form, the nature of sounds

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1 that were observed on that day.

2 MR. MUSKOPF: Well, I think we will get some testimony from
3 Mr. Zak that it is. It is no different than if -- well, first of
4 all, two things. I will establish through Mr. Hoppe that this is
5 a -- well, never mind. I don't know. I mean, is that an
6 objection that --

7 MR. BABST: It is an objection, yes.

8 THE WITNESS: May I say something on this?

9 HEARING OFFICER LANGHOFF: Just a moment, Mr. Hoppe. Do
10 you want to respond any more, Mr. Muskopf, to the objection?

11 MR. MUSKOPF: We will have testimony from Mr. Zak that a
12 videotape of this nature is sufficient to establish the types of
13 noise that we are talking about, not sound level measurements,
14 not sound levels, but simply, for instance, if we hear the
15 clatter of tracks or the beeping of a back up beeper in a
16 videotape it is reliable evidence to indicate the type of noise
17 that it reflects, like a back up beeper or --

18 HEARING OFFICER LANGHOFF: Okay.

19 MR. BABST: My question, Mr. Hearing Officer, is if Mr. Zak
20 is going to testify that the affect on the human ear of those
21 sounds, as we sit here today and observe it on the -- or perceive
22 it on the video and the auditory portion of this television set
23 is the same as it would be if you and the rest of us were
24 standing there on that date listening to those sounds, then I am

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1 okay with it. If he can't testify to that, then I object to it
2 because it does not represent to us the conditions that were in
3 place on that particular day.

4 HEARING OFFICER LANGHOFF: I am going to overrule the
5 objection, and we will get to Mr. Zak's testimony when we get
6 there. But I am going to overrule your objection.

7 Q. (By Mr. Muskopf) Mr. Hoppe, I am going to play the audio

8 portion of this tape, and we are going to hear certain noises.
9 And then I am going to ask you whether the noises we are hearing
10 through this television set is similar to the noise as you heard
11 it when you made the videotape. Okay?

12 A. (Nodded head up and down.)

13 (Playing videotape.)

14 Q. (By Mr. Muskopf) Tell me what we just saw for the past
15 three or four or five seconds?

16 A. Well, it is the Cat pushing the coal up, piling it up.
17 I took it. I remember this one real clear because I took it for
18 two reasons. It was shaking my house so bad that I had my
19 glasses on top of the VCR unit, on top of the television, and it
20 vibrated it off. And I also was getting the coal dust over it.
21 I didn't take it for the noise level, you know, for the track
22 noise, but that's why I took that one right there.

23 Q. All right. You are referring to the bulldozer that we
24 saw in there?

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1 A. Yes.

2 Q. You are saying that the vibrations from the bulldozer
3 vibrated, rattled your eyeglass from the VCR in your house and
4 knocked them off on to the floor?

5 A. Yes.

6 Q. Now, did you hear the clattering of the metal tracks of
7 that bulldozer --

8 A. Uh-huh.

9 Q. -- on this videotape?

10 A. Yes. You hear that all of the time when they go up and
11 down the piles.

12 Q. Which way was the bulldozer going? Was it backing down
13 the pile?

14 A. Yes.

15 Q. Did you hear a back up beeper there?

16 A. I didn't.

17 Q. Do you want me to play it again?

18 A. Yes.

19 (Playing videotape.)

20 A. Yes.

21 Q. That's the type of activity that causes vibrations at
22 your house?

23 A. Yes.

24 Q. I want to go to 25 minutes, 17 seconds next. I want you

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1 to listen to the audio.

2 (Playing videotape.)

3 Q. (By Mr. Muskopf) What did we just hear there?

4 A. That's the trucks when they are dumping their coal out,
5 and they have got vibrators on their trucks somewhere. I don't
6 have any idea where they are at, but they are vibrating to I

7 guess get all of the coal out. And that's kind of calmed down
8 now, but it was bad up until when we were taking these here until
9 about two months ago.

10 Q. Is that the -- can you hear that sound in your yard?

11 A. Oh, yeah.

12 Q. Can you hear it inside your house?

13 A. Oh, yes.

14 Q. Okay. I want to go to 26 minutes and 16 seconds next.

15 (Playing videotape.)

16 A. There goes that truck now.

17 Q. Tell me what we are seeing right now?

18 A. They have pulled in and dumped and the one going to the
19 left is the ones coming in, and the ones going to the right is
20 ones that have been in there and dumped and are leaving.

21 Q. Trucks?

22 A. Yes.

23 Q. How big are these trucks?

24 A. Tractor-trailers.

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1 Q. Okay. Full-size tractor-trailers?

2 A. Full-size trucks, dump trucks.

3 Q. How many of them did we just see?

4 A. Four.

5 Q. Okay. Is that typical for any given day for four trucks
6 to be between the coal piles and your house on the Granite City

7 Steel property on any given day?

8 A. When they are hauling in there, yes. You will have
9 three or four on the highway waiting to go in at times.

10 Q. Okay. I want to go to 29 minutes and 45 seconds next.

11 (Playing videotape.)

12 Q. (By Mr. Muskopf) Okay. Tell me what we are seeing
13 there?

14 A. That's where they are spraying the roadway down.

15 Q. Okay. Next I want to go to 32 minutes, and 26 seconds.
16 I am going to play the audio portion here, too.

17 MR. BABST: The same objection.

18 HEARING OFFICER LANGHOFF: Overruled.

19 (Playing videotape.)

20 Q. (By Mr. Muskopf) Okay. Tell me what we just saw?

21 A. Well, that's where my freezer is on my back porch and
22 Friday night I washed it all off, hosed the porch and the siding
23 all off, and that's how much dust came across.

24 Q. And you wrote dates with your finger in the dust on top

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1 of your freezer?

2 A. Yes, I did.

3 Q. Okay. Next I am going to 34 minutes and 19 seconds.

4 Excuse me. I just accidentally reset the counter.

5 (Playing videotape.)

6 Q. (By Mr. Muskopf) Okay. Tell me what we are seeing right
7 now?

8 A. The payloader is loading the -- I call it a yuke truck.
9 I don't know what you call the truck. But he hauls it and then
10 will go over and dump it and then go back and get another load.

11 Q. When you are referring to the payloader, are you
12 referring to the front loading tractor?

13 A. Yes, front loading.

14 Q. And it is loading into a dump truck --

15 A. Yes.

16 Q. -- of some kind?

17 A. Yes.

18 (Playing videotape.)

19 Q. (By Mr. Muskopf) Are you able to hear any engine noise
20 from the dump trucks --

21 A. Yes.

22 Q. -- at your house?

23 A. In the house, yes.

24 Q. Do those dump trucks stir up any dust?

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1 A. Yes.

2 Q. Does any of that dust come over to your yard and your
3 house?

4 A. Yes.

5 Q. When the coal is loaded into the dump trucks from the

6 front loading tractor, does that create any dust?
7 A. Yes.
8 Q. Does that dust come over to your yard?
9 A. Yes.
10 Q. Okay. I want to go next to 40 minutes, zero seconds.
11 (Playing videotape.)
12 Q. (By Mr. Muskopf) Okay. What are we seeing here on the
13 video screen right now?
14 A. I have one of those little six foot little swimming
15 pools that I fill for the dog's water and that.
16 Q. The date at the bottom of the screen says October 14th
17 of 2000. Does that look right to you?
18 A. Yes.
19 (Playing videotape.)
20 Q. (By Mr. Muskopf) Is the dust -- did you see the dust in
21 the bottom of that pool? Is that what we saw on the videotape?
22 A. Yes, that's coal dust.
23 Q. Is that typical of the dust that settles in the bottom
24 of that pool?

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1 A. Yes.
2 Q. Okay. Next at 42 minutes, 50 seconds.
3 (Playing videotape.)
4 Q. (By Mr. Muskopf) What are we seeing right here now that

5 this is fast forwarding?

6 A. I am spraying my trailer off, getting some of the dust
7 off of it.

8 Q. Where is that trailer located?

9 A. Just west of my house in front of my --

10 Q. In your yard?

11 A. Yes.

12 (Playing videotape.)

13 Q. (By Mr. Muskopf) Okay. What are we seeing at about 42
14 minutes, 50 seconds?

15 A. That's what I call the coke ovens over there. It is
16 black dust blowing out of it. And the two smoke stacks you can
17 see the dust or the smoke coming out of it.

18 Q. Is it dust or smoke or both?

19 A. I would say both probably.

20 Q. Does any of that stuff settle on your house?

21 A. Oh, yes.

22 Q. Can you see airborne dust? Does this videotape show
23 airborne dust from that blast furnace or coke oven or whatever
24 you are calling it?

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1 A. Yes.

2 (Playing videotape.)

3 Q. (By Mr. Muskopf) Okay. At 44 minutes and 50 seconds,
4 tell me what we are seeing?

5 A. That is coal dust that is back on the trailer.
6 Q. So that is one day's worth of dust?
7 A. Yes.
8 Q. And that is October 29th of 2000; is that right?
9 A. Yes.
10 Q. One last part of this tape, at 50 minutes and 40
11 seconds. We are about to hear a noise and I want you to identify
12 that noise for me. Okay?
13 A. (Nodded head up and down.)
14 (Playing videotape.)
15 Q. (By Mr. Muskopf) Okay. What was that?
16 A. It is a vibration off the trucks.
17 Q. Okay.
18 A. From dumping their load.
19 Q. Okay. Do you hear that very often?
20 A. Yes, up until about a couple of months ago. They
21 haven't been banging the tailgates lately.
22 Q. All the videotape that we just watched, did you take all
23 of that tape yourself?
24 A. I believe so. You didn't take any, did you?

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1 MRS. HOPPE: (Shook head from side to side.)
2 MR. MUSKOPF: Are we waiving the foundational --
3 MR. BABST: Yes.

4 MR. MUSKOPF: Okay.

5 Q. (By Mr. Muskopf) What we just watched on the videotape,
6 the dust and the activities at Granite City Steel and the various
7 noise sources, is that the kind of thing you live with on a daily
8 basis?

9 A. Yes.

10 Q. Let's go through and I want to identify the different
11 noises that you hear from your property, okay? Do you hear any
12 truck engine noise?

13 A. Yes.

14 Q. Are those trucks located on Granite City Steel's
15 property?

16 A. Yes.

17 Q. I am not talking about trucks on Edwardsville Road?

18 A. Okay. Yes.

19 Q. Can you hear truck engine noise on Granite City Steel's
20 property across Edwardsville Road?

21 A. Diesel engine, yes.

22 Q. Can you hear the engines of the bulldozers?

23 A. Yes.

24 Q. And this is from your house let's say outside in your

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1 front yard. Okay?

2 A. (Nodded head up and down.)

3 Q. Can you hear the noises from the engines of the

4 bulldozers or Caterpillars?

5 A. Yes.

6 Q. And what about from the engines of the front loaders or
7 the payloaders?

8 A. Yes.

9 Q. Can you hear the clatter of the tracks of the
10 bulldozers?

11 A. Yes.

12 Q. Can you hear any metal screeching noises?

13 A. Yes.

14 Q. Can you hear noise from the plant itself?

15 A. Yes.

16 Q. Can you hear the vibrator noise?

17 A. Yes.

18 Q. And can you hear any of those noises from inside of your
19 house?

20 A. All of them.

21 Q. What times of day do you hear these noises?

22 A. It depends on when they are working over there. It is
23 all hours of the day and night. I mean, sometimes they would go
24 maybe a day without working over there and other times it is 24

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1 hours.

2 Q. I forgot. You might have told me. Do you generally

3 work days?

4 A. I work straight days.

5 Q. Straight days. Okay. So you are home in the evening?

6 A. Yes.

7 Q. And you are home in the early morning?

8 A. Yes.

9 Q. All right. Do you ever hear any of these noises after
10 10:00 p.m.?

11 A. Yes, every time they work over there.

12 Q. Do you ever hear any noises before 7:00 a.m., between
13 7:00 and 10:00, 7:00 a.m. and 10:00 p.m.?

14 A. Oh, yes.

15 Q. Do you ever have any trouble getting to sleep because of
16 any of these noises?

17 A. Sometimes.

18 Q. About how often do you have trouble falling to sleep
19 because of the Granite City Steel noises?

20 A. I would say once or twice a week, you know, the overall
21 average. A lot of times they don't work over there like maybe
22 three or four days, if they are working at the other end.

23 Q. Okay. So have you figured out any rhyme or reason to
24 why they have a great deal of activity in front of your house

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1 across Edwardsville Road at some times and at other times there
2 is not much?

3 A. A lot of it I call harassment. But when they are
4 working over there, I mean, it is -- you know, instead of
5 running, you know, the unit wide open they could drop down a
6 little bit and you would have a lot less noise.

7 Q. Can you feel any vibrations from your house?

8 A. Yes.

9 Q. Where do those come from?

10 A. When the Cat is pushing the coal up the piles.

11 Q. Do you ever have trouble getting to sleep because of
12 those vibrations?

13 A. Yes. Every once in awhile you wonder what the heck that
14 was, or you are about half asleep and your bed starts shaking.

15 Q. Do you ever take naps during the day?

16 A. No, I would be in trouble at work I mean.

17 Q. No, the weekends when you are home?

18 A. Oh, yes.

19 Q. Do you ever have any sleep interruption from the Granite
20 City Steel noise during the day on the weekends?

21 A. It will wake you up.

22 Q. So as I understand it, you have had trouble getting to
23 sleep because of these noises and you have also been awoken once
24 you have already been asleep because of these noises?

1 A. Yes.

2 Q. Do you do anything in your house to drown out the noise?
3 A. We have fans blowing or running.
4 Q. Does that help at all?
5 A. A little bit.
6 Q. What about when you are watching TV?
7 A. Well, I crank the television up pretty loud, but every
8 once in awhile you still hear it over -- you know, over the noise
9 of the television.
10 Q. Do you play music or wear earplugs or anything like that
11 when you are inside?
12 A. No.
13 Q. Do you do anything to get away from the noise?
14 A. There ain't much you can do to get away unless you leave
15 the house.
16 Q. So you can hear this noise in just about every room in
17 your house?
18 A. Oh, yeah.
19 Q. So what's the -- I want to talk about -- find out what
20 sort of the psychological affect on you is, of all of this noise.
21 What does it do to you? Does it put you in a bad mood or what?
22 I don't know.
23 A. You get cranky because you -- in warm weather I like to
24 be outside and a lot of times you just can't go out in the yard

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1 or do anything like that. So you are just sitting around the

2 house with more or less nothing to do. You get fidgety and
3 cranky and all of that.

4 Q. Do you find it hard to get peace and quiet in your house
5 because of the noise?

6 A. At times, yes.

7 Q. Is it important to you to have peace and quiet when you
8 want it?

9 A. You need to have quiet every once in awhile.

10 Q. Let's talk about the dust for a little while. Can you
11 describe the quality of the dust itself? What does it feel like?
12 How fine is it? What color is it?

13 A. It is fine. It is kind of an oily stuff. Some is
14 gritty. I mean, you get some hunks, like larger hunks.

15 Q. Do those videotapes do a good job of showing how the
16 dust settles on your house and the things outside of your house?

17 A. Well, I ain't that good at taking pictures but...

18 Q. I mean, does that give us a pretty good indication of
19 what it is like?

20 A. It gives you a little bit of an idea.

21 Q. Do you ever keep the windows of your house open?

22 A. No.

23 Q. Would you like to have your windows open during nice
24 weather?

1 A. It would save on electricity and that.

2 Q. Do you like fresh air?

3 A. Yes. You don't get like the still air out of the house
4 and that. If you open the window up 15 minutes, I mean, the
5 counter top, even if the wind is blowing, like, from the north,
6 the counter tops and everything is still black. I mean, it just
7 is -- then you are picking up dust or -- you know, the coal dust
8 and that.

9 (Whereupon a jar of coal dust was duly marked for purposes
10 of identification as Complainant Exhibit C21 as of this
11 date.)

12 Q. (By Mr. Muskopf) Let me show you what has been marked
13 as Exhibit C21. Tell me what that is.

14 A. That is what I picked up out in the front of the house.

15 Q. It is a jar of coal dust?

16 A. Yes. I guess that's what it is.

17 Q. So how did you pick that up, with a dust broom and a --

18 A. The bottle.

19 Q. So your method of picking that dust up that you have in
20 C21, is you opened the lid of the jar?

21 A. And just scraped down the front of the house about I
22 would say maybe three foot away from the curb.

23 Q. This is on Alexander Street?

24 A. No, Edwardsville Road.

1 Q. On Edwardsville Road in front of your house, that's
2 where you got that dust?

3 A. Yes. On the corner of -- well, the southwest corner of
4 the house.

5 Q. Just by scooping it up with the jar itself?

6 A. Yes.

7 Q. Okay. When did you collect that dust?

8 A. I believe it was the morning before we had that meeting
9 up in Belleville.

10 Q. So about how long ago was that?

11 HEARING OFFICER LANGHOFF: Just answer if you know, Mr.
12 Hoppe.

13 THE WITNESS: The end of January, the first of February.

14 Q. (By Mr. Muskopf) Of this year?

15 A. Of this year.

16 Q. Okay. Let's talk about the location and the size of the
17 coal piles. Now, you have been living in that neighborhood since
18 approximately what year or time or decade?

19 A. Since 1948, 1949.

20 Q. Okay. So when you were -- how old were you then?

21 A. Eight, nine.

22 Q. Do you remember coal piles across Edwardsville Road at
23 that time?

24 A. No.

1 Q. When is the earliest you remember coal piles being
2 there?

3 A. I would say probably the early 1970s.

4 Q. Did you ever play over there as a kid?

5 A. We used to play in Kokomo, the basements in Kokomo over
6 there.

7 Q. What is Kokomo?

8 A. There used to be a housing project that Granite City
9 Steel had for their foremen and that. They tore the houses down
10 and left the basements.

11 Q. Is that where the coal piles are now?

12 A. Yes.

13 Q. Okay. So you were playing there years ago before they
14 were coal piles? It was something else?

15 A. Yes.

16 Q. And you remember there being something other than coal
17 piles where the coal piles are presently located?

18 A. Yes.

19 Q. Okay. Have the coal piles always been as big as they
20 are now --

21 A. No.

22 Q. -- from the time they started heaping coal up?

23 A. No.

24 Q. When did they start getting to the size that they are at

1 now?

2 A. Let's see. I would say probably three to four years

3 ago.

4 Q. When the size of the coal piles got bigger, did it make

5 the dust any worse for you?

6 A. Oh, yeah.

7 Q. And when was it that they first started putting the

8 piles so close to Edwardsville Road?

9 A. Probably the same time when they started piling them up.

10 I am not positive.

11 Q. About when was that roughly?

12 A. Probably about four years ago.

13 Q. Does the fact that they are close to Edwardsville Road

14 now make a difference in terms of the dust that you get in your

15 yard?

16 A. Yeah, you get more of it, I guess.

17 Q. So the closest the piles are to you the more dust you

18 get?

19 A. Yeah.

20 Q. Do you ever breathe that dust?

21 A. Yes.

22 Q. Do you ever swallow it?

23 A. I try not to.

24 Q. Does it ever get in your eyes?

1 A. I have to go in a lot of times. I can't be out in the
2 yard because you get so much dust in your eyes and that.

3 Q. So when it gets -- well, you have -- you have been
4 diagnosed with emphysema, right?

5 A. Yes.

6 Q. How long ago was that?

7 A. Two years ago.

8 Q. Have you found that with your breathing problems that
9 the dust does anything to aggravate this?

10 A. I get out there and if I stay out in the yard for quite
11 awhile, you know, for a couple of weeks, you know, like trying to
12 go out and mess around in the yard I start coughing quite a bit.
13 I will cough for a month and a half, two months.

14 Q. And that is when you have been out in the yard quite a
15 bit?

16 A. Yes.

17 Q. Does it happen any other time?

18 A. So far it has not happened in the wintertime.

19 Q. Do you have any other symptoms that you associate with
20 the dust, like runny nose or --

21 A. Sinuses.

22 Q. How long have you had those problems?

23 A. As far as I can remember.

24 Q. Are you concerned that the dust is harmful to you?

1 A. Yes.

2 Q. Tell me about your --

3 A. I always wondered about like black lung, if you are out
4 enough how much of that dust you can inhale before you get into
5 the black lung area.

6 MR. BABST: Mr. Hearing Officer, I am going to object to
7 testimony if there is an attempt again to link some health
8 related problem with this dust, because there has been nothing
9 offered in discovery to establish any causation between the dust
10 and any condition that Mr. Hoppe may have.

11 THE WITNESS: No. I was just wondering --

12 HEARING OFFICER LANGHOFF: Just a second, Mr. Hoppe. Mr.
13 Muskopf?

14 MR. MUSKOPF: I have not asked any questions like has this
15 dust caused your emphysema. I don't know. I clearly asked if
16 the dust exacerbated symptoms, and he has answered accordingly.
17 I don't know what health problems Mr. Babst is really referring
18 to.

19 MR. BABST: The last question -- I didn't object to the
20 question that you just recited again.

21 MR. MUSKOPF: I guess I don't really understand the
22 objection.

23 HEARING OFFICER LANGHOFF: I am going to overrule the
24 objection at this time because there was not a question

1 outstanding. I will let you object again if an appropriate
2 question comes up.

3 Q. (By Mr. Muskopf) Have you ever read any articles on
4 whether -- have you ever read any articles on the affect of coal
5 dust on human beings?

6 A. Just looking through them.

7 (Whereupon documents were duly marked for purposes of
8 identification as Complainant Exhibits C40 and C41 as of
9 this date.)

10 Q. (By Mr. Muskopf) Okay. These are C40 and C41.

11 MR. BABST: Mr. Hearing Officer, I am going to object to
12 those and to the testimony relating to those if there is any
13 attempt to establish some causal link between coal dust and any
14 condition Mr. Hoppe has. Again, there is no basis in anything in
15 discovery. I have never seen those before this morning, and we
16 certainly have not been provided with any doctor's reports or
17 anything else.

18 MR. MUSKOPF: I am not trying to establish that the coal
19 dust from Granite City Steel has caused Mr. Hoppe's emphysema.

20 MR. BABST: Then it is irrelevant. I mean, if --

21 HEARING OFFICER LANGHOFF: I am going to sustain the
22 objection before the -- I am going to sustain the objection on
23 the grounds that it was not provided for in discovery and leave
24 it at that. Although they have not been tendered, I am going to

1 sustain the objection as to the question, too, that is
2 outstanding concerning the relationship.

3 MR. MUSKOPF: Okay. On the basis that they have not been
4 disclosed until today?

5 HEARING OFFICER LANGHOFF: That's correct.

6 MR. MUSKOPF: Okay. I would like to make an offer of proof
7 at this time, then.

8 OFFER OF PROOF EXAMINATION

9 BY MR. MUSKOPF:

10 Q. Mr. Hoppe, you have looked at Exhibits C40 and C41?

11 A. Yes.

12 Q. And do these articles indicate to you, from your reading
13 of them, that coal dust can cause health problems in people?

14 A. Yes.

15 Q. And is that -- does that cause concern for you?

16 A. Yes.

17 MR. MUSKOPF: Okay. I am outside of my offer of proof now.

18 HEARING OFFICER LANGHOFF: Thank you.

19 DIRECT EXAMINATION (continued.)

20 BY MR. MUSKOPF:

21 Q. Have you ever kept a log or anything like that of dust
22 or noise problems?

23 A. Yes.

24 (Whereupon a document was duly marked for purposes of

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1 identification as Complainant Exhibit C27 as of this
2 date.)

3 Q. (By Mr. Muskopf) Is this calendar, Exhibit C27, was that
4 prepared by you? I don't mean the printing, but the writing on
5 the calendar?

6 A. Yes.

7 Q. Does this indicate some of the dust and noise conditions
8 that you have had at your house from Granite City Steel --

9 A. Yes.

10 Q. -- during the year 2000?

11 A. Yes.

12 Q. Okay. Have you ever complained to anybody at Granite
13 City Steel about the dust or the noise?

14 A. Yes.

15 (Whereupon a document was duly marked for purposes of
16 identification as Complainant Exhibits C29 and C31 as of
17 this date.)

18 Q. (By Mr. Muskopf) I want to show you what has been marked
19 as C29 and C30. Excuse me. It is C29 and C31. You wrote a
20 letter to Mr. Squires on January 31st of 2000, and that is C29,
21 right?

22 A. Yes.

23 Q. Okay. Then he wrote back to you -- excuse me. This is
24 an earlier letter. I am looking at C31 now. It is April 22nd of

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1 1998. That letter is addressed to you from the manager of public
2 relations at Granite City Steel?

3 A. Yes.

4 Q. Okay. Let's look at this letter together.

5 A. Okay.

6 MR. BABST: Which letter are you looking at now?

7 MR. MUSKOPF: Exhibit C31.

8 Q. (By Mr. Muskopf) Now, this letter outlines, does it not,
9 some of the things that Granite City Steel said that they would
10 try to do or might do to keep the dust down; is that right?

11 A. They were supposed to.

12 Q. Item number one, road and street sweeping has been
13 increased to three times per week versus previous pattern of once
14 a week. That was in 1988?

15 A. Yes.

16 Q. How often do they sweep the street and road in front of
17 your house now?

18 A. Well, we complained about it because when they swept it
19 all the dust went straight up and then we got all the dust blown
20 off the street more over in the yard. So I have not seen them --
21 I have not seen them sweep the streets for I would say four or
22 five years.

23 Q. So it did more harm than good?

24 A. Yes, it did.

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1 Q. Did it get the dust off the streets?

2 A. Yes.

3 Q. But it just put it up in the air?

4 A. And then up in our yard.

5 Q. Item number two, pile spraying program. Do you ever see
6 them spraying the piles of coal with a water and dust suppressant
7 solution?

8 A. Not very often. Now, you mean on this time or --

9 Q. Just any time at present?

10 A. Well, during this time they started spraying them and it
11 kept the dust down.

12 Q. Did it help?

13 A. Yes, but now they -- I don't see them spray anywhere
14 over half high on the piles. I have not seen them this year
15 spray anything, you know, up as high as the piles.

16 Q. Have you seen them spray the bottom half of the piles
17 this year?

18 A. I have seen them spray a little bit on the lower half I
19 would say maybe six foot high.

20 Q. If they sprayed more, do you think that would do a
21 better job of keeping the dust down?

22 A. It did in the past.

23 Q. Item number three, it looks like they said they were
24 going to put a solid pavement in so they could sweep it?

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1 A. Yes, they did that.

2 Q. They did do that?

3 A. Yes.

4 Q. Are they sweeping it now?

5 A. I seen one sweeper over there the other day. I haven't
6 seen them for, I would say, four or five years over there.

7 Q. Okay. Item number five, any storage of coal close to
8 the road will be low profile piles and will be sprayed with a
9 sealant. Do you think that the piles of coal close to the road
10 are low profile?

11 A. No.

12 Q. How tall are they?

13 A. I have no idea, but they are higher than the telephone
14 poles over there.

15 Q. Okay. Are they sprayed with a sealant as far as you
16 know?

17 A. I have not seen them spray the tops of them at all for a
18 couple of years.

19 Q. Did they go out and plant trees like they talked about
20 in this letter?

21 A. No.

22 Q. Did they try any -- did you see them doing any
23 alternative spraying methods so that they could reach the tops of

24 the higher piles?

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1 A. They just spray down the roadway more or less now.

2 Q. Do you ever see them spraying the trucks before they
3 leave the coal fields?

4 A. No.

5 Q. Okay. So backing up a bit, you have complained to
6 Granite City Steel about the dust and the noise, right?

7 A. Yes.

8 Q. And, generally speaking, how did they respond to your
9 complaints?

10 A. Well, when you are on to them, they will do a little
11 bit. As soon as it fades out, they fade out, you know.

12 Q. When you say a little bit, what do you mean?

13 A. Well, if you get on to them, they will come out and they
14 will spray for maybe a day or two or they will try to do
15 something for a day or two and then that's it, they kind of go
16 back to the same old routine.

17 Q. How long have you been complaining to them?

18 A. Well, we had an article in -- which I think was June the
19 4th of 1987, and it was probably a year and a half or so before
20 that that we were complaining about it.

21 (Whereupon a document was duly marked for purposes of
22 identification as Complainant Exhibit C23 as of this
23 date.)

24 Q. (By Mr. Muskopf) Okay. So this is Exhibit C23, and it

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1 is a copy of the newspaper article that you were talking about?

2 A. Yes.

3 Q. And it is called, "Dust Unsettles Residents," and it has
4 your name in it with a quote that says, "every time the wind
5 blows from the south we catch hell?"

6 A. Yes.

7 Q. So you are saying that you started complaining about the
8 dust since a year before that, something like that?

9 A. That is correct, a year, a year and half before that.

10 Q. Okay. So that has been 1986?

11 A. (Nodded head up and down.)

12 Q. Has the problem really gotten any better between 1986
13 and the present?

14 A. It is getting worse.

15 Q. How is it getting worse?

16 A. Well, the piles are higher. They don't spray. And it
17 just seems like they got -- they put blacktop road through there,
18 and every time a truck goes down through there it just comes
19 over. It seems like the last two months, you know, they go do
20 what they want to. I mean, it has really been bad.

21 Q. Do you think the dust and the noise have -- well, let me
22 ask you this. Do you ever just sit outside to enjoy the weather?

23 A. No.

24 Q. Do you have people over to sit outside and enjoy the

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1 weather?

2 A. No.

3 Q. Is that because of the dust and the noise?

4 A. The only ones that come over is the kids, my kids and
5 grandkids.

6 Q. Do you let them play in the yard?

7 A. Yeah. They have to be cleaned up before they leave.

8 Q. Do you have any -- do you think that the dust and the
9 noise have affected the value of your house?

10 A. Yes.

11 Q. Why do you think that?

12 A. Well, the price -- if you try to sell a house now in the
13 area you just can't get -- if the house had been, you know, even
14 a mile down the road it would be worth three times what the
15 houses are in our area.

16 Q. Any reason why you don't move out of that house and get
17 away from the dust and noise?

18 A. Well, it is hard to just move out of a house and just
19 leave it sit there.

20 Q. Have we pretty well covered the problems that you are
21 having with the dust and the noise? I don't mean in great
22 detail, but have we about touched all of the bases?

23 A. Pretty well.

24 MR. MUSKOPF: Okay. I will pass the witness.

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1 THE WITNESS: When I get away from here I could think of a
2 whole bunch more, but I can't think of nothing more here.

3 MR. MUSKOPF: Okay. I will pass the witness.

4 HEARING OFFICER LANGHOFF: Thank you.

5 CROSS EXAMINATION

6 BY MR. BABST:

7 Q. Mr. Hoppe, I just wanted to make sure that I understand
8 the history of the coal piles across from your -- the street,
9 Edwardsville Road from your house. As you recall, I think from
10 your testimony you said that the coal piles did not appear in
11 that area until the early 1970s; is that correct?

12 A. Somewhere in there. I am not positive of the date, but
13 somewhere in that area.

14 Q. And it was not until three or four years ago that there
15 were any coal piles in the area that was directly or is directly
16 across from your house; is that correct?

17 A. Three or four up that close to the roadway there.

18 Q. Could you give me an approximate date when you
19 remembered coal piles being placed close to the fence area where
20 they currently are situated?

21 MR. MUSKOPF: I will object. I think it has been asked and

22 answered.

23 HEARING OFFICER LANGHOFF: Overruled.

24 THE WITNESS: I would say four or five years ago.

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1 Q. (By Mr. Babst) So 1996?

2 A. 1996?

3 Q. Or 1997, somewhere in there?

4 A. Somewhere in that area.

5 Q. Now, Mr. Muskopf took you through and showed the area on
6 the map of the residential area where you live; is that correct?

7 A. Yes.

8 Q. The area across the street from you on that map is -- do
9 you still have that out, Mr. Muskopf?

10 MR. MUSKOPF: This is it.

11 MR. BABST: Is that the one you were using?

12 MR. MUSKOPF: I think so. We will find out pretty quick.

13 Q. (By Mr. Babst) I am pointing to the area directly across
14 Edwardsville Road running along here. Is this Granite City
15 property?

16 A. Yes.

17 Q. Granite City Steel property?

18 A. Yes.

19 Q. And this is an industrial area; is that correct?

20 A. Yes.

21 Q. And this industrial area was in there when you did move

22 into the home?

23 A. Yes.

24 Q. And you are not questioning in your lawsuit here today

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1 that that area is all zoned as residential property, are you?

2 You are not claiming that Granite City is inappropriately located

3 across the street from you, are you?

4 A. No.

5 MR. MUSKOPF: You mean from --

6 HEARING OFFICER LANGHOFF: Do you have an objection?

7 MR. MUSKOPF: I am sorry. Yes. I just want to object to
8 the form of the question. I think it is unclear as to whether he
9 was referring to appropriately located in terms of the previous
10 question which specifically referred to zoning, or appropriately
11 located in some other sense.

12 HEARING OFFICER LANGHOFF: Okay. Overruled.

13 Q. (By Mr. Babst) I think you did point out that there are
14 some other commercial and industrial facilities in the general
15 area of your home; is that correct?

16 A. Yes.

17 Q. Mr. Hoppe, you are not requesting that the Board shut
18 down the mill, are you?

19 A. No.

20 Q. Would you agree that Granite City provides substantial

21 social and economic benefit to the area?

22 MR. MUSKOPF: I am going to object to the form of the
23 question as being vague. I think to answer that question we are
24 going to need to define what substantial social and economic

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1 benefit means, and I --

2 HEARING OFFICER LANGHOFF: Overruled.

3 MR. MUSKOPF: -- don't know that the witness even
4 understands that term.

5 HEARING OFFICER LANGHOFF: Overruled. You can answer if
6 you know, Mr. Hoppe.

7 THE WITNESS: I am not for sure what he was --

8 HEARING OFFICER LANGHOFF: Can you repeat the question, Mr.
9 Babst?

10 MR. BABST: Sure.

11 Q. (By Mr. Babst) Would you agree that Granite City Steel
12 provides substantial social and economic value to the area, to
13 the Granite City area?

14 A. Yes.

15 Q. If Granite -- if the steel plant were not there, do you
16 know how many people would be out of a job?

17 A. Pretty close to about 3,000 people.

18 Q. Do you know whether other businesses in the other area
19 benefit from the steel making facility being located in Granite
20 City?

21 A. I don't know how many would be benefited.

22 Q. For instance, the business that you work for, Mr. Hoppe,
23 do they do any work for Granite City?

24 A. No.

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1 Q. Do they provide any material for Granite City?

2 A. No. They have got a storage area over there for
3 precoke, but I don't -- that is not nothing that -- you know, we
4 have just the storage area where I work.

5 Q. Okay. I am bringing this map back out again. Looking
6 again, now I am -- this would be west of your house, I think.
7 Are these baseball fields here?

8 A. Yes.

9 Q. Have you ever used those?

10 A. No, I have not.

11 Q. Do you know whether your children ever used those?

12 A. (Shook head from side to side.)

13 Q. Okay.

14 A. No.

15 Q. Are they still in use today?

16 A. Yes.

17 Q. People --

18 A. I see they have the lights on over there.

19 Q. So they have the lights to play night games?

20 A. Yes.
21 Q. Do you know whose property that is?
22 A. That's the mill's.
23 Q. Do you know whether they provide that to the citizens of
24 Granite City?

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1 A. Yes.
2 Q. Could you actually, just so that we have it fully
3 marked, could you just maybe mark this area? Or I will, and you
4 can tell me whether you agree with my marking, that this is the
5 ball field that I was referring to?

6 (Mr. Babst marking on exhibit.)

7 A. (Nodded head up and down.)

8 HEARING OFFICER LANGHOFF: It is marked BF on Exhibit C34.

9 Q. (By Mr. Babst) Have you ever heard of something called
10 Friendship Park in the City of Granite City?

11 A. No, I have not.

12 Q. Okay. Mr. Hoppe, going to your complaints to Granite
13 City, it is my understanding, and please correct me if I am
14 wrong, your complaints that began in the mid 1980s --

15 A. Yes.

16 Q. -- and have continued to the present time, have mostly
17 been with respect to the coal dust; is that correct?

18 A. Yes.

19 Q. Do you recall the first time that you mentioned anything

20 about concerns about noise or vibration to the company?

21 A. Just -- I would say -- I don't know if it is a steam
22 leak or an air leak, but it looked like to me on Father's Day it
23 was -- it looked like it was steam. We were out there looking at
24 it. It sounded like you were right next to a jet engine taking

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1 off, you know. You had to hold your ears. That is how loud it
2 was. Every once in awhile, you know, you have that out there.

3 Q. And that was Father's Day this year?

4 A. Yes.

5 Q. Did you call and complain about that?

6 A. Yes.

7 Q. Could you tell me going back into history, when you
8 started to complain about noise incidents, whether they were
9 issues like that or issues related to the operations of the coal
10 pile?

11 A. It was more or less issues to like steam escaping or air
12 escaping over there.

13 Q. Do you recall whether you made any complaints about
14 noise or vibration prior to 1999?

15 A. Yes.

16 Q. You believe you did?

17 A. Yes.

18 Q. Would you --

19 A. I go back to when we were complaining about it in the,
20 what, the 1986 and 1987 area.

21 Q. And the noise that you have complained of, is that only
22 with respect to loud noises like you referred to that occurred on
23 Father's Day?

24 A. No. At that time they had trucks going in and out of

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1 the gate over there.

2 Q. Did you complain about the noise from the trucks going
3 in and out?

4 A. Yes.

5 Q. Did at some time the company stop allowing the trucks to
6 exit?

7 A. Yes.

8 Q. And did that take care of that noise problem?

9 A. Some of it.

10 Q. Mr. Martinez, I think, testified earlier that he
11 believes the trucks continued to exit the east gate?

12 A. They still do every once in awhile.

13 Q. But as a regular occurrence is that the case?

14 A. Most of the time they go down the back of the plant
15 somewhere and come out on 20th Street, but they still -- a couple
16 of them goes out the gate across from the house now.

17 Q. Does that occur on a daily basis?

18 A. When I am home, yes, I can see them a couple of times a

19 day.

20 Q. Okay.

21 A. Most of them that come out of that gate goes east on the
22 highway now though.

23 Q. Is that back away from your house?

24 HEARING OFFICER LANGHOFF: Did you answer out loud, Mr.

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1 Hoppe.

2 THE WITNESS: What?

3 HEARING OFFICER LANGHOFF: Will you answer that question
4 out loud? I didn't hear an answer.

5 THE WITNESS: I am not --

6 Q. (By Mr. Babst) When they exit, when you say they head
7 east, is heading east away from your home --

8 A. Yes.

9 Q. -- or towards your home?

10 A. Well, when they pull out of the -- you know, the
11 driveway over there.

12 Q. Yes.

13 A. They make a right turn going out the road that way.

14 Q. Towards your house?

15 A. I am almost right across from the gate.

16 Q. Okay.

17 A. Okay. If they come out of the gate they will make a

18 right and go out the road that way, out towards 111.

19 Q. Okay. Now, dealing and staying with the noise for a
20 second, you said, I believe, that the noise at the coal piles
21 will occur at all hours?

22 A. Yes.

23 Q. Do the trucks bring coal in after 10:00 at night?

24 A. They have not for a couple of months, but for a while

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1 they do bring in coal around the clock.

2 Q. And then is it also your testimony that the dozers that
3 work in forming the piles when the coal is brought in, that those
4 dozers would work after 10:00 as well?

5 A. As long as they are bringing trucks in, yes, and they do
6 run, you know, after 10:00 or they run all hours of the night if
7 they are --

8 Q. How often would you say that those large dozers that we
9 saw in some of the video that were running to the top of those
10 piles, how often on a weekly basis or a monthly basis, whatever
11 would be easier, how often are they operating after 10:00 at
12 night?

13 A. If they are working at our end of the piles, they will
14 load them -- that truck up. I call it a yuke. I am not sure
15 what you want to call it. But it is a big dump truck. They will
16 load that up and then the payloaders, the front loaders, whatever
17 you want to call it, they will push it up the side and then they

18 will have the Cat come out and then they will push it up the
19 piles.

20 Q. Okay.

21 A. It is --

22 Q. So how often -- I am sorry.

23 A. I would say a couple of times a night if they are
24 working in that -- across from us.

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1 Q. So that occurs frequently that the Cats will go and work
2 the top of the pile after 10:00?

3 A. Yes.

4 Q. With respect to the structure of your home, I think you
5 said it was built in the late 1920s or early 1930s. What type of
6 construction is the house?

7 A. It is a frame.

8 Q. How about the interior portion, Mr. Hoppe? What type
9 of --

10 A. I got plasterboard and I have got some paneling over it.

11 Q. What type of windows do you have?

12 A. Insulated.

13 Q. Double pane or storm windows or single pane?

14 A. Double pane, I guess you would say.

15 Q. Your floors, are they carpeted?

16 A. I have carpet through the house and I got ceramic tile

17 in the kitchen and the bathroom.

18 Q. I believe you said in answering a question from Mr.
19 Muskopf that you felt at some time the company was spraying the
20 piles and that that was effective in terms of controlling the
21 dust on the piles; is that correct?

22 A. That was, yes.

23 Q. So there was some point in time over the last let's say
24 12 years where --

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1 A. The 1988, 1989, 1990 area.

2 Q. Do you know, based upon your calendar, and I don't know
3 if you can tell this, but do you know when you made complaints to
4 the company about dust or noise?

5 A. Most of the time when I wrote it down there I would call
6 Connie Hickman.

7 Q. But my question, I guess, is if you kept any record of
8 the times you called?

9 A. Times, no.

10 Q. If I told you that there were no records of you calling
11 in a number of years in the 1990s, would that surprise you?

12 A. There was no records?

13 Q. Uh-huh. I mean, I am saying if I told you that, would
14 it surprise you? Is it your feeling that you constantly called?

15 A. Yes, because they know my -- they know me by first name
16 and they would call me back a lot of times.

17 Q. I am not suggesting that you have not called throughout
18 a time. I am suggesting there may have been a long period of
19 time when you didn't call?

20 A. The only long period of time I would not call is like in
21 the wintertime, more or less, when the wind is from the north.

22 Q. So if I looked at records and saw no calls at least
23 recorded from the company's standpoint from you for a complete
24 year that would not be your recollection?

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1 A. Oh, no.

2 Q. Can you tell me how many times you have called to
3 complain about dust or noise in the year 2001 other than the time
4 you have testified, I guess it was on Father's Day?

5 A. This year.

6 Q. Yes, sir?

7 A. Probably five or six times.

8 Q. Who did you call?

9 A. The guards.

10 Q. Did you stop calling Ms. Hickman?

11 A. I kind of quit calling, yeah. It seemed like she kind
12 of -- well, I will do something. If I would get an answering
13 machine, she would never call back on it.

14 Q. My understanding was that you had her home phone number,
15 too; is that right?

16 A. Yes.

17 Q. So you would call her at work and at home?

18 A. Yes.

19 Q. You stated, I think, during the questions that were
20 asked to you by Mr. Muskopf that as long as you were on them that
21 they would react?

22 A. Yes.

23 Q. Is that fair?

24 A. (Nodded head up and down.)

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1 Q. Yet, you are saying that you have only called five or
2 six times this year?

3 A. (Nodded head up and down.)

4 Q. But is it also your testimony that conditions are
5 worsening rather than getting better?

6 A. Yes.

7 Q. But there have only been five or six times where you
8 felt that it was bad enough to call the company?

9 A. Yes. I started getting answers from them, you know,
10 like, well, the wind will calm down later on or something like
11 that. You know, you just say the heck with them after awhile.

12 Q. You talked about the value of your house and you say
13 that property down the road is worth three times more than homes
14 in your location; is that correct?

15 A. Yes.

16 Q. Isn't that often the case, that property in some areas
17 is worth more than others?

18 A. Yes.

19 Q. Would you think that property that sits across from an
20 existing industrial concern would perhaps have less value than
21 property that was not across the street from an industrial
22 concern?

23 A. It would not be that much of a difference, or it should
24 not be.

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1 Q. And you bought your home with the coke plant in
2 existence across the street from your home; is that correct?

3 A. Yes.

4 Q. Do you remember what you paid for it?

5 A. I had to finish the payments on it, and we had about a
6 year, maybe a little bit longer, of payments to make.

7 Q. Would it have been more than \$10,000.00?

8 A. No.

9 Q. The jar of dust, and I don't know the Exhibit Number,
10 but it was shown to you. Okay. It is Complainant's Exhibit
11 Number 21. You testified that on a given day you went out and
12 were able to scrape this dust out of the gutter area on
13 Edwardsville Road?

14 A. I did that the day that we had that meeting up at

15 Belleville.

16 Q. I think you testified that it would have been January or
17 February of this year?

18 A. January or February. I am not for sure when we went up
19 there.

20 Q. Is that typical of the condition of Edwardsville Road
21 where almost any given day you could go out and collect dust like
22 that?

23 A. Not any given day but, I mean, it just happened to be
24 that day that I went out there and that's what we had out in

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1 front of the house that day.

2 Q. But I guess my question, Mr. Hoppe, is the amount of
3 dust on Edwardsville Road is that a constant problem for you?

4 A. Pretty well every --

5 Q. Have you ever asked -- I am sorry.

6 A. Every time cars and that go by it just kind of stirs it
7 up. I mean, that is how much dust is out there.

8 Q. Have you ever asked the city or the state to maintain
9 that road?

10 A. Yes.

11 Q. And have you received any response from them?

12 A. They said that the mill was going to take care of that.

13 Q. And when was the last time you asked the state or the
14 city to maintain the road?

15 A. I would say the early 1990s.

16 Q. So since that time you have not felt compelled to --

17 A. No.

18 Q. -- ask anybody to increase the maintenance on the road?

19 A. No.

20 Q. And have you noticed any improvement in the amount of

21 dust on the road since the trucks began to exit from a different

22 gate?

23 A. Yes, a lot.

24 Q. Can you remember when that took place?

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1 A. (Shook head from side to side.)

2 Q. Was it --

3 A. I would say probably in the early 1990s or so.

4 Q. So since the switch of the gates where trucks, for the

5 most part, don't exit there anymore, you have not complained

6 about the maintenance of the road; is that correct?

7 A. No.

8 Q. The aerial photograph that we have been looking at, do

9 you have any idea the date when that was taken?

10 A. No, I don't.

11 Q. Can you tell whether there are coal piles located

12 directly across from your property from that aerial photograph?

13 A. I can't tell. These here would look like -- well, no,

14 it wouldn't. I was going to say the ore piles.

15 Q. I would agree with you that it would be fairly difficult
16 to tell.

17 A. Well, probably. That's all black.

18 MR. BABST: If I could, and I don't intend to enter this as
19 an exhibit, but I would like to use it at least to give us a
20 little bit of perspective that may be a little better, at least
21 from a clarity standpoint, than the exhibit that we have been
22 using.

23 Do you want me to have this identified by a number, Mr.
24 Langhoff?

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1 HEARING OFFICER LANGHOFF: Yes.

2 MS. CHRISTMAN: We are not going to be offering it as an
3 exhibit. It is just for demonstrative purposes. It is a little
4 clearer.

5 HEARING OFFICER LANGHOFF: Just for Mr. Hoppe's testimony?

6 MR. BABST: No, I will probably use it again.

7 HEARING OFFICER LANGHOFF: Let's just call it whatever it
8 is labeled. It is right here. For the record, it is Walker
9 Associates, Inc., a photo from Metric Services, and it is an
10 aerial photograph of -- you guys can describe that in more
11 particular.

12 Q. (By Mr. Babst) I will try to turn it around to try to
13 get a better perspective of the property we are talking about.

14 Would you identify for me where your house is located?

15 A. (Witness complied.)

16 Q. And from this photograph, can you tell whether there are
17 any coal piles located in the area that you are complaining
18 about?

19 A. It looks like there is some right in here (indicating).

20 Q. How many would you say?

21 A. It looks like three right here (indicating).

22 Q. I am primarily interested in the three that you just
23 identified.

24 A. Okay.

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1 Q. Are those in the same location that were depicted on the
2 videos that you took?

3 A. Yes.

4 Q. There is a partial date at the top of this, which at
5 least indicates that this was taken in early 1996 so --

6 A. 02-24-96.

7 Q. At least at that point in time would you agree that the
8 coal piles were located in that area?

9 A. Yes.

10 Q. Mr. Hoppe, you -- again, during the videos I think there
11 was a -- one of the sequences that was shown indicated smoke
12 coming from the coke batteries; is that correct?

13 A. Yes.

14 Q. Is it your testimony that that is a frequent occurrence?

15 A. Yes.

16 Q. And where does this dust come from? Is it from the
17 stack, or is it from the batteries themselves?

18 A. Well, I guess the batteries and the stacks.

19 Q. Have you ever complained to the Illinois EPA about the
20 dust coming from the coke batteries?

21 A. Yes.

22 Q. And who did you complain to?

23 A. Collinsville.

24 Q. When did you complain? Do you recall?

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1 A. Up until about a year and a half ago.

2 Q. The videos that we did watch, by my records, showed that
3 the earliest video was taken in May of 2000 and the last sequence
4 was, I think, November 5th of 2000, is that fair, is that
5 correct?

6 A. Pretty close, yes.

7 Q. You talked a little bit about the vibrations that you
8 feel in your home. Have you ever noticed any vibrations from
9 trucks passing on Edwardsville Road in front of your house?

10 A. Yes.

11 Q. Is there any indentation or hump near your home that the
12 vehicles hit as they go by?

13 A. Yes.

14 Q. When they hit that hump or indentation does it cause
15 your property to shake?

16 A. Yes.

17 Q. Do you notice it with cars or just with trucks?

18 A. Mainly with the trucks.

19 Q. Do many trucks travel on Edwardsville Road?

20 A. I couldn't tell you how many, but there is trucks that
21 go by, yes.

22 Q. Would you -- this is fairly subjective, but would you
23 say it is lightly traveled, moderately traveled, or heavily
24 traveled with trucks?

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1 A. Moderately maybe.

2 Q. Do trucks go by all hours of the day and night?

3 A. Yes.

4 Q. So you do feel vibrations from these trucks when they go
5 by and hit this hump in the road?

6 A. Not all of the trucks, no.

7 Q. But certainly some trucks you do?

8 A. There is a -- where the blacktop is washed away out
9 there by the driveway going into the gate, it is about a foot
10 out. If there are trucks that go by that is running close to
11 that side they will hit that and then they will sit there and

12 bounce about twice.

13 Q. That's the only place that you notice them hitting that
14 you get vibrations?

15 A. Yes.

16 Q. There is nothing down near the Glasgows that causes the
17 trucks to bounce as they go by?

18 A. Not that I know of. I have not noticed it.

19 Q. So you have vibrations, from your testimony earlier,
20 from the equipment on the Granite City Steel property, and you
21 have vibrations from the trucks going by on the road in front of
22 your house; is that right?

23 A. Yes.

24 Q. You said that your sleep is disturbed maybe one or two

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1 times a week. How many times a night would your sleep be
2 disturbed?

3 A. Sometimes four or five times a night. I would say if
4 they are working down at that -- it all goes back to if they are
5 working down at that end of the plant.

6 Q. Assume for purposes of my question that they are working
7 at that end of the plant?

8 A. Three or four, four or five times a night you will get
9 woke up.

10 Q. How many other times will you wake up naturally to use
11 the bathroom or for reasons other than the steel company?

12 A. Well, the last couple of months maybe once or twice a
13 night to go to the bathroom.

14 Q. Now, when you are awakened, are you able to distinguish
15 the noise that awakened you?

16 A. Yes.

17 Q. So you will know that it is something at the plant as
18 opposed to a truck or a motorcycle going by your house?

19 A. Or a wreck on the highway, yes.

20 Q. Can you hear trucks going by your house as you lay in
21 bed at night?

22 A. Yes.

23 Q. Can you hear motorcycles go by?

24 A. Yes.

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1 Q. Can you hear cars go by?

2 A. Yes.

3 Q. These noises do not awaken you at any time?

4 A. Not unless there is something different. Cars and that
5 go by and they will go by and, you know, they are like a normal
6 stream. If they hit a telephone pole or something like that over
7 there or -- we have a lot of wrecks, you know, like they will hit
8 and take off. You will hear that.

9 Q. I am not talking about wrecks. I am really just talking
10 about more normal activity.

11 A. Normal activity, I would say it does not wake you up
12 that much.

13 Q. Say a flatbed semi-truck that was empty going by your
14 house and hits that hump, that would not awaken you?

15 A. No, not really.

16 Q. Mr. Hoppe, have you noticed any change in the back up
17 alarms that are used on the coal piles over the last year?

18 A. Yes.

19 Q. Are they any louder or quieter?

20 A. They have got one of them payloaders that is about twice
21 as loud as the other one.

22 Q. That's the only distinction that you could perceive as
23 far as prior to a year ago and now?

24 A. The Cat has got one that seems like it is louder in the

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1 last six months or so.

2 Q. You are not suggesting that the company has done
3 anything to make these alarms louder, or do you feel that that
4 may be the case?

5 A. They seem louder to me. I can't answer. You know, it
6 seems like it is noticeably louder.

7 Q. Okay. You did state that the house will get dusty even
8 when the wind is blowing out of the north?

9 A. Yes.

10 Q. Can you tell where that dust would be coming from?

11 A. The coal dust that has blown down or blown north coming
12 back.

13 Q. Coming back?

14 A. If it does not rain for a couple of days later we still
15 get dust coming from the north after -- you know, if you had a
16 windy day for, you know, three or four days from the south, then
17 the wind comes back from the north, you will get it for a couple
18 of days.

19 Q. Do you ever notice airplanes flying over your house?

20 A. Yes.

21 Q. Would you -- again, I am asking this fairly subjective
22 question. But would you consider the area in which you live to
23 be -- well, let me rephrase my question.

24 Ignoring the noise that comes from the plant, and looking

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1 just at the other noise sources in your neighborhood, and I would
2 think that would be airplanes and traffic on Edwardsville Road.
3 Do you consider the area that you live in to be quiet, moderately
4 noisy, very noisy?

5 A. Minus across the street, it would be quiet.

6 MR. BABST: Okay. That's all I have.

7 HEARING OFFICER LANGHOFF: Thank you, Mr. Babst. Mr.
8 Muskopf.

9 MR. MUSKOPF: Thank you.

10

REDIRECT EXAMINATION

11

BY MR. MUSKOPF:

12

Q. Mr. Hoppe, Mr. Babst has asked you about noises in your

13

neighborhood that you can hear at your house from someplace or

14

somebody other than Granite City Steel. Do you recall those

15

questions? Yeah?

16

A. Yes.

17

Q. Trucks going by, other traffic going by on Edwardsville

18

Road?

19

A. Yes.

20

Q. And airplanes flying over?

21

A. (Nodded head up and down.)

22

Q. And motorcycles?

23

A. (Nodded head up and down.)

24

Q. Do you remember those questions?

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1

A. Yes.

2

Q. Okay. Let's say somebody comes along and steals a

3

dollar from you. Does it make it any better, does it make the

4

loss of the first dollar any better than somebody else comes

5

along and steals another dollar from you?

6

A. No.

7

Q. Do you feel any better about Granite City Steel's noise

8

when a noisy truck from somewhere else goes by on Edwardsville

9

Road?

10 A. No.

11 Q. Does it make you sleep any sounder that an airplane that
12 makes some noise goes over your house or prevents you from waking
13 up when Granite City Steel makes a noise?

14 A. No.

15 Q. You were asked questions about the social and economic
16 value of Granite City Steel to the surrounding community.

17 A. Yes.

18 Q. Do you remember those questions?

19 A. Yes.

20 Q. And questions about baseball fields, how many jobs
21 Granite City Steel provides, how many businesses derive economic
22 benefit from Granite City Steel. Do you remember those?

23 A. Yes.

24 Q. How many people have lost their lives in the steel plant

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1 over the years?

2 A. I don't really know.

3 Q. Do you remember -- have you heard of anybody getting
4 killed in that plant?

5 A. Yes.

6 Q. How many people have come down with some kind of
7 occupational disease after working in Granite City Steel for
8 their entire career?

9 MR. BABST: Objection. Again, I would have no idea how he
10 would have any basis. I would at least ask for some foundation
11 for that question.

12 HEARING OFFICER LANGHOFF: Okay. Mr. Muskopf.

13 MR. MUSKOPF: It is the mirror question of how many
14 businesses derive benefit from Granite City Steel.

15 HEARING OFFICER LANGHOFF: Okay. I am going to --

16 MR. MUSKOPF: Or how many employees --

17 HEARING OFFICER LANGHOFF: -- sustain the objection.

18 MR. MUSKOPF: Well, I don't know how to develop a
19 foundation other than to ask him if he knows.

20 Q. (By Mr. Muskopf) Okay. Have you ever read a newspaper
21 account of somebody suffering an occupational disease after
22 working at Granite City Steel?

23 A. Yes.

24 Q. What kind of occupational disease was it?

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1 A. Asbestosis.

2 Q. Do you think the fact that there is a ball field that
3 Granite City Steel has put in near your house makes up for the
4 fact that people have died from asbestosis after working at
5 Granite City Steel?

6 A. No.

7 Q. About how often do you read a newspaper account of
8 somebody getting hurt at that plant?

9 A. I have no idea.

10 Q. Would you say it is every year or every month or what?

11 Is it something that you pay attention to?

12 A. There was a couple of them here in the last year or so

13 getting hurt over there.

14 Q. Have you ever studied the affect of the location of

15 Granite City Steel on the surrounding homes, the values of these

16 homes in the triangle on Exhibit C34?

17 A. Some of the people that sells real estate said that the

18 houses that are here, you know, if they were somewhere else they

19 would be worth a whole lot more.

20 Q. Can you tell from this aerial survey that is unmarked,

21 but we have been calling the Walker Associates, Inc., how tall

22 those coal piles are?

23 A. No.

24 Q. Can you tell -- do you have any idea whether they are as

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1 tall in that picture as they are now?

2 A. No.

3 Q. Can you get a precise indication as to where they are

4 located?

5 A. No.

6 Q. Do you remember Mr. Babst asking you questions about

7 whether you had continued to complain to Granite City Steel about

8 the noise and dust for -- or whether you had stopped making
9 complaints for a period of a year or something like that?

10 A. Yes.

11 Q. Do you think it is your job to get Granite City Steel to
12 be a good neighbor to you?

13 A. No, I don't.

14 Q. Do you think it is your responsibility to make sure that
15 if they are causing dust that you tell them about it?

16 A. I am not quite for sure how to answer that one.

17 Q. Well, is it your job to police them and make sure that
18 they are doing everything they are supposed to with regard to
19 dust and noise?

20 A. No, that's what they got people in the pollution area
21 for.

22 MR. MUSKOPF: Okay. I will pass the witness.

23 HEARING OFFICER LANGHOFF: Mr. Babst.

24 MR. BABST: Yes.

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1 RE CROSS EXAMINATION

2 BY MR. BABST:

3 Q. Going back to Mr. Muskopf's question to you if someone
4 stole a dollar from you, and I don't remember how it went, but if
5 someone stole a dollar from you and you got it back and someone
6 else stole a dollar, would you feel the same, the same dollar?

7 A. Yes.

8 Q. Have you ever been in the steel making operation?

9 A. No. I walked through it at the main plant, but that is
10 as far as I went through it.

11 Q. And with respect to your readings about occupational
12 diseases, I was not clear whether you were saying you were
13 reading about people bringing a claim for an occupational disease
14 or were you saying that you read about people -- Granite City
15 being held liable for occupational disease?

16 A. I just knew that people that had asbestosis that worked
17 at Granite City Steel.

18 Q. Do you know whether they contracted asbestosis as a
19 result of working at Granite City Steel?

20 A. Yes, they did, or was supposed to have.

21 Q. Do you know whether the time in which they contacted the
22 asbestos that the company knew about the affects of asbestos?

23 A. No, I don't.

24 Q. Do you know how long it takes for asbestosis to develop

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1 from being exposed to asbestos?

2 A. About 25 years.

3 Q. Do you know whether companies knew about the hazardous
4 impacts of asbestos 25 years ago?

5 A. Yes.

6 Q. They did?

7 A. Yes.

8 Q. Do you know when they knew about that?

9 A. The early 1920s.

10 Q. The fact that people are being hurt or you have read
11 that people have been hurt in the mill, does that change your
12 testimony that Granite City has significant social and economic
13 value to the area?

14 A. No.

15 Q. So Mr. Muskopf's questions to you didn't change your
16 opinion on that?

17 A. Not that.

18 Q. I was unclear. I thought when you testified when I was
19 asking you questions that you agreed that what appears to be
20 three coal piles here are located where the coal piles are
21 situated today?

22 MR. MUSKOPF: I am going to object to the extent that it
23 mischaracterizes his prior testimony, and it was couched in terms
24 of area, were these coal piles located in the same area.

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1 MR. BABST: Yes. That is what I am going to ask. This is
2 just a clarification.

3 Q. (By Mr. Babst) I thought that when Mr. Muskopf asked you
4 if you could tell the area in which the coal piles were located
5 that you couldn't tell that. Maybe I just misunderstood the
6 question.

7 HEARING OFFICER LANGHOFF: I am going to overrule the
8 objection and let you answer the question.

9 Q. (By Mr. Babst) Let me put it in a simpler way. Could
10 you clarify for me whether you can tell from this overhead, this
11 aerial, whether these coal piles were located in the same general
12 area where they are located today?

13 A. In the location this way, yes.

14 Q. Yes, sir, the three that are directly across from your
15 house?

16 A. Yes.

17 Q. The only thing you can't tell is how high they may be?

18 A. And how close to the roadway or to the drainage ditch
19 they are.

20 Q. But would this appear to be a road in front of the coal
21 piles?

22 A. I don't know if that's the road or if that's the
23 drainage ditch.

24 HEARING OFFICER LANGHOFF: Okay. Mr. Hoppe, just so the

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1 Board, in case they wonder about this, has an idea of the coal
2 piles you are talking about on this overhead exhibit that is not
3 going to be introduced into evidence, but on this exhibit that
4 is, on C34, would you hand me that blue pen there Mr. Muskopf.

5 MR. MUSKOPF: Yes.

6 HEARING OFFICER LANGHOFF: Would you put three Xs here
7 where you would estimate the coal piles are so that the Board has
8 an idea. It is the same view. It is the same overhead view. Do
9 you know where you are on both of these?
10 A. Yes. (Witness marked on map.)
11 HEARING OFFICER LANGHOFF: Okay. Thank you. I am sorry,
12 Mr. Babst.
13 MR. BABST: No, that's fine.
14 HEARING OFFICER LANGHOFF: Any other questions?
15 MR. BABST: Just a couple.
16 Q. (By Mr. Babst) Mr. Hoppe, did you contact Mr. Zak
17 originally?
18 A. I never contacted him. Vickie did.
19 MR. BABST: Okay. Thank you. No other questions.
20 HEARING OFFICER LANGHOFF: Thank you. Mr. Muskopf?
21 MR. MUSKOPF: Nothing further.
22 HEARING OFFICER LANGHOFF: Okay. Thank you, Mr. Hoppe.
23 (The witness left the stand.)
24 HEARING OFFICER LANGHOFF: Let's go off the record a

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1 second.
2 (Discussion off the record.)
3 HEARING OFFICER LANGHOFF: All right. We will take a lunch
4 break and come back at about 20 after. We will reconvene at 20
5 after. Thank you.

6 (Whereupon a lunch recess was taken from 12:40 p.m. to 1:25
7 p.m.)
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1 A F T E R N O O N S E S S I O N
2 (July 10, 2001; 1:25 p.m.)
3 HEARING OFFICER LANGHOFF: All right. We are back on the
4 record.

5 Call your next witness, please, Mr. Muskopf.

6 MR. MUSKOPF: We call Vickie Glasgow, please.

7 (Whereupon the witness was sworn by the Notary Public.)

8 V I C K I E G L A S G O W,

9 having been first duly sworn by the Notary Public, saith as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. MUSKOPF:

13 Q. Would you give us your name, please.

14 A. Vickie Glasgow.

15 Q. Vickie, where do you live?

16 A. 2901 Edwardsville Road in Granite City.

17 Q. How long have you lived there?

18 A. About four and a half years.

19 Q. Are you at essentially the corner of Alexander and
20 Edwardsville Road?

21 A. Yes.

22 Q. How old are you?

23 A. I am 48.

24 Q. And what do you do for a living?

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1 A. I am unemployed.

2 Q. So does that mean you are around the house quite a bit?

3 A. I am now, as of the last six months.

4 Q. Oh, did you work before that?

5 A. Yes.

6 Q. What did you do?

7 A. I worked at Aurora Foods on the day shift for three
8 months, and before that I worked at Trans State Airlines on
9 afternoon shift, which was like 3:00 to midnight for a couple of
10 years.

11 Q. That's how you met your husband, right?

12 A. No.

13 Q. No?

14 A. We have been together a long time.

15 Q. Okay. I thought you both met by working in the airline
16 industry?

17 A. No.

18 Q. Okay.

19 A. We have been married 20 years.

20 Q. Who else lives in your house with you?

21 A. My husband, James Glasgow.

22 Q. Let me have you look at Exhibit C34. It is this big
23 aerial map. Can you find your house on that map?

24 HEARING OFFICER LANGHOFF: Do you have another colored pen,

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1 Mr. Muskopf?

2 MR. BABST: Here is a red one, if I can get it back.

3 MR. MUSKOPF: We will see. I am bad to pocket pens.

4 THE WITNESS: Yes, this is our house right here, Jeff.

5 Q. (By Mr. Muskopf) All right. I am going to color in your
6 house in red. Am I coloring in the right house?

7 A. Yes.

8 Q. Okay. So what is between you and the coal piles?

9 A. There is Granite -- I am sorry -- Highway 162 and then
10 there is a big drainage ditch and then the coal piles.

11 Q. Are there any active businesses nearby your house?

12 A. Yes. There is an auto repair shop which is now called
13 Easy Auto right next door, and then right next door to that is
14 the Busy Beauty Shop.

15 Q. Does the beauty shop make much noise?

16 A. I never hear the beauty shop.

17 Q. Any dust from them?

18 A. No.

19 Q. What about the auto repair place, do they make noise or
20 dust?

21 A. Occasionally I will hear a car door slamming if they are
22 going to leave a car. Very seldom do I hear anything out of
23 them.

24 Q. Do you have a noise problem at your house?

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1 A. Yes.

2 Q. Where does that noise come from?

3 A. Across the street in the coke plant, the Granite City

4 coke plant itself, plus the coal fields.

5 Q. Okay. Do you have a dust problem at your house?

6 A. Yes.

7 Q. Where does that dust come from?

8 A. From the plant itself and the coal fields.

9 Q. Now, you made a videotape of some of the dust and noise?

10 A. Yes.

11 (Whereupon said videotape was duly marked for purposes of
12 identification as Complainant Exhibit C24 as of this
13 date.)

14 Q. (By Mr. Muskopf) I have got it in the VCR right now. It
15 is marked as Exhibit C24. I want to go through the very same
16 with you and your videotape kind of the same way that I went
17 through with Bill and his videotape. So I am going to go through
18 and show you specific parts and ask you to tell us what we are
19 seeing. I want to start at five minutes and ten seconds.

20 MR. BABST: Mr. Muskopf, these are the same videotapes that
21 you did provide to us, are they not?

22 MR. MUSKOPF: That is my understanding.

23 MR. BABST: Okay. Thank you.

24 MR. MUSKOPF: Please bear with me just a second. I have to

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1 reset the timer.

2 HEARING OFFICER LANGHOFF: Don't do that again.

3 (Laughter.)

4 MR. MUSKOPF: I won't.

5 (Laughter.)

6 (Playing videotape.)

7 Q. (By Mr. Muskopf) What did we just see there, Vickie?

8 A. I had taken a sponge that was with a little water on it

9 and wiped my TV down, and it showed that there was coal dust all

10 over the sponge. It was a yellow sponge.

11 Q. Was the sponge clean or dirty when you -- before you --

12 A. It was black.

13 Q. -- wiped the TV down? Before?

14 A. It was clean before.

15 Q. Was it completely clean?

16 A. Yes.

17 Q. And then you wiped your TV down, the top and the sides?

18 A. Just the screen.

19 Q. Just the screen?

20 A. Uh-huh.

21 Q. And that's the dust that you collected from --

22 A. Yes.

23 Q. -- your TV?

24 A. (Nodded head up and down.)

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1 Q. That was one week's worth of dust?

2 A. Yes.

3 Q. And, obviously -- I assume you keep your television
4 inside of your house?

5 A. Yes.

6 Q. Were your windows open in that week preceding --

7 A. We don't open our windows. They are completely sealed
8 shut.

9 Q. So with your closed windows, and you didn't keep your
10 doors open for that previous week?

11 A. No. We don't open our doors other than to get in and
12 out.

13 Q. So with closed windows and closed doors you collected
14 that much dust from your TV screen in one week inside of your
15 house?

16 A. Yes.

17 Q. Okay. I am now going to six minutes and 50 seconds
18 next.

19 (Playing videotape.)

20 Q. (By Mr. Muskopf) Tell me what we were seeing there,
21 Vickie?

22 A. I was spraying down our sidewalk that walks out to the
23 garage, and coal dust is all over it and you could see the water
24 spraying it on to the ground.

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1 Q. How long had that coal dust been on the sidewalk?

2 A. One week. I sprayed it the week before.

3 Q. About how often do you wash your house down to get rid
4 of the dust from the coal plant?

5 A. It depends on if -- in the winter we don't spray it,
6 because our hoses freeze up. In the summer we have to spray it
7 anywhere from one to two times a week.

8 Q. What happens if you let it go for a whole month or
9 something like that?

10 A. It is filthy dirty with black coal dust.

11 Q. It looks terrible?

12 A. Yes, and if it rains and then you can see the streak
13 marks from the rain, you know, like you would wash your house and
14 leave streak marks. We have little holes where they have nailed
15 the siding up. It gets in those little bitty holes and just runs
16 done. You have to spray it one time and go back and spray it
17 again because of the tiny holes that the black stuff runs down
18 from, the black coal.

19 Q. Next I want to get to -- oh, let me ask you a couple of
20 questions first. So far of this videotape that we have seen, is
21 this your -- the videotape that you had taken?

22 A. Yes.

23 Q. And it shows your house?

24 A. Yes.

1 Q. Your sidewalk?

2 A. Yes.

3 Q. At your address on Alexander?

4 A. 2901 Alexander, or Edwardsville Road.

5 Q. Is that a pretty good indication so far of what we have
6 seen of the kind of dust that you live with on a daily basis?

7 A. Yes.

8 Q. How long has it been like that?

9 A. Well, we moved there in 1997, Memorial weekend of 1997,
10 and there was three stacks -- two stacks. I am sorry. Two
11 stacks in front of the house at the time when we moved in. And
12 within a year of 1998, when I started complaining to Mr. Maxwell,
13 the stacks were growing at the time.

14 Q. By stacks you mean coal piles across the street?

15 A. Yes.

16 Q. The coal fields that everyone has discussed so far?

17 A. Yes.

18 Q. So there were coal piles there when you first moved in?

19 A. Yes.

20 Q. But they were fewer in number and they were smaller?

21 A. They were fewer and not as tall.

22 Q. Have they gotten any closer to the road since you have
23 moved in?

24 A. Not that I have noticed that they have gotten closer.

1 They might have gotten a little closer. They are kind of where
2 they have always been.

3 Q. Next I am going to 17 minutes and 24 seconds

4 (Playing videotape.)

5 Q. (By Mr. Muskopf) Okay. Vickie, tell me what we just
6 saw?

7 A. My husband had a hard hat hung in the garage and when he
8 put his hand across it was just completely black from coal dust.
9 Also, he ran his hand along the ledge of the garage and it was
10 completely black with coal dust.

11 Q. That garage is detached from your house?

12 A. Yes.

13 Q. Does it have a garage door?

14 A. Yes.

15 Q. Do you park your cars in it?

16 A. Yes.

17 Q. Do you keep the garage door open at any time?

18 A. No.

19 Q. You just open it to get the cars in and out and that's
20 it?

21 A. Yes.

22 Q. That dust was coming from where?

23 A. The Granite City coke plant, the coke fields.

24 Q. I next want to go to 19 minutes and 22 seconds.

1 (Playing videotape.)

2 Q. (By Mr. Muskopf) Your video recorder has a time and date

3 stamp?

4 A. Correct.

5 Q. That you have been using in some of this video footage?

6 A. Yes.

7 Q. Right now the screen says May 25th of 2000, 6:21. As

8 far as you know is that accurate?

9 A. Yes.

10 Q. That would be 6:21 in the morning?

11 A. Yes, because when it goes past noon it is military time.

12 It goes to 13, 14, 15. That is afternoons.

13 Q. Okay.

14 A. So 6:00 is a.m.

15 Q. And did you hear any sound on the videotape there?

16 A. Yes, the beeping of the Caterpillar.

17 Q. And the Caterpillar is across the street at the coal

18 fields?

19 A. Yes.

20 Q. Did that sound wake you up that morning?

21 A. Yes.

22 Q. When you took this videotape?

23 A. Yes.

24 Q. Does it wake you up on other mornings?

1 A. Yes.

2 Q. Does it keep you from getting to sleep some nights?

3 A. Yes. Not as much the beeping at night. That's mostly
4 what you get woke up with, is the beeping in the morning. At
5 night it is more -- I don't know what they call it, the payloader
6 or -- that big, big truck that is dumping it into the railcars or
7 into another truck and taking it up to the coal plant to be -- I
8 don't know what they do with it.

9 Q. They make more dust with it. I next want to go to 20
10 minutes and ten seconds.

11 (Playing videotape.)

12 Q. (By Mr. Muskopf) Now, the time date stamp says May 25th
13 of 2000 and it is 6:24?

14 A. Yes.

15 Q. That would be 6:24 in the morning?

16 A. Yes.

17 Q. Did you hear a noise -- tell me what noises you heard?

18 A. On that video I heard the Caterpillar itself, the rattle
19 of the Caterpillar and the beeping.

20 Q. Is it your understanding that the rattle comes from the
21 metal tracks of the Caterpillar?

22 A. Yes.

23 Q. Is that typical of the kind of noise -- do you hear that
24 clatter -- excuse me. Let me start over. Do you hear the

1 clatter very often?

2 A. Yes.

3 Q. And is this the kind of clatter in this videotape that
4 you hear regularly?

5 A. Yes. May I say something, Jeff?

6 Q. Yes.

7 A. What really woke me up on those mornings is my bed
8 shaking and then I went and taped the noise. But that is
9 actually what woke me up, is my bed shaking from the vibration.

10 Q. On those two occasions?

11 A. Yes, on all the morning ones.

12 Q. So when you are typically awakened by noise from Granite
13 City Steel in the morning, you are saying that it is from --
14 first of all, your bed shakes, it is a vibration?

15 A. Yes.

16 Q. And then you hear the noise?

17 A. Yes.

18 Q. After you are awakened by vibration, what noises do you
19 typically hear after that?

20 A. Beeping.

21 Q. So you associate the vibration, then, with the
22 Caterpillar?

23 A. Yes, that's what make the vibration, is the Caterpillar.

24 Q. Okay. I next want to go to 20 minutes, 19 seconds.

1 (Playing videotape.)

2 Q. (By Mr. Muskopf) What were we seeing there?

3 A. On May 25th of 2000 at 10:06 you saw coal dust running

4 off the house from the Granite City coke plant.

5 Q. You were washing it off with the hose?

6 A. Correct.

7 Q. How many days worth of dust was that?

8 A. Three days.

9 Q. Is that typical of the dust accumulation that you get on

10 your house?

11 A. Yes.

12 (Playing videotape.)

13 Q. (By Mr. Muskopf) What were we seeing right there?

14 A. The Caterpillar was coming back down the stacks, backing

15 up, and it was beeping.

16 Q. Was it making any other noise?

17 A. Yes, the shackle, whatever, the rattle of the

18 Caterpillar itself, plus the beeping.

19 Q. Okay. That was at 20 minutes -- right before 20 minutes

20 and 54 seconds on the tape. What time of day was that, can you

21 tell?

22 A. It looks like it is 7:00 a.m. on May 26th of 2000.

23 Q. Okay. I will next go to 21 minutes and 38 seconds.

24 (Playing videotape.)

1 MR. BABST: I will renew my objection with respect to this
2 particular sequence attempting to demonstrate the actual loudness
3 of the noise.

4 HEARING OFFICER LANGHOFF: Mr. Babst, I will treat that as
5 a running objection --

6 MR. BABST: Thank you.

7 HEARING OFFICER LANGHOFF: -- as to all of the noise, the
8 same and similar kind of noise.

9 MR. BABST: It is really only with respect to those frames
10 where he is attempting to demonstrate the actual sound. That's
11 all, but thank you.

12 HEARING OFFICER LANGHOFF: Thank you. I am sorry, Mr.
13 Muskopf. Go ahead.

14 MR. MUSKOPF: That's okay.

15 Q. (By Mr. Muskopf) Vickie, what did we just see?

16 A. Okay. I was in the house and I had my video camera
17 going. Why it is so bright in the kitchen at that taping is
18 because I had my halogen lamp going. And I was listening to the
19 beeping and the rattling of the Caterpillar in the living room,
20 and then I walked into my kitchen, which is all the way in the
21 back of my house.

22 Q. Could you hear the rattling and the beeping in both the
23 kitchen and the living room?

24 A. Yes.

1 Q. Were your doors and windows closed when you --

2 A. Yes. I did have the wooden door open. The screen door

3 was not -- not the screen, but the glass door was shut. But I

4 did have the wooden door open and my halogen lamp on to make more

5 light. Our living room is dark.

6 Q. Okay. I want to go next to 24 minutes and six seconds.

7 (Playing videotape.)

8 Q. (By Mr. Muskopf) What did we just see there?

9 A. I was -- I did a test -- a series of tests with my

10 finger. It is black coal on my finger from my house, my siding.

11 Q. You were taking a clean finger and running it across the

12 side of your house?

13 A. Yes.

14 Q. And the dust that was on your finger was one week's

15 worth of accumulation?

16 A. Yes.

17 Q. Okay. This is at 24 minutes and 53 seconds.

18 (Playing videotape.)

19 Q. (By Mr. Muskopf) Can you tell us for the record what we

20 have just seen now?

21 A. I have two white chairs out back in my yard, and I had

22 been in the park four days earlier and I sprayed my chairs down

23 and black coal was all over them.

24 Q. So this was a chair that was sitting outside of your

1 house?

2 A. In my backyard.

3 Q. In your backyard, and that was -- you just washed off
4 four day's worth of dust accumulation?

5 A. Yes.

6 Q. I next want to go to 30 minutes and three seconds.

7 (Playing videotape.)

8 Q. (By Mr. Muskopf) Did you hear a sound on that tape other
9 than beeping?

10 A. Yes.

11 Q. What was it?

12 A. The squealing of the semi-trucks entering the plant, the
13 Granite City coal plant.

14 Q. What kind of noise is that? Is it high pitched?

15 A. Very high pitched.

16 Q. Does it sound like metal on metal, or do you know what
17 is making it exactly?

18 A. It is from the brakes. It is a high pitched squeal.

19 Q. Next I want to go to 30 minutes and 53 seconds.

20 (Playing videotape.)

21 Q. (By Mr. Muskopf) What are we seeing there, Vickie?

22 A. Over at the coke fields, the dust is swirling around.

23 It is very windy that day and the coke is just blowing up in the

24 air and blowing over towards our house.

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1 Q. Where were you taking this videotape from?

2 A. From my front yard. That's my fence right there.

3 Q. Is that the kind of dust that you see blowing around on
4 windy days?

5 A. Yes.

6 Q. Then 31 minutes and 28 seconds is the next segment of
7 this tape.

8 (Playing videotape.)

9 Q. (By Mr. Muskopf) Can you hear the noise from Granite
10 City Steel in your backyard?

11 A. Yes. I can hear the noise, if I go for a walk, all the
12 way at the end of the block from the beeping.

13 Q. Okay. Next I want to go to 33 minutes and 30 seconds.

14 (Playing videotape.)

15 Q. (By Mr. Muskopf) Can you tell us what we just saw there?

16 A. I am sorry, Jeff.

17 Q. Do you want me to play it again?

18 (Playing videotape.)

19 Q. (By Mr. Muskopf) Did you hear a noise other than beeping
20 at 33 minutes and 34 seconds on this tape?

21 A. Yes, it was like a high pitched squeal also, but that is
22 not the brakes. It is a different noise.

23 Q. Do you know what that noise comes from?

24 A. No, I do not.

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1 Q. What time was this tape taken at that point?

2 A. 6:26 a.m. on June the 14th of 2000.

3 Q. Next is 34 minutes, 16 seconds.

4 (Playing videotape.)

5 Q. (By Mr. Muskopf) What did we just see?

6 A. It is June the 15th of 2000 at about four minutes until
7 1:00 in the morning, and the Caterpillar is over there loading
8 with beeping and Caterpillar noises.

9 Q. How often do you hear the Caterpillar that late at
10 night?

11 A. It varies on if they are working in the area. I
12 couldn't really give an estimated amount.

13 Q. Is it unusual for you to hear a Caterpillar working that
14 late at night?

15 A. Recently I have not heard them working that late at
16 night. When these tapes were performed, when we did these tapes,
17 yes.

18 Q. It was usual then?

19 A. Yes.

20 Q. Okay.

21 A. It was usual when these tapes were made. Now I don't
22 hear them that late.

23 Q. Okay. Next I want to go to 41 minutes and 20 seconds.

24 (Playing videotape.)

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1 Q. (By Mr. Muskopf) Okay. What were those noises we just
2 heard?

3 A. That's what I call slamming of the tailgate. When the
4 trucks come in, they unload their load of coal, and then they
5 just keep slamming it to try to get every bit they can out of it.
6 When we had a meeting with Mr. Maxwell he said that he was not
7 breaking any Granite City Codes other than the slamming of the
8 tailgate, and he said shamey on us.

9 Q. It sounds like he was taking your complaint pretty
10 seriously.

11 MR. BABST: Objection.

12 THE WITNESS: Yes, that's what we thought.

13 MR. BABST: Objection.

14 HEARING OFFICER LANGHOFF: I will sustain that objection.

15 (Whereupon a document was duly marked for purposes of
16 identification as Complainant Exhibit C42 as of this
17 date.)

18 Q. (By Mr. Muskopf) C42, is that a good picture of the
19 truck being emptied and the tailgate being opened?

20 A. Yes.

21 Q. When the truck is almost empty they slam the tailgate
22 shut?

23 A. Yes. I have never seen them do that. I would assume
24 that is what the noise is. I call it the slamming of the

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1 tailgate. So I would assume that is what it is.

2 Q. Okay. Next I want to go to one hour and 30 seconds.

3 (Playing videotape.)

4 Q. (By Mr. Muskopf) How often do you hear the tailgate
5 slamming?

6 A. Whenever they are unloading. Like I say, again, it has
7 changed since I have taken these tapes. It is not as bad. They
8 still do it every once in awhile, but it is not as bad.

9 Q. Is that a noise that you can hear in all of the rooms of
10 your house?

11 A. Yes.

12 (Playing videotape.)

13 Q. (By Mr. Muskopf) What have we here?

14 A. That is a Radio Shack meter reader, a noise level meter
15 reader.

16 Q. Okay. And what noise were you trying to record the
17 level of?

18 A. The plant itself.

19 Q. What date was this in time?

20 A. September the 10th of 2000, at 13:21.

21 Q. So to get that, that would be -- we subtract 12 from
22 that to get it out of military time?

23 A. It was around 1:21.

24 Q. What was the reading that you were getting from that

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1 noise?

2 A. I believe it said 70.

3 Q. What was your understanding of the noise source?

4 A. The plant, the plant itself.

5 Q. You said something about a vibrator? No?

6 A. I don't know, Jeff. I am facing towards the plant. I
7 think it is called the noise -- I am not sure.

8 Q. Okay. Next I am going to one hour, one minute -- excuse
9 me -- one hour and two minutes and nine seconds.

10 (Playing videotape.)

11 Q. (By Mr. Muskopf) What are we seeing?

12 A. I am taking a picture of the plant itself leveling at
13 66, and it is in the morning, September 11th of 2000, a few
14 minutes before midnight.

15 Q. Or is that a few minutes before 1:00?

16 A. Yes. I am sorry. It is. It is 0.57.

17 Q. You are standing where?

18 A. In my backyard or over to the side of my yard towards
19 the back.

20 (Playing videotape.)

21 Q. (By Mr. Muskopf) What kind of readings were you getting
22 in that sequence?

23 A. 66, 67. I believe that says 80. It is 70. I am sorry.

24 (Playing videotape.)

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1 A. It went all the way up to 72.

2 Q. (By Mr. Muskopf) Is that noise typical of what you hear
3 on some evenings from the plant itself?

4 A. Yes.

5 Q. Okay. Next I want to go to one hour, eleven minutes,
6 and ten seconds.

7 (Playing videotape.)

8 Q. (By Mr. Muskopf) Where were you standing when you took
9 that videotape and the noise measurements?

10 A. I was standing in the grass beside my house.

11 Q. And what date and time?

12 A. September 19th of 2000, at 9:45.

13 Q. What were the sounds that you heard?

14 A. The Caterpillar coming down the stacks and beeping
15 noises.

16 Q. What kind of readings did you get on the meter?

17 A. I believe it went up to the 70.

18 Q. Is that typical of the kind of noise that you hear?

19 A. Yes.

20 Q. While we are on the subject of the meter, I wanted to
21 ask you how you use it. First of all, did you bring it with you?

22 A. Yes.

23 Q. Would it help you if you looked at the meter while you
24 were describing how you used it?

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1 A. Yes.

2 Q. Okay.

3 A. Okay. First I have a -- there is little screw base down
4 there. I put a screw on it, and then sit it down in a microphone
5 stand so that it is completely level and it is not moving around.

6 Q. You don't hold it in your hand?

7 A. No. It is on a microphone stand. This little screw
8 goes right down in the microphone stand. I just pick it all up.
9 I have that in the car if they would like to see it. I pick it
10 all up and take it with me if I was going to record something.

11 Q. Then I guess the first step is you turn it on?

12 A. Yes. It is on off. I would always turn it down to 60
13 because the instructions say it reads above 60 and below 60. So
14 I would put it on 60. And I would put it on A-Weight and slow
15 response.

16 Q. How did you know how to use the meter?

17 A. Mr. Zak had told me to go purchase a Radio Shack meter
18 and how to use it.

19 Q. Did you use it according to his instructions?

20 A. Yes.

21 Q. And if we --

22 A. And --

23 Q. Go ahead.

24 A. And wind speeds below 12 miles an hour also.

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1 Q. Okay. Then he instructed you how to use the video
2 camera in conjunction with the noise meter itself?

3 A. Yes. He said to put the noise meter in front with your
4 noise source in the background, so that you can see that they go
5 together, the meter reader and the noise source together.

6 Q. So what you were trying to do is videotape both the
7 noise meter and the digital readout on it and get at the same
8 time the noise source that you were measuring with the meter?

9 A. Yes.

10 Q. All on videotape?

11 A. Yes.

12 Q. Okay. Have you ever had that meter repaired or
13 adjusted?

14 A. No. We bought it brand-new.

15 Q. From what locations have you used that meter?

16 A. From the front yard, to the backyard, to across the
17 street where Bill and Pat live, even to the back curb I have
18 taped.

19 Q. And does your videotape -- I know we have not seen the
20 entirety of your videotape, have we?

21 A. No.

22 Q. But the footage that we just got through watching that
23 was all footage that you took?

24 A. Within my yard.

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1 Q. There is other footage of you using the noise meter on
2 that videotape?

3 A. Yes.

4 Q. And that is exhibit C24? You don't have to answer.
5 That is for the record?

6 A. Okay.

7 HEARING OFFICER LANGHOFF: Also, for the record, could you
8 read that model?

9 THE WITNESS: It is a Radio Shack Sound Level Meter.

10 HEARING OFFICER LANGHOFF: Okay. For the record, it is
11 catalog number 33-2055. Thank you.

12 Q. (By Mr. Muskopf) Vickie, I want to go through with you
13 and list out the various types of noises that you hear from
14 Granite City Steel. So if you want to tell me as many of them as
15 you can remember?

16 A. Yes. There is beeping noises from the Caterpillar.
17 There is slamming noises from the tailgates. There is squealing
18 of the brakes. There is the Caterpillar rattle itself. There is
19 the plant noise itself. It is a loud (witness making noise.) It
20 is a real loud pressure noise from the plant itself. There is a
21 shackle noise. It is -- I don't know. It is like rocks or

22 something, like a shackle noise. I am not sure what that is.

23 Q. Okay. What about the --

24 A. We hear intercoms from the plant itself. We can hear

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1 their intercom at night.

2 Q. What about the engines of any of those, the Caterpillars
3 and the trucks and so forth?

4 A. You can hear the engines of the Caterpillars and
5 roaring, and you can hear that -- I don't know if it is a
6 payloader. It is that big truck that picks all that stuff up.
7 It is very noisy. It is like it needs mufflers or something.
8 You can hear it coming all the way down from Casey's around the
9 bend.

10 Q. Do all of the noises that we have just listed, do all
11 those bother you?

12 A. Yes.

13 Q. Can you hear them inside of your house?

14 A. Yes.

15 Q. Do they wake you up at night?

16 A. Yes.

17 Q. Do they prevent you from getting to sleep?

18 A. Yes.

19 Q. I don't mean all of them necessarily at the same time?

20 A. Right.

21 Q. But of the noises that we have listed?
22 A. Yes.
23 Q. That's how I was intending those questions?
24 A. (Nodded head up and down.)

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1 Q. Okay. Let's talk about the dust for a little while.
2 How would you describe it to the touch or how it looks?
3 A. It is -- some is fine, and some is course. It is oily.
4 I have noticed lately that it has really been oily. Like, when I
5 do my dishes or something I will pour my pan of dish water out,
6 and there will be like -- because I have a pan that I put in my
7 sink. And there will be like a film of oil on the inside of my
8 sink where I wash my dishes.
9 Q. What color is that oil?
10 A. It is not really a color. You can't see it. It is just
11 a film of oil that you can feel, you know.
12 Q. You think that is -- why do you think that is from the
13 coal dust instead of the pork chops that you fried?
14 A. Well, because I don't have anything greasy in there. It
15 could be glasses in there or just regular -- I know the
16 difference between grease and just an oily dirt, you know, like
17 an oily.
18 Q. Okay. Is there any room in your house that this dust
19 does not find its way into?
20 A. No.

21 Q. Does it get into your car even --
22 A. Yes.
23 Q. -- with your windows up?
24 A. Yes. My mother and father came to visit us one time.

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1 And my mom went home and she called back and said that they had
2 wiped the dash top with a napkin and she said it was black and
3 she said that's very dangerous. She is very worried because she
4 has emphysema, and she was worried because, you know, it could
5 harm us. It scared her.

6 Q. How many days was their car their?

7 A. Probably two or three.

8 Q. Windows up or down?

9 A. Up.

10 Q. Did you warn them ahead of time that they need to keep
11 their windows up or do they know about --

12 A. No, they just don't put them down because, you know,
13 they think a city is real high crime, so they just don't put the
14 windows down and leave the windows down because they are in the
15 city.

16 Q. I see. So do you think that the dust -- well, first of
17 all, let's back up to the noise. Has the noise problem gotten
18 any better or any worse since the time you moved into your house?

19 A. It has gotten much worse.

20 Q. When did you first notice it getting significantly
21 worse?

22 A. Well, we moved in Memorial weekend of 1997, and I
23 started complaining to Mr. Maxwell and Connie Hickman in January
24 of 1998. And it has just gotten worse and worse over the last

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1 few years.

2 Q. How has it gotten wore? Is it more often, louder, more
3 kinds of noises or what?

4 A. Well, the stacks have grown. Like I said, when we first
5 moved there, there was like two stacks in front of our house.
6 And now it is like dredged just all in front of our house. It is
7 like mountains over there. And when we first got there, there
8 was like two stacks. And now it is stacked on top and is even
9 stacked over here to the right side of the house and even behind
10 the stacks they have stacks behind stacks now.

11 Q. Are you saying that with the increase in the size of the
12 stacks and the number of the stacks comes more noise?

13 A. Yes.

14 Q. Why is that?

15 A. Because there is more trucks entering the plant. They
16 will be lined up out there. I have seen six, seven, eight trucks
17 lined up to get in the plant. That generates more dust and more
18 noise with the Caterpillars having to push more coal up the
19 stacks and more trucks dumping. It is going to be more dust over

20 on our properties.

21 Q. So I was just asking you about the noise, but it sounds
22 like what you are saying is that dust has gotten worse with the
23 increase --

24 A. Yes.

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1 Q. -- in the quantity of the coal over there, too?

2 A. Oh, yes.

3 Q. Okay. So has the dust gotten worse since you first
4 moved in?

5 A. Oh, yes.

6 Q. Have you ever breathed the dust?

7 A. Yes.

8 Q. And does it ever get in your eyes?

9 A. Yes. When the wind is blowing from the south, if you --
10 like, I have been grocery shopping before, bringing in the sacks,
11 and it hits your eyes. You can feel the coal dust hitting your
12 eyes, and it hurts. It is --

13 Q. Does it irritate --

14 A. -- not pleasant.

15 Q. -- your eyes or cause them to water or tear up or
16 anything?

17 A. Yes, to some degree. You get inside and blink a few
18 times and it is okay. But it hurts when you are walking towards

19 it and it is blowing in your eyes.

20 Q. Are you concerned about the possible health affects --

21 A. Yes.

22 Q. -- that the dust has on --

23 A. Yes, I am very concerned.

24 Q. Does it cause you any symptoms or problems that you are

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1 aware of?

2 A. I think maybe my sinuses are a little more active than
3 they were when we first moved to Granite probably, I would say, a
4 little more stopped up every once in awhile.

5 Q. Okay.

6 A. I think it is from that.

7 Q. Do you know anything about whether coal dust is harmful
8 for you?

9 A. I have read a couple of articles that they said it could
10 even cause emphysema or bronchi COPD, which is what my mother
11 has. And it is very sad watching her suffer from her COPD.

12 Q. Do you do anything outside in your yard --

13 A. I am a big gardener.

14 Q. -- of a recreational nature?

15 A. Yes.

16 Q. Okay.

17 A. I like to garden. I do it very quickly and go back in
18 when it is bad outside.

19 Q. Do you notice any affects on you, or do you get dust on
20 your clothing if you are outside for a period of time?

21 A. Oh, yes. When you weed eat, your feet and your shoes
22 and your socks and your clothes are just black from -- I weed
23 eat. My husband mows and I weed eat. You have to go in
24 immediately and take a shower.

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1 Q. Who does the laundry at your house?

2 A. My husband.

3 Q. So he gets to breathe the dust from the clothes?

4 A. Yes.

5 Q. Does he cook, too, and clean?

6 A. No, I do that.

7 Q. Well, you can't have everything.

8 (Laughter.)

9 Q. So how has the dust affected -- the dust and the noise,
10 how has it affected your life on a daily basis or in some way
11 that you could describe?

12 A. Well, when you are woke up in the middle of your sleep,
13 it is very stressful. And when they unload those piles in front
14 of our house we get woke up a lot. When you are woke up in the
15 middle of the night with the plant itself roaring, that is very
16 stressful. I fall back to sleep pretty quick, but it is the idea
17 that it did wake you up. I have to clean more. You have to mop

18 your floors more. You have to sweep your floors more. You have
19 to wash your windows and dust more, and you have to wash your
20 house down once a week or twice a week, and your sidewalks and
21 chairs. It is...

22 Q. Do the dust and noise limit how you use your house in
23 any way or your yard?

24 A. Yes. I like to sit out and I like to garden, and I

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1 can't do either one because of the dust.

2 Q. So you just run outside and hurry up and dig a couple of
3 holes and run back in?

4 A. Yeah, pretty much.

5 Q. Okay.

6 A. I can look at it through the window at my gardens. The
7 windows are sealed shut.

8 Q. Do you do anything to drown out the noise or to escape
9 it?

10 A. Yes, I use a box fan. I was -- I have moved to the back
11 bedroom. I have earplugs that I put in when they are working on
12 the stacks directly in front of our house. I use the box fan and
13 sometimes I even have to go down stairs and sleep because
14 underground it is somewhat better. I don't know why. I guess
15 because it is underground and it does not shake as much.

16 Q. So you have a basement?

17 A. Yes.

18 Q. It is finished so you can sleep there?
19 A. Yes, there is a bedroom down there.
20 Q. Is your main bedroom up on the ground floor, though?
21 A. Yes, it is a front bedroom. But I moved to the back
22 bedroom because of the noise.
23 Q. Okay. Have you ever complained to anyone at Granite
24 City Steel about the dust or noise?

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1 A. Yes.
2 Q. Who did you call and how often?
3 A. I called Mr. Maxwell the beginning of January of 1998,
4 and then I was not getting too much of response from him, so I
5 contacted Ms. Connie Hickman.
6 Q. Have you kept a record or a log of noise and dust
7 problems?
8 A. Yes, I have.
9 (Whereupon said document was duly marked for purposes of
10 identification as Complainant Exhibit C26 as of this
11 date.)
12 Q. (By Mr. Muskopf) I am handing you Exhibit C26. Does
13 that look like the log that you prepared?
14 A. Yes.
15 Q. Now, it goes from February 1st of 2000 to December 1st
16 of 2000?

17 A. Yes, and I have one on my computer that I printed out
18 from yesterday, even up to yesterday.

19 Q. Okay.

20 A. I kept my log going until yesterday.

21 (Whereupon said document was duly marked for purposes of
22 identification as Complainant Exhibit C28 as of this
23 date.)

24 Q. (By Mr. Muskopf) Okay. Is this a letter, C28, that you

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1 sent to Mr. Squires?

2 A. Yes.

3 Q. Complaining of the bed shaking and mirrors rattling?

4 A. Yes.

5 (Whereupon said document was duly marked for purposes of
6 identification as Complainant Exhibit C30 as of this
7 date.)

8 Q. (By Mr. Muskopf) Is this another one that you sent to
9 Mr. Squires, Exhibit C30, complaining about the vibration?

10 A. Yes. I believe this one was not picked up, though. I
11 am not sure. There was one that was never picked up.

12 Q. Oh, I see. You sent it registered or certified mail and
13 it was not claimed?

14 A. Yes, Mr. Squires did not respond. They didn't even pick
15 that letter up.

16 (Whereupon said document was duly marked for purposes of

17 identification as Complainant Exhibit C32 as of this
18 date.)

19 Q. (By Mr. Muskopf) Then C32 is another letter that you
20 wrote to Mr. --

21 A. Gibbons, yes.

22 Q. To Mr. Gibbons complaining of dust or noise?

23 A. Yes.

24 (Whereupon said document was duly marked for purposes of

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1 identification as Complainant Exhibit C33 as of this
2 date.)

3 Q. (By Mr. Muskopf) Then C33 is a list of telephone calls
4 that you made to Mr. Maxwell?

5 A. Yes, or Connie Hickman.

6 Q. All right.

7 A. I think after a certain time I started calling Ms.
8 Hickman.

9 Q. All right. What kind of response would you get when you
10 would complain to Granite City Steel?

11 A. Usually they would just say we will do something.

12 Q. Then what would they say they would do, generally
13 speaking?

14 A. They didn't give a specific thing they would do. They
15 just would say we will see what we can do.

16 Q. Did they ever tell you that we are going to do a
17 specific thing?

18 A. Yes, Ms. Hickman did say that she would have them spray
19 the piles and they did some.

20 Q. Did that help?

21 A. Only temporarily for that moment.

22 Q. How long after they would spray the piles is it dusty
23 again or does it --

24 A. Well --

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1 Q. I am sorry. Go ahead and answer that one.

2 A. It is pretty -- for that day I would say it would be all
3 right.

4 Q. When they spray the piles does that control the dust
5 problem altogether?

6 A. No.

7 Q. Why is that?

8 A. Because they can't get high enough. They have gotten
9 the stacks so high that they can't reach the top now.

10 Q. Does dust that has blown off the piles and on to
11 somewhere else then blow into your yard --

12 A. Yes.

13 Q. -- as well?

14 A. Yes.

15 Q. So, for instance, does dust blow on to Edwardsville Road

16 from those piles?

17 A. Yes.

18 Q. Do the cars and trucks on Edwardsville Road do anything
19 to stir that dust up?

20 A. Yes. When they go by it will swirl it up. It will
21 swirl up. I have seen it swirl up.

22 Q. About how many -- just generally speaking, how many
23 times have you complained to Granite City Steel by calling or
24 writing or --

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1 A. Oh, goodness. I really don't know, Jeff. I really --

2 Q. Can you estimate?

3 A. I would say maybe 30, 30 formal, verbal complaints.

4 Q. Okay.

5 A. Maybe 30 verbal.

6 Q. For all that complaining has the problem ever really
7 gotten any better?

8 A. No. Temporarily. If they sprayed it might be a quick
9 fix.

10 Q. But it is sort of a Band-Aid, and does not solve the
11 problem?

12 A. No, it does not -- it does not -- if they spray it still
13 does not stop the vibration of my house, the plant noise itself,
14 or the trucks entering the plant, the hydraulic noises. It is

15 just doing the air is all it is doing. It is still not taking
16 care of those.

17 Q. What is that hydraulic noise? I don't know if we have
18 talked about that?

19 A. Well, it is like (witness making noise.) You know, it
20 is like a high hydraulic coming down. That's what it sounds
21 like, a hydraulic noise coming down.

22 MR. MUSKOPF: Do you have a key for that?

23 THE WITNESS: Sorry.

24 Q. (By Mr. Muskopf) So how can we describe that noise that

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1 you just made in words? Kind of like a Jackhammer maybe, real
2 fast?

3 A. Yes, yes.

4 Q. Okay. Have we covered basically the problems that you
5 have been having with the noise and the dust?

6 A. Yes.

7 Q. Is there anything else you can think of that I have not?

8 A. No.

9 Q. Okay.

10 A. You are pretty thorough.

11 MR. MUSKOPF: All right. I pass the witness.

12 HEARING OFFICER LANGHOFF: Thank you, Mr. Muskopf.

13 CROSS EXAMINATION

14 BY MR. BABST:

15 Q. Mrs. Glasgow, you stated that you moved into your
16 current house Memorial day of 1997?

17 A. Correct.

18 Q. And prior to that you lived elsewhere in Granite City?

19 A. Yes.

20 Q. Where did you live?

21 A. 2409 Grand Avenue.

22 Q. Were you familiar with the area that you now live in
23 prior to moving there?

24 A. Somewhat, not a lot.

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1 Q. Had you driven by it, obviously?

2 A. Yes.

3 Q. You were aware that the steel plant was located across
4 the street from that property?

5 A. Yes.

6 Q. How long did you and your husband look at that house
7 before you bought it?

8 A. We sold our house on Grand and we had to get out really
9 fast, and my husband's aunt owned the house. She had abandoned
10 it because she couldn't sell it, because of the Granite City dust
11 and noise. So we were going to move in and help -- it was kind
12 of run down because she had abandoned it. So we going to move in
13 and fix it up so that she could get maybe a little bit out of it.

14 Q. So you did, obviously, before you moved in notice the
15 fact that the steel plant, the coke plant was located across the
16 street?

17 A. Yes.

18 Q. And did you also notice that there were coal piles
19 across the street as well?

20 A. Yes.

21 Q. It is your testimony that in May of 1997 there were only
22 two piles across the street; is that correct?

23 A. To the best of my recollection, yes.

24 Q. Could we take another look at this aerial that we looked

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1 at previously with Mr. Hoppe? What I would ask is if you could
2 take a look at this, Mrs. Glasgow. When we looked at this
3 earlier with Mr. Hoppe, I think we identified your home. Maybe
4 you can point it out for me.

5 A. I think my house is right there. I am not sure.

6 Q. Okay. Across the street from this house, it appears
7 that there are three coal piles, at least that is what Mr. Hoppe
8 concluded and what it would look like to me. Is that what it
9 would look like to you?

10 A. Yes.

11 Q. Is this the approximate location of the coal piles as
12 they now sit?

13 A. Yes.

14 Q. It appears from at least the date on this picture, that
15 this was over a year before you moved in, correct?

16 A. Yes.

17 Q. So it would show three coal piles rather than two?

18 A. Yes.

19 Q. Okay. Thank you.

20 HEARING OFFICER LANGHOFF: For the record, those coal piles
21 are indicated by a blue X on C34, three blue Xs.

22 Q. (By Mr. Babst) So would it still be your testimony that
23 there are more coal piles directly across the street from you, or
24 there were more coal piles directly across the street from you

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1 today than there were when you moved in?

2 A. Oh, yes.

3 Q. Could you explain that to me again? Is it your
4 testimony that although there may have been three in 1996, there
5 are only two in 1997?

6 A. Yes.

7 Q. Okay. There are now three again today?

8 A. There is much more. There is like three in front and
9 then they have them in back, and then they have them over to the
10 right side, too.

11 Q. Right. I am talking about strictly right now, at least
12 the piles that are directly across the street from you?

13 A. Are you saying are there three now?

14 Q. Yes.

15 A. Yes.

16 Q. Again, just so I am clear and that we are clear that we
17 are talking about the same thing, on Memorial Day of 1997, when
18 you moved in, there were only two coal piles there; is that
19 right?

20 A. To the best of my memory there were a couple. They were
21 big and maybe -- I don't know.

22 Q. What we just looked at in the aerial in 1996 it appeared
23 that there were three?

24 A. Correct.

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1 Q. Now, I asked Mr. Hoppe this question, Mrs. Glasgow. Is
2 it your intent that the steel plant shut down as a result of your
3 complaint?

4 A. No, that's the reason that we went to Mr. Maxwell to see
5 if we could get some kind --

6 MR. BABST: Could I interrupt? Could you instruct the
7 witness that if I ask a question that calls for a yes or no
8 response if she could respond with --

9 HEARING OFFICER LANGHOFF: Okay. Mrs. Glasgow, if you can
10 answer yes or no, please do so.

11 MR. BABST: Thank you.

12 HEARING OFFICER LANGHOFF: Do you need to ask that question

13 again?

14 MR. BABST: Yes, I would like to.

15 Q. (By Mr. Babst) Mrs. Glasgow, I am not trying to cut you
16 off. If I am asking questions in a way that it doesn't seem that
17 you are getting everything out that you want to, Mr. Muskopf has
18 another opportunity to ask you questions and you will have an
19 opportunity to do it then as opposed to just --

20 A. So you want me to just say yes or no?

21 Q. Well, I want you to just respond to my question. If you
22 would just listen to my question, the answer is all I want.

23 A. Okay.

24 (Mr. Muskopf and the witness confer briefly.)

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1 Q. (By Mr. Babst) Is it your intent by bringing this action
2 to shut down the steel making operations at Granite City Steel?

3 A. No.

4 Q. Do you have any idea how many people would be out of
5 work here if the steel plant shut down?

6 A. No.

7 Q. Do you have any friends or relatives who work at Granite
8 City Steel?

9 A. I have a brother-in-law that retired from Granite City
10 Steel.

11 Q. Do any of the neighbors near your home work --

12 A. Not that --

13 Q. -- in the mill as far as you know?

14 A. No.

15 Q. Do you feel that any of the businesses in Granite City,
16 the grocery stores, car -- automobile dealerships, benefit at all
17 from having this steel company here in Granite City?

18 A. Yes.

19 Q. And do you feel that that is a positive or a negative
20 benefit?

21 A. Positive.

22 Q. Do you feel that the steel company provides an economic
23 value to this area?

24 A. Yes.

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1 Q. Do you feel there is any social value provided by having
2 the company here?

3 A. I don't understand.

4 Q. Let's just say are there any parks or amusement or any
5 other benefits of having the company here other than the economic
6 benefits that people may enjoy from people working here and being
7 paid here?

8 A. Not that I am -- I don't know.

9 Q. Okay. Mrs. Hoppe -- I am sorry. Mrs. Glasgow, you
10 described some of the affects from the coal dust that -- I think
11 you described that it would irritate your eyes, your nose might

12 run somewhat. Would you classify that physical discomfort as
13 minor, moderate, or major?

14 A. Minor.

15 Q. Would you consider the inconvenience that you may have
16 as a result of the coal dust blowing, do you consider that to be
17 a minor inconvenience, a moderate inconvenience, or a major
18 inconvenience?

19 A. I would say it is pretty major.

20 Q. Do you recall being deposed by Ms. Christman at one
21 time?

22 A. Yes.

23 Q. Do you recall responding to a question concerning these
24 types of inconveniences?

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1 The question was asked: "Would you say that this is a
2 minor inconvenience or a major inconvenience?"

3 Do you recall responding at that time, "minor"?

4 A. Yes.

5 Q. Your testimony today is that you now consider it to be
6 major?

7 MR. MUSKOPF: Excuse me. I am going to object. There is
8 really no context to the question that was read. It does not
9 indicate what inconvenience or what problem. The only question
10 that was read was do you consider it to be. There was some

11 preposition in there that made the question rather vague.

12 HEARING OFFICER LANGHOFF: Can you rephrase that or is
13 that --

14 MR. BABST: I would be happy to read more from the
15 deposition if that would be helpful.

16 Q. (By Mr. Babst) I am going to read the questions and
17 answers and ask if you can recall this.

18 "Question: If your eyes occasionally water or you have to
19 blow your nose, how long does it take you to clear up that
20 condition?

21 Answer: Not long.

22 Question: Would you say a few minutes?

23 Answer: Yes.

24 Question: Does this condition continue after you go

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1 indoors?

2 Answer: A few minutes.

3 Question: So it is temporary?

4 Answer: Correct.

5 Question: Is it physically uncomfortable?

6 Answer: Yes.

7 Question: Can you describe what it would feel like, for
8 example, if your eyes water, is it one tear drop or like mace or
9 pepper spray, the amounts of water?

10 Answer: It is there and it is gone.

11 Question: So it is brief?

12 Answer: Yes.

13 Question: If it is physically uncomfortable, is it minor
14 discomfort?

15 Answer: Yes.

16 Question: How do you clear it up? Do you use a tissue or
17 blink a few times?

18 Answer: Blink a few times.

19 Question: How many times would you have to blow your nose
20 to clear out any dust?

21 Answer: A couple.

22 Question: Would you say that this is a minor inconvenience
23 or a major inconvenience?

24 Answer: Minor."

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1 Do you recall responding to those questions in the way that
2 I just read?

3 A. Yes. I thought you were talking about the overall
4 picture.

5 Q. No, I am talking about the physical affects that you
6 describe of your eyes watering, having to blow your nose from the
7 dust?

8 A. Right. It is minor. I thought you were talking about
9 the overall affect that it had on our --

10 Q. Okay. So it is fair to say that your feeling today or
11 your testimony today with respect to how the physical affects
12 from this dust, how they affect you is minor as opposed to major,
13 a minor inconvenience?

14 A. You mean like the dust blowing in your eyes?

15 Q. Yes.

16 A. Yes, it is minor. I thought you were talking about the
17 overall picture, which is major.

18 Q. No. I am sorry I was not more clear. That's what I was
19 talking about.

20 A. Yes.

21 Q. Okay. The tapes that you took, Mrs. Glasgow, from just
22 jotting down and looking at them as they came up it appeared they
23 started I think May 21st of 2000, and the last tape I saw was
24 sometime in September of 2000. Is that a pretty accurate time

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1 frame in which you took those videotapes and did some of your
2 noise recording?

3 A. Yes. I am not sure how long they went on. I did eight
4 hours -- seven or eight hours of tapes.

5 Q. You talked about the vibrations in your house, and you
6 feel that they come from the Caterpillars working on the coal
7 piles?

8 A. (Nodded head up and down.)

9 Q. Do you feel any other vibrations in your house from any

10 other sources?

11 A. Yes.

12 Q. What are they from?

13 A. Sometimes when a truck goes by we will feel -- it is
14 just there and gone.

15 Q. I think we -- I talked about this with Mr. Hoppe. Is
16 there an indentation or a bump in the road near your house?

17 A. Not that I know of.

18 Q. Have you ever noticed as trucks go by that there is a
19 banging sometimes when they hit a certain spot?

20 A. Occasionally.

21 Q. Can you hear trucks as they go by your house when you
22 are sitting inside your house?

23 A. Occasionally.

24 Q. You say occasionally. Is that because trucks only

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1 occasionally go by your house?

2 A. No.

3 Q. Why --

4 A. Sometimes they make a noise and sometimes they don't.

5 Q. Have you ever tried to identify what types of trucks
6 make those noises --

7 A. No.

8 Q. -- and what types do not?

9 A. (Shook head from side to side.)

10 Q. Is it fair to say that the large trucks that carry coal
11 or carry steel, that the big semi-trucks that -- some of which we
12 looked in the pictures -- as they go by your house --

13 A. Yes.

14 Q. -- would they be heard inside the house?

15 A. Occasionally.

16 Q. So sometimes those kinds of trucks will go by and you
17 can't hear it in the house, and sometimes they will go by and you
18 can hear them in the house?

19 A. Well, you can hear them inside the house.

20 Q. Always?

21 A. The big trucks?

22 Q. Yes.

23 A. Yes.

24 Q. Okay. That's what I was trying to get to.

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1 A. Yes.

2 Q. All the big trucks that go by, you can hear that sound
3 in your house?

4 A. (Nodded head up and down.)

5 Q. Okay. Can you hear motorcycles, as they go by, in your
6 house?

7 A. Yes.

8 Q. I would assume all motorcycles that go by you can hear

9 them in the house?

10 A. Yeah, I guess.

11 Q. How about cars?

12 A. You can hear them.

13 Q. Okay. And buses the same?

14 A. Yeah, you can hear the traffic.

15 Q. Can you hear airplanes going overhead as you sit in your

16 house?

17 A. I have never heard a plane inside the house. Maybe I

18 was not aware of it.

19 Q. You have heard it when you were out in the yard?

20 A. Yes.

21 Q. Do you hear it very often?

22 A. Not very often. Maybe, again, I am not listening for

23 it, you know.

24 Q. Sure. In looking at Edwardsville Road in terms of the

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1 amount of traffic that goes by your house, would you consider the

2 traffic flow to be light, moderate, or heavy?

3 A. Moderate to heavy during rush hour.

4 Q. What is the rush hour period?

5 A. I would say from 7:00 to 8:00 and like 4:30 to 5:30.

6 Q. How about during the other times, how would you classify

7 it?

8 A. Moderate to at night, light.

9 Q. When you were doing your -- taking your sound
10 measurements did you at any time try to assess the noise level of
11 the traffic going by your house?

12 A. No.

13 Q. The one sequence that we saw on your tape when you were
14 inside and you had provided some extra light for your living
15 room, I believe, you did mention that your -- was it your front
16 door open or your back door that was open?

17 A. It is the front door, but we go in the back door. We
18 call it the front door.

19 Q. And am I correctly recalling your testimony that the
20 slamming of the tailgates that you described, that recently that
21 has not been as much of a problem as it was before?

22 A. No, it is not as much.

23 Q. Mrs. Glasgow, are you the individual that contacted Mr.
24 Zak?

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1 A. Yes.

2 Q. And do you recall when you got in touch with him?

3 A. No. I have it in my diary, but I am not --

4 Q. Do you know how you got his name or --

5 A. Yes.

6 Q. -- what caused you to give him a call?

7 A. Yes.

8 Q. And what was that?

9 A. I called Mr. Skubish, the Mayor of Granite City, and he
10 said to call Mr. Zak.

11 Q. When you called Mr. Zak, what did you tell him?

12 A. I told him of the problem that we had with the noise in
13 our neighborhood.

14 Q. What did Mr. Zak advise you to do?

15 A. He advised us to contact Granite City Steel by letter
16 and try to resolve it first.

17 Q. Did Mr. Zak advise you what to say in the letter?

18 A. Yes, he gave us -- you know, he said to tell them that
19 we are in the neighborhood and that we would like to get together
20 and try to resolve the noise that is going on across the street
21 and --

22 Q. Did he provide you with any copies of letters that
23 others had sent?

24 A. I am not sure. I don't remember. It has been so long

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1 ago.

2 Q. My recollection is, and I don't have the exhibit in
3 front of me, but in one of your letters you cited certain legal
4 authorities as far as why this was a problem. Do you recall how
5 you came to read or how you came to know the legal authority that
6 you cited in your letter?

7 A. In our first initial complaint?

8 Q. I am not sure which letter it was. I don't want to
9 confuse you. Maybe I could show you the letter.

10 MR. BABST: Jeff, do you remember the exhibits that -- I
11 think it is 28 and 29.

12 MR. MUSKOPF: There is 28.

13 MR. BABST: I think it is the letter to --

14 MR. MUSKOPF: Exhibit 32.

15 Q. (By Mr. Babst) This has been marked as Complainant's
16 Exhibit Number 32, Mrs. Glasgow. It is a May 15th of 2000 letter
17 to Michael Gibbons. It is not signed but it appears to be from
18 James and Vickie Glasgow and Mr. & Mrs. Bill Hoppe. Did you
19 write that letter, do you recall?

20 A. My husband and I did.

21 Q. My question is there is a lot of legal authority cited
22 in here. Where did you get this information?

23 A. Mr. Zak helped me with the information, sir.

24 Q. Okay. Thank you. Now, after Mr. Zak advised you to

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1 write a letter and helped you write the letter what did Mr. Zak
2 advise you to do?

3 A. To send it.

4 Q. And after you sent it, what did he advise you to do?

5 A. To see what kind of resolution we could come up with and
6 then, you know, to try to -- he told us to try to resolve it with

7 the company first.

8 Q. As a result of that letter, did the company undertake a
9 study to assess the vibrations that were impacting your house?

10 A. Yes.

11 Q. And did they meet with you to discuss the results of
12 that vibration study?

13 A. Yes.

14 Q. And what was the conclusion of that vibration study or
15 at least what you were told was the conclusion of that vibration
16 study?

17 A. That they were breaking no Granite City Codes except the
18 slamming of the tailgates and shamey on us was exactly what Mr.
19 Maxwell told us and we left.

20 Q. And you did say that when you made a number of your
21 other complaints you spoke with I think Ms. Connie Hickman; is
22 that correct?

23 A. Yes.

24 Q. And did Ms. Hickman respond to your calls?

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1 A. Yes.

2 Q. Was she rude to you in any way?

3 A. No.

4 Q. And I believe you stated that there were occasions or at
5 least some occasions where you saw immediate response or some

6 response --

7 A. Some.

8 Q. -- to your calls?

9 A. Yes.

10 Q. So the complaints you registered did not all go without

11 any action; is --

12 A. No.

13 Q. -- that fair? Mrs. Glasgow, when you, so that I

14 understand, in terms of the holding the sound meter -- I think

15 you said that you did not hold the sound meter, correct?

16 A. No, it was on --

17 Q. You put it in the ground and then you held the video

18 camera?

19 A. Right.

20 Q. Where did you stand with respect to the sound recorder?

21 A. Within a few, like maybe eight inches, ten inches, right

22 next to it.

23 Q. Right behind it?

24 A. Right behind it. I am sorry.

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1 Q. Did you read any manual on how to use that meter?

2 A. Yes.

3 Q. Do you recall reading that you should -- in taking

4 measurements, you should minimize the affect of your body's

5 presence when the sound is coming mainly from one direction, the

6 reading may be significantly reflected by reflections from your
7 body? Did you read anything like that?

8 A. No.

9 Q. Did Mr. Zak tell you --

10 A. I don't remember.

11 Q. -- not to stand behind the meter?

12 A. I don't remember.

13 Q. In terms of the noises, since Memorial day of 1997, you
14 say that they have gotten much worse?

15 A. Yes.

16 Q. And you mentioned beeping. The beeping has gotten much
17 worse?

18 A. Yes.

19 Q. It is my understanding from what you said that you feel
20 that the amount of coal that has come into the plant is much
21 greater than in May of 1997?

22 A. Yes.

23 Q. So that I can get some idea as to how to compare this,
24 how is it different to you in terms of your perception of what

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1 was there when you moved in and what is there today? Is it two
2 times as much, three times as much?

3 A. I would say at least two times.

4 Q. And the slamming of the tailgates, I think that is maybe

5 at least one exception. You said that's better?

6 A. Yes, it is.

7 Q. Okay.

8 A. You still hear it, but it is better.

9 Q. And you described the overall plant noise, not related
10 to the coal pile. Is that worse?

11 A. Yes, because they are doing more of it because they have
12 more coal in there.

13 Q. I am sorry. Just so that we are clear. I am trying to
14 now, just for the purposes of this question, I am trying to
15 distinguish between the noises that you hear from the coal pile
16 and the noises that come from elsewhere in the plant. I think
17 you said that both areas cause you problems?

18 A. Yes.

19 Q. Looking -- ignoring the coal pile for right now, looking
20 at the other noises from the plant, have those noises become
21 worse, are they the same, or are they less bothersome to you now
22 than they were Memorial Day of 1997?

23 A. Oh, they are worse.

24 Q. They are worse also?

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1 A. Yes.

2 Q. What is it, if you could explain to me, what types of
3 noises are worse, are there different kinds of noises, are they
4 the same noises that occur more frequently? What is it?

5 A. They occur more frequently and it is a loud roar and it
6 is like a high pressure in your home. It is like a real loud
7 roar and it starts at about midnight and lasts until about 4:00
8 in the morning.

9 Q. Is this every day?

10 A. It varies.

11 Q. So it is not every day?

12 A. Not that I know of, because I have my box fan on now.
13 So I don't hear it as much.

14 Q. Could you give me the time that that occurs again?

15 A. Anywhere from midnight until 4:00 in the morning off and
16 on every hour and a half to two hours.

17 Q. Did you attempt to register the noise level from that --

18 A. Yes.

19 Q. -- sound?

20 A. (Nodded head up and down.)

21 Q. Was that one of the --

22 A. Yes.

23 Q. -- portions of the tape?

24 A. Yes.

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1 Q. Do you recall -- and if you don't recall, please say so.
2 Do you recall what the level was on the noise meter for this
3 roaring sound?

4 A. I think 70.

5 Q. The shackle noise you said you are not really sure what
6 that is?

7 A. No.

8 Q. You said you can hear intercoms. Are those worse, the
9 same, or less noticeable to you now than when you moved in?

10 A. They are worse. I don't remember hearing them when we
11 first moved in, but now you can hear them.

12 Q. So you think they may have started to use intercoms
13 since you moved in?

14 A. I don't know.

15 Q. Now, the sound of engines, again, is it worse, the same,
16 or better?

17 A. It is worse.

18 Q. It is worse. That, again, you attribute to the
19 increased coal that is in there, the two times or more coal that
20 is in that particular plant?

21 A. Yes.

22 Q. Your testimony, I believe, is that the company sprays
23 the piles, but they cannot spray the top of the piles?

24 A. No, I have watched them and they can't get that high

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1 that I know of.

2 Q. Okay. You talked about the dust swirling up on
3 Edwardsville Road. How often does this -- your statement was I

4 have seen that happen. How often does this occur?

5 A. When the wind is blowing from the south it occurs more
6 than in the winter, of course, because it is blowing from the
7 north. Oh, I have not seen it a lot. I have seen it.

8 Q. Mrs. Glasgow, to have the -- to observe coal actually
9 blowing off those piles, does the wind have to be blowing pretty
10 hard out of the south for that to occur?

11 A. I would say it would have to be blowing maybe 20 miles
12 an hour. I don't know how high it is going when it is swirling.
13 It is pretty windy.

14 MR. BABST: Okay. That's all. Thank you, Mrs. Glasgow.

15 HEARING OFFICER LANGHOFF: Thank you, Mr. Babst. Go ahead,
16 Mr. Muskopf.

17 MR. MUSKOPF: Thank you.

18 REDIRECT EXAMINATION

19 BY MR. MUSKOPF:

20 Q. Vickie, the videotapes, both the one that you made and
21 the one that Bill made, have you seen the one that Bill made in
22 its entirety?

23 A. Yes, I helped Bill with it.

24 Q. Okay. Are those tapes, even though they were taken

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1 during a fairly limited frame of time, are they representative of
2 the dust and noise problems that you have been having since you

3 have lived on Alexander?

4 A. Yes.

5 Q. You were asked some questions about how responsive
6 Granite City Steel has been to your complaints?

7 A. (Nodded head up and down.)

8 Q. You have kids, don't you?

9 A. Yes. We have grandchildren. All of our children are
10 gone.

11 Q. Have you ever tried to get kids to clean up their room?

12 A. Yes.

13 Q. Okay. I want you to see if you can make an analogy for
14 us. Granite City Steel is the kid. You are the parent. You are
15 trying to get them to clean up their room, and the dirty room is
16 the dust and noise. How good of a job have they done in cleaning
17 up their room or what kind of response have they given you?

18 A. I would probably have to flunk them.

19 Q. For instance, if you asked them to clean up their room,
20 do they clean the whole thing from top to bottom?

21 A. No.

22 Q. What would they do?

23 A. Just put a little Band-Aid on it.

24 Q. Has anyone been rude to you from Granite City Steel when

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1 you have complained to them?

2 A. I would not say that they have really been rude. They

3 have just not been very considerate or caring sometimes.

4 Q. Did you ever get the sense that they were really taking
5 your complaint seriously?

6 A. No.

7 Q. Did you get the sense that they were just telling you
8 something to get you out of their hair, and then they were going
9 to go back to doing whatever they please?

10 A. Yes.

11 Q. You were asked some questions about the social and
12 economic benefit of Granite City Steel?

13 A. (Nodded head up and down.)

14 Q. Do you think the neighborhood that you live in would be
15 a nicer place to live if they controlled their dust and noise?

16 A. Yes.

17 Q. Do you think there would be more of a social and
18 economic benefit to the Granite City community if Granite City
19 Steel controlled their dust and noise?

20 A. Oh, yes.

21 MR. MUSKOPF: Okay. Thank you, Vickie.

22 HEARING OFFICER LANGHOFF: Anything else, Mr. Babst?

23 MR. BABST: No.

24 HEARING OFFICER LANGHOFF: Okay. Thank you, Mrs. Glasgow.

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1 I think we will take a quick five minutes, a five minute break.

2 (Whereupon a short recess was taken.)

3 HEARING OFFICER LANGHOFF: Okay. We are back on the
4 record.

5 MR. MUSKOPF: For my next witness I would like to call Jim
6 Glasgow, please.

7 (Whereupon the witness was sworn by the Notary Public.)

8 J A M E S G L A S G O W,
9 having been first duly sworn by the Notary Public, saith as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. MUSKOPF:

13 Q. Give us your name, please.

14 A. James Glasgow.

15 Q. How old are you, sir?

16 A. I am 55.

17 Q. What do you do for a living?

18 A. I am an aircraft mechanic.

19 Q. Where do you work?

20 A. I work for Trans World Airlines.

21 Q. What kind of hours do you keep there?

22 A. I work from 3:15 till 11:45 in the afternoon.

23 Q. 3:15 in the afternoon until 11:45 at night?

24 A. Yes.

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1 Q. So about what time do you get home then?

2 A. About 12:30.

3 Q. Have you ever heard noise from Granite City Steel when
4 you are getting home in the morning?

5 A. Every night.

6 Q. What kind of noise do you hear?

7 A. You can hear the loud speaker, the intercom system.
8 Sometimes it sounds like a siren going off over there. I don't
9 know what it is. That's the best I can describe it. It is loud.
10 The sound -- the plant itself sounds like something blowing steam
11 or smoke off of there. That is usually what I hear when I come
12 home.

13 Q. Do you ever hear any Caterpillars, tractors, or anything
14 like that running when you get home?

15 A. I don't recall hearing anything at that particular time.

16 Q. Do you hear anything from the plant in the middle of the
17 night that wakes you up?

18 A. What I usually do is I get home, and if there is not a
19 fan on in the living room I will turn one on and I will turn the
20 television set on and I will stay up until 2:00 in the morning
21 until I get too tired and then I have to go to sleep. I try to
22 drown out whatever noise, that blowing of the plant, the intercom
23 system, those two items.

24 Q. What time do you usually get up in the morning then?

1 A. I wake up usually from 6:30 to 8:00.

2 Q. Is that by your own choice?

3 A. No, I would rather sleep until 9:00 or 10:00.

4 Q. So you go to bed around 2:00 and you get up at about

5 6:30?

6 A. It varies, from 6:30 till 8:00.

7 Q. Do you feel like you need more sleep than that?

8 A. I feel like I need seven hours of sleep at night.

9 Q. You feel under slept as a general rule?

10 A. Yes.

11 Q. Does that affect how you -- affect your mood during the

12 day, your lack of sleep, or your ability to do your job or

13 anything like that?

14 A. I don't think it affects the ability to do my job, but I

15 think it affects me during the day when I wake up, because you

16 are not woke up in a normal fashion. You are woke up by outside

17 interferences and that sets the tone for at least a little while.

18 Q. So you kind of feel like you get up on the wrong side of

19 the bed almost every day?

20 A. Yes. Not every day. Five to six days a week. Sundays

21 are quiet usually.

22 Q. Yes. Do they make noise there on Sundays from the coal

23 piles or from the plant itself?

24 A. Sunday evening if they are loading those train cars up.

1 I am like everybody else. I don't know what they call that big
2 truck that runs back and forth. But it has a loud roar and you
3 can hear it coming from Casey's all the way to wherever he is
4 going, back and forth, and that happens on Sunday evenings
5 sometimes.

6 Q. Are you talking about the big dump truck basically that
7 they use?

8 A. Right.

9 Q. They load coal into it, it goes to the ovens or the
10 plant?

11 A. I don't know where it goes or what it does, but it just
12 runs back and forth and that's a loud roar.

13 Q. What about it is loud? Is it the engine?

14 A. Yes, it is the engine itself.

15 Q. So what about beeping? Do you get woke up in the
16 morning from beeping?

17 A. Yes. I don't know which -- I have different noises that
18 will wake me up. It will be the beeping or it could be the
19 hydraulic noise after they raise the dump beds up. Whatever
20 makes that noise I am not sure. It would be that or the slamming
21 of the tailgates, that sort of thing.

22 Q. Okay. So once you get -- once you are woken up in the
23 morning, let's say it is 6:30?

24 A. Okay.

1 Q. Can you get back to sleep after that?

2 A. No.

3 Q. Do you try to?

4 A. Yes.

5 Q. Or did you used to try to?

6 A. I will lay there until the -- if a loud truck --

7 sometimes a truck going down the highway will wake me up, but I

8 can go back to sleep after that because it is a second or two and

9 it is gone. But if it is the activity across the road over

10 there, the beeping, it will wake me up, but the next beeping or

11 the next slamming, or the next series of noises that they make,

12 then I am done. I am up.

13 Q. So you think you might be able to get back to sleep if

14 there was just one noise and that was it, or if it were short

15 enough?

16 A. Sure, if it were short enough I could go back to sleep,

17 if it was not repetitive.

18 Q. I see. It is the repetitive part that keeps you up once

19 you are woken up in the morning?

20 A. Yes.

21 Q. What about the middle of the -- your nights are a little

22 bit different --

23 A. Right.

24 Q. -- than those of us people that work 9:00 to 5:00. But

1 when I say middle of the night let's say before 6:30 in the
2 morning. Are you ever woken up between the time you go to bed at
3 around 2:00 and --

4 A. Not usually. If I get to bed at 2:00 or stay up, I just
5 stay up until I either fall asleep on the couch or I make it to
6 the bed. I always have a television going on either in the
7 living room or in the bedroom, and I usually wake up and turn the
8 TV off sometimes. So I don't really keep track of the time. It
9 is just sometime after 2:00 usually.

10 Q. So what do you use to try to drown out the Granite City
11 noise, the TV, a fan, anything else?

12 A. No, that is -- that usually does it for me. I will get
13 the TV loud enough. If the noise over there is loud, I will just
14 increase the noise on the television set until I don't hear it.

15 Q. Do you do earplugs or anything like that, like your
16 wife?

17 A. No, I don't use earplugs at home.

18 Q. What about weekends? What is your weekend sleeping
19 schedule like? Are you working on weekends?

20 A. Not usually. I am usually home on weekends. And
21 Saturday mornings are -- can be just like the other five days of
22 the week. It can wake you up on Saturday morning. Sunday
23 mornings I sleep in, because there is usually not any activity
24 over there.

1 Q. How much time do you spend outside in your yard?

2 A. I don't spend any time out there. I cut the grass and I
3 go back in the house.

4 Q. Why is that?

5 A. I don't like it. There is no enjoyment out there.
6 There is nothing to do besides listen to that. It is just not an
7 enjoyable place is to live.

8 Q. Well, would you spend more time outside if there were
9 not the dust and noise from Granite City Steel?

10 A. Yes, I always have enjoyed getting up in the morning and
11 going out and sitting and drinking my coffee and waking up in
12 that fashion. I don't do that any more.

13 Q. I guess you think there is a -- you believe there is a
14 dust and noise problem at your house --

15 A. Yes.

16 Q. -- from Granite City Steel?

17 A. (Nodded head up and down.)

18 Q. It comes from the coal piles across the street and the
19 plant that is just a little ways down the street from you?

20 A. Yes.

21 Q. Okay. Any other parts of their facility or property
22 that noise comes from?

23 A. No, nothing besides the plant and the coal piles that
24 disturbs me.

1 Q. Okay. Tell me about how the dust affects you at your
2 home?

3 A. Well, the dust affects me when I cut the grass and I get
4 like strangled. My sinuses will overwork. I blow my nose
5 several times while I am cutting the grass and three or four
6 minutes, I guess, after I quit and come into the house. My eyes
7 water. I have -- my son stayed with us for a short period of
8 time and he cut the grass once, and I had not noticed on myself,
9 but I noticed as he was cutting it, that there was two black
10 streams of mucous running down the side of his -- on his face
11 there from his nose.

12 Q. Have you ever looked in the Kleenex after you have blown
13 your nose after being outside?

14 A. I just never stare at it or look at it.

15 Q. Well, yeah. I mean -- have you ever noticed any --

16 A. I have seen black stuff come out of my nose before.

17 Q. You have?

18 A. But I don't...

19 Q. When have you seen black stuff come out of your nose?

20 A. Well, it is hard to get grass to grow in front of the
21 house out there. And there is a lot of -- inside of our yard
22 there is -- there was an old sidewalk there, and there is black
23 dirt right in there. And when it is dry and dusty that black
24 dirt engulfs you as you are mowing the grass in areas where the

1 grass is not thick.

2 Q. So -- I am sorry. Were you finished?

3 A. I think so.

4 Q. Okay. So the lawnmower, you are saying, kicks up the
5 dust and you breathe it?

6 A. Right.

7 Q. And it causes black stuff to come out of your nose?

8 A. Yes.

9 Q. You have been in that house for how long?

10 A. Four years.

11 Q. How did you come to live there?

12 A. It was my aunt's house and she had moved to an elderly
13 care place, and she had left the home, abandoned it. And my
14 intentions -- we had to move and she suggested that we stay there
15 for a while. My intentions when I moved there was to fix the
16 house up enough so that she could sell it and get some money out
17 of it.

18 After being there a short period of time somebody had
19 showed an interest in it, so she said that she would sell it for
20 this \$15,000.00, which at that particular time I was not sure of
21 the condition of Trans World Airlines, so I decided to go ahead
22 and get the house. But after moving into the house there, I seen
23 that it was an impossibility to keep the inside of the house
24 clean without putting a lot of money into it. So we decided to

1 fix it up and just make the best of it.

2 Q. Are you sorry you did?

3 A. I would give -- yeah. Yeah, I wish -- in retrospect,
4 yes.

5 Q. So did you -- the house that you lived in before you
6 moved to where you live now, did you have the dust and noise
7 conditions anything like at your present house?

8 A. No. Over on Grand Avenue the only thing they get over
9 there is some shiny silvery things that come out of the sky.
10 They don't get the black coal dust.

11 Q. What is it like coming from a clean living environment
12 to the one you are in now?

13 A. Well, it is just a place to sleep. It is not a place to
14 live. You don't have company over. You don't enjoy nothing. I
15 don't let my grandkids play outside when they want to come over,
16 because they end up getting filthy. So they stay inside. So it
17 is just a place to stay for temporary housing, is the way I look
18 at it.

19 Q. Are you trying to get out of there?

20 A. I am not -- I don't have the place up for sale, but I
21 assume that when it comes time for -- I was -- our intentions
22 were to stay three or four more years until I retired. And the
23 way things are and the conditions of that around there, I expect
24 to just walk away and abandon that place just like my aunt did.

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1 I don't think anybody would buy that place.

2 Q. You put money into it, though?

3 A. Yes. I put an additional 20 -- close to \$21,000.00 in
4 it besides the purchase price.

5 Q. So you are saying that besides the purchase price, your
6 \$21,000.00, because of the dust and noise from Granite City
7 Steel, is just up in smoke basically?

8 A. That's the way I am considering it. I was considering
9 staying there three or four more years and it is just whatever
10 happens. I don't know. I don't think anybody, you know, would
11 do it except in the conditions that we were in at the time. The
12 Hoppes have been there all their life. I don't think anybody
13 would, unless you just practically give it away. You know, I
14 might could get something out of it, but I don't know. I don't
15 expect to.

16 Q. So the big social and economic benefit of Granite City
17 Steel being there is not really finding its way to you, is it?

18 A. No.

19 Q. Are you worried about the health affects of breathing
20 coal dust?

21 A. Yes.

22 Q. Does it get in your house even though you try to keep it
23 out?

24 A. Yes.

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1 Q. You don't open your windows or keep your doors open?

2 A. I don't think those windows have been opened in 20
3 years.

4 Q. So I guess it is fair to say that you are breathing the
5 dust while you are asleep?

6 A. Sure you are.

7 Q. You described some of the symptoms that the dust causes
8 you when you are out in the yard?

9 A. (Nodded head up and down.)

10 Q. Have you noticed any other problems that that dust has
11 caused you from breathing it?

12 A. I have noticed that I sneeze all of the time now. I
13 don't have any -- I have not been to the doctor for it. I don't
14 have any major discomfort, but I sneeze all of the time. So I
15 don't know what that is caused from.

16 Q. Do you have any awareness of whether, beside being an
17 irritant of your nose and your sinuses, whether coal dust is bad
18 for you in any other way?

19 A. Yes, coal dust is bad for you. I mean, it is
20 documented. There has been enough people with black lung not to
21 say that it does not have an affect on the human body. And to
22 what degree, I have -- it really hit home of the conditions when
23 I saw the traffic out there after coming to a complete stop
24 because they couldn't see through the coal dust. And anything

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1 from that point to a minor point is a major problem for any human
2 being.

3 Q. When was this? The traffic out where? You are talking
4 about Edwardsville Road?

5 A. Yes.

6 Q. Tell me what happened exactly?

7 A. The wind was blowing at a storm rate or right before a
8 storm rate. I looked out and seen the black cloud and the cars
9 were coming from west to east, and as they approached Nameoki
10 Road, they just locked it up there because they couldn't see
11 through the cloud of the black coal dust blowing across
12 Edwardsville Road.

13 Q. So what was it like, like a black fog?

14 A. It was like driving -- yes, like a black fog.

15 Q. Could you see the coal piles? Could you see through it?

16 A. No, you couldn't see that far.

17 Q. How far in front of you could you see in that if you
18 were in the middle of that dust storm?

19 A. Well, if you can't see to drive, that's, you know, you
20 can't see no further than the windshield or the front of the
21 hood.

22 Q. Now, what do you do to clean up the coal dust in or
23 outside of your house?

24 A. Vickie does all of the really cleaning up out there. I

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1 don't do very much except just the laundry.

2 Q. Do you wash down the outside of the house or is that
3 her?

4 A. I have but not very often.

5 Q. When you do the laundry, if there is dust on the clothes
6 I guess you breath that, too?

7 A. I assume so.

8 Q. You saw the videotapes or at least the parts that we
9 played here in the hearing?

10 A. (Nodded head up and down.)

11 Q. From what you saw -- well, have you seen any other parts
12 of those two videotapes?

13 A. I have never seen the Hoppes' tape before. I saw it
14 here today, but I never saw it before.

15 Q. The one that your wife made, have you seen the rest of
16 that that we didn't show in the hearing here?

17 A. I had seen parts of it. I don't know if I saw it all or
18 not. You know, if you are looking at the same thing every day, I
19 kind of lost interest in looking at it, you know. The beeping is
20 beeping. I don't know how much of it I have seen. I don't think
21 I have seen six hours of it.

22 Q. Okay.

23 A. I have seen portions of it.

24 Q. Well, from the portions that you did see, would you say

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1 that those videotapes are a good indication of the dust and noise
2 conditions that you live with on a day-to-day basis?

3 A. I don't think that they really depict it accurately
4 enough. I think it is worse than what the videotapes are,
5 because you have to almost be there when the conditions are at
6 the worse to experience it. It is kind of a human experience.
7 This is kind of an impersonal experience. If you are out there
8 it just engulfs you. As far as your question, it is accurate.

9 Q. So is there anything you can do to get away from the
10 dust or noise at your house?

11 A. No.

12 Q. What is it like living with that every day?

13 A. Well, it is -- I would say -- I would say it is similar
14 to being under house arrest. I mean, if you are at home you
15 don't enjoy your yard. You don't go outside. I go outside to do
16 maintenance and then come back in. I don't do anything outside.

17 Q. I guess everything is always dusty inside of your house
18 all of the time?

19 A. It is dusty. It is a lot better. It was like living
20 outside when we first moved in. But the windows, the insulation,
21 the new siding, the new roof and everything has kept it from
22 being real bad. It is still dusty. But like I said, my wife
23 does the dusting and all of that. I might wipe the television

24 set off, but I don't do much household stuff.

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1 (Whereupon photographs were duly marked for purposes of
2 identification as Complainant Exhibits C1 through C4 as of
3 this date.)

4 Q. (By Mr. Muskopf) I want to show you some pictures.
5 Vickie and Bill got to talk about videotapes. I thought it was
6 only fair that you get to look at some pictures. Let's look at
7 these top ones.

8 A. Okay.

9 HEARING OFFICER LANGHOFF: For the record, are those all
10 labeled?

11 MR. MUSKOPF: Yes, they are Exhibit C1 through 4 that I am
12 interested in looking at now.

13 HEARING OFFICER LANGHOFF: Thank you. I couldn't see it
14 from here.

15 MR. MUSKOPF: It is on the back. They are all on the back.

16 HEARING OFFICER LANGHOFF: Okay. Thank you.

17 Q. (By Mr. Muskopf) Okay. What do these first four
18 pictures show?

19 A. They show the coal piles.

20 Q. Is that a good shot of the coal piles from across the
21 street? I mean, across Edwardsville Road from the piles
22 themselves?

23 A. Yes.

24 Q. What do -- is that about the height that they are at on

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1 a usual basis nowadays?

2 A. That's how they build -- that's how high they build them
3 up. But they get rid of them and start building them back up
4 again. So it is an ongoing process, but they go about as high as
5 the Caterpillar will allow itself to go.

6 Q. Have you ever seen them down or low for any long period
7 of time?

8 A. No.

9 (Whereupon photographs were duly marked for purposes of
10 identification as Complainant Exhibits C7 and C8 as of
11 this date.)

12 Q. (By Mr. Muskopf) Then what about these two shots? These
13 are Exhibit C7 and C8.

14 A. Yes. That's typical without washing the house down.

15 Q. Is that the side of your house?

16 A. Yes.

17 Q. Can you see -- those pictures show, to some extent, the
18 dust that accumulates on the sides of your house?

19 A. Yes.

20 (Whereupon said photograph was duly marked for purposes of
21 identification as Complainant Exhibit C11 as of this
22 date.)

23 Q. (By Mr. Muskopf) what about C11? Do you recognize
24 those?

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1 A. Yes, that's the front steps. That's what accumulates
2 out there when it has not been washed down regularly.

3 (Whereupon a photograph was duly marked for purposes of
4 identification as Complainant Exhibit C15 as of this
5 date.)

6 Q. (By Mr. Muskopf) Okay. Is C15 -- well, tell me what
7 that shows?

8 A. That's looking west from our front yard towards the coal
9 plant.

10 Q. That's the view that you have of the coal plant?

11 A. Yes.

12 Q. And from those structures that we see there, what you
13 are calling the coal plant, is that where the noise comes from in
14 addition to the coal piles?

15 A. Yes.

16 (Whereupon said photograph was duly marked for purposes of
17 identification as Complainant Exhibit C17 as of this
18 date.)

19 Q. (By Mr. Muskopf) Okay. Tell me about C17. What do you
20 see there?

21 A. It is a tractor-trailer. I don't know what he is doing.

22 Q. Does that gate look familiar?
23 A. Yes.
24 Q. Where is that located in relation to your house?

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1 A. It is a little west, a little southwest of my front
2 yard.

3 Q. Okay. Do you have trucks that move in and out of that
4 gate on a regular basis?

5 A. Not out on a regular basis. They move in on a regular
6 basis, and now and then one of them will go out that gate. But
7 for the most part they just go in through that gate.

8 (Whereupon said photograph was duly marked for purposes of
9 identification as Complainant Exhibit C10 as of this
10 date.)

11 Q. (By Mr. Muskopf) What does this Exhibit C10 show?

12 A. That shows my pickup truck with -- it looks like it had
13 gotten some moisture on it, either the dew or water on there with
14 the coal dust that had settled on top of it.

15 Q. How often do you wash your truck?

16 A. I don't even wash that anymore. I just drive it. I use
17 it as a work truck and leave it parked along the street and I
18 don't bother.

19 Q. If you washed it one night, with the regular dust
20 conditions, what would it be like the next day?

21 A. It would be similar to that. There would be -- maybe

22 not look like that. That looks like some moisture got in with
23 that, too. But it would be probably a fine line of coal dust on
24 top of it instead of this here.

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1 (Whereupon said photograph was duly marked for purposes of
2 identification as Complainant Exhibit C5 as of this date.)

3 Q. (By Mr. Muskopf) Okay. What about C5?

4 A. That's a -- that looks look a sweeper or something out
5 there. Yes, that is a sweeper on Edwardsville Road. Yes, that
6 is Edwardsville Road.

7 Q. Do you see sweepers up and down Edwardsville Road very
8 often?

9 A. I probably notice them more than the Hoppes do because
10 they are gone during the day time. I would say once a month they
11 come down. I can see where they have either been there or went
12 by. I would say once a month.

13 Q. What efforts do you see Granite City Steel making to
14 control the dust or the noise that impacts you?

15 A. The only effort that I have seen is if they -- they will
16 run the water truck town there. The only thing I have seen them
17 do is run the water truck down that road on the other side of the
18 ditch.

19 Q. Are you talking about the road that goes through this
20 gate on C17?

21 A. Well, the one that goes in front of the coal piles over
22 here.

23 Q. Okay.

24 A. They kind of go around this way and run the water truck.

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1 (Whereupon said photograph was duly marked for purposes of
2 identification as Complainant Exhibit C20 as of this
3 date.)

4 Q. (By Mr. Muskopf) Like this one here on C20 where this
5 truck is on the --

6 A. Yes.

7 Q. Is that truck on a road in front of the coal pile?

8 A. I guess that's the road. I never went over there and
9 looked at it. It is right in front of the coal piles, in any
10 event.

11 Q. Well, how much good does that water truck do?

12 A. Nothing. I mean, it does for the time being. Just like
13 a hard rain will do good for a time being until it dries back out
14 again.

15 Q. Have you ever complained to anybody at Granite City
16 Steel about the dust or the noise?

17 A. I got ahold of -- I talked to Mr. Maxwell, and I have
18 talked to the mayor and I have talked to the police department.
19 And we had a meeting with Mr. Maxwell, and he had -- they had a
20 vibration test done out in front of the house, and it showed --

21 they showed us the test. I didn't understand what he was saying,
22 or what the test read. I am not a professional on vibration, but
23 he said they didn't have a problem and that it was business as
24 usual, more or less.

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1 Q. So it was -- was he basically trying to tell you that
2 there is no vibration?

3 A. Yes.

4 Q. Can you feel it?

5 A. Yes.

6 Q. So you -- his idea of solving the problem for you is to
7 tell you that it does not exist?

8 A. He said -- well, I will have to say this, that, you
9 know, I am not accusing Granite City Steel of doing anything
10 wrong. But I will say this. That on the test that they had ran
11 out there, especially on the test that they ran with the
12 vibration test, it was not a typical normal work day across the
13 road.

14 Q. So were you there when they did the testing?

15 A. Yes.

16 Q. You are there every day so you know what the conditions
17 are typically like?

18 A. Right.

19 Q. So you are saying that the conditions under which they

20 did their test were not typical?

21 A. Correct.

22 Q. Quieter than usual?

23 A. Very.

24 Q. Okay. Now, since the time you moved in to the present,

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1 has the dust or noise gotten any worse or any better?

2 A. The dust and noise, it all depends. At times it is
3 worse and at times, like I say, if they are doing testing it is
4 pretty quiet. You know, it comes and goes. But as a whole it
5 seems like the whole operation has increased its activity over
6 there, which increases all of the above problems.

7 Q. Do you have anything that you want to say, other than
8 what I have asked you?

9 A. I can't think of a thing. I think everything has pretty
10 well been said.

11 MR. MUSKOPF: Okay. Thank you.

12 HEARING OFFICER LANGHOFF: Mr. Babst?

13 MR. BABST: One thing I would ask Mr. Muskopf is could we,
14 with respect to the pictures that you just referred to, could you
15 read off the exhibit numbers and the date on which they were
16 taken?

17 MR. MUSKOPF: To the extent that I know the day on which
18 they were taken. There are dates on the back of each of them. I
19 asked my clients to go and give their best estimate, and they did

20 that. They wrote the name of the person that took the picture,
21 the last name anyhow, and approximately the year in which it was
22 taken. I am going to admit them all in evidence. Are you
23 wanting me to go through and --

24 MR. BABST: Well, some of these pictures just -- I just

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1 took a look at a couple while you were talking to Mr. Glasgow,
2 and there were a couple, I think, in 1992. I mean, they run the
3 full range, I guess --

4 MR. MUSKOPF: Okay.

5 MR. BABST: -- of the last decade.

6 MR. MUSKOPF: Okay. Well, I will clear that up with Mrs.
7 Hoppe, I guess, unless you -- do you simply want me to read the
8 dates that are reflected on the ones that I have already
9 discussed into the record? Is that what you are asking?

10 MR. BABST: Yes, I would like you to that if you could.

11 MR. MUSKOPF: As long as the Hearing Officer does not have
12 a problem with it, it is fine with me.

13 HEARING OFFICER LANGHOFF: Well, go ahead.

14 MR. MUSKOPF: I mean, I don't --

15 HEARING OFFICER LANGHOFF: It is C1 through C20, are they
16 not, the photographs?

17 MR. MUSKOPF: Yes. They are not in order.

18 HEARING OFFICER LANGHOFF: They are not in order?

19 MR. MUSKOPF: No.
20 HEARING OFFICER LANGHOFF: Okay.
21 MR. MUSKOPF: I didn't discuss them all with Mr. Glasgow.
22 C1 is dated 2000. C2 is 2000. C3 is 2000. C4 is 2000. C7 is
23 2000. C8 is 2000. C5 is July of 1992. C10 is 2000. C11 is
24 2000. C15 is 2000. C20 is 2000. C17 is 1995. And those are

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1 the ones I have discussed so far.

2 MR. BABST: Thank you.

3 HEARING OFFICER LANGHOFF: Questions?

4 MR. BABST: Yes.

5 CROSS EXAMINATION

6 BY MR. BABST:

7 Q. Mr. Glasgow, you are a mechanic with TWA; is that
8 correct?

9 A. Yes, sir.

10 Q. And you had expressed, I think, that at one point in
11 time that you had some concern about the financial condition of
12 TWA at about the time that you acquired this house?

13 A. Oh, yeah. It has been an ongoing thing since 1991, I
14 would say.

15 Q. You seem to be perhaps in the best position to talk
16 about the noise levels in the evenings since you come home every
17 evening around 12:30, or not every evening but days in which you
18 work?

19 A. Right.

20 Q. If I understood you correctly, the sounds that you hear
21 when you come home are coming from the plant. I think Mr.
22 Muskopf had pointed to the coke battery and the blast furnaces;
23 is that correct?

24 A. Yes.

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1 Q. That was I think you said loud speakers, sirens, steam
2 venting?

3 A. Yes.

4 Q. You do not recall any noises as you come home each work
5 night coming from coal piles?

6 A. Not at the present time, I don't remember any.

7 Q. Now, when you do wake up at 6:30 to 8:00 at that time
8 sometimes you might wake up because of a noise you hear from a
9 passing truck, but for the most part my understanding is that the
10 noises that you hear at that time of the day is from the coal
11 pile area?

12 A. Yes.

13 Q. And I am interested in terms of the traffic going by on
14 Edwardsville Road, the trucks going by, the noise from these
15 trucks can be heard in the house; is that right?

16 A. Yes.

17 Q. Is all traffic heard in the house, cars, motorcycles,

18 buses?

19 A. The only ones that are a nuisance to me that I actually
20 I guess record in my memory or whatever are the trucks and the
21 motorcycles or a loud muffler or something along that order. A
22 normal vehicle going at the right speed out there, I don't pay
23 any attention to it.

24 Q. I think I had asked Mr. Hoppe this question. He said

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1 that there is some area in the surface of the pavement out,
2 either in front of his house or near your house, where vehicles,
3 where they do hit, it will -- I don't know whether it is an
4 indentation or a bump. Are you familiar with any -- for lack of
5 a better word -- defect in Edwardsville Road near your house?

6 A. You know, there is something out there. I really have
7 not been out to investigate it. But I do know that there is --
8 the noise that you hear from like a big truck or a tailgate or
9 something down there, there does appear to be a bump out there
10 somewhere and it is usually trucks that are traveling above the
11 speed limit at a certain speed that you will hear that. You
12 don't hear it from cars. I don't hear nothing from a bump from a
13 car or a motorcycle.

14 Q. Do you feel any vibration from that impact of a truck in
15 your house?

16 A. Yes, you can. Usually at a higher rate of speed, like
17 if somebody is going beyond the limit is when you will hear that,

18 and you do feel it inside the house.

19 Q. I think you did state that although you stay up until
20 2:00 watching television that once you do fall asleep you
21 generally remain asleep all night until sometime between 6:30 and
22 the 8:00?

23 A. Yes.

24 Q. Now, you talked about cutting the grass and walking

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1 around when you are taking the mower. Is this a power mower?

2 A. It is just a push mower.

3 Q. A push mower?

4 A. Yes.

5 Q. If you are normally walking around in the yard and not
6 cutting your grass, do you end up with dirty shoes, do you end up
7 sneezing all of the time?

8 A. I have just noticed it over the last four years. Like I
9 said, I have not been to a doctor but I sneeze all of the time
10 now.

11 Q. So that is not just when you cut your grass?

12 A. It is not just when I cut my grass. But the choking up
13 and the coughing and the blowing of my nose and the runny eyes,
14 that is mainly when I cut the grass and in an area that does not
15 have -- is not thickly covered with grass.

16 Q. So it would be an area that would have both some grass

17 and then some dust?

18 A. A dustier area, yes.

19 Q. Okay. When you fixed the house up, this was back
20 sometime in late 1996 or early 1997?

21 A. No, not 1996.

22 Q. In 1997?

23 A. I started to fix it up in 1997. We started fixing it up
24 a little bit before we moved in, painting the interior. That

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1 would have probably been early 1997, to the best of my
2 recollection.

3 Q. Mr. Glasgow, when was the time that someone, some third
4 party expressed an interest in the house? Was that while you
5 were fixing it up or after you fixed it up?

6 A. No, it was not why I was fixing it up. I was going to
7 fix it up strictly for my aunt so that she could -- and also I
8 was going to stay there free rent while I fixed this thing up.
9 So it was not -- it was a combination of both things. One thing
10 was going to help me and the other was going to help her.

11 Q. Uh-huh.

12 A. But after I moved in then I was told that somebody had
13 showed an interest, and it was about two weeks after I moved in.

14 Q. Okay. So it was actually pretty much before you started
15 to do any major repairs?

16 A. Anything major, right.

17 Q. So at least in 1997 there was somebody interested in
18 that house?

19 A. That's what I was told.

20 Q. You were also told, I guess, that they were interested
21 in the house at a time where it was not in as good a condition as
22 it is in today, right?

23 A. Right.

24 Q. Your house, could you describe it for me? Is it a brick

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1 home or a frame home?

2 A. It is a frame home on the exterior, and it has got
3 plaster walls on the interior.

4 Q. And what type of windows do you have?

5 A. They are wood windows, and I put all new storm windows
6 in on the outside, which is a vinyl storm, I think, framework.

7 Q. So you have the affect of really two panes there? You
8 have the storm and your --

9 A. Right.

10 Q. -- basic window? How about on the floors, Mr. Glasgow?
11 Is it carpeted or do you have tile?

12 A. We have carpeting and linoleum in the kitchen, and it is
13 a wood floor in one bedroom and carpeting in the living room and
14 the one bedroom.

15 Q. When you were describing the discomfort you realized

16 when you were cutting the grass, you said that was not a major
17 discomfort. Would you call that a minor inconvenience?

18 A. The only -- part of it, and then part of it, if I really
19 get to strangling and get to coughing real bad, you know, just
20 for a few seconds there it does not seem minor. It seems like I
21 want to keep on breathing.

22 Q. Okay. I think you did say in your deposition, though,
23 that you are in perfect health; is that correct?

24 A. As far as I know.

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1 Q. I remember that because I remember that you emphasized
2 the perfect.

3 A. Yes.

4 Q. The incident that you described with the terrible
5 conditions where the traffic was actually stopped on Edwardsville
6 Road --

7 A. Yes.

8 Q. -- that was in, you said, a storm event?

9 A. Yeah. Well, it was not raining at the time, but it was
10 blowing -- I believe the storm did ensue about an hour or a half
11 hour after that, that one where everyone had to stop when they
12 were driving through.

13 Q. Do you have any ability or any estimates as to what the
14 wind speed may have been at that time?

15 A. I would say it was probably getting up there about 30

16 miles an hour, 35. That's an estimate.

17 Q. Okay. When you see -- I have asked this question of
18 both your wife and Mr. Hoppe. When you see coal blowing off the
19 coal piles, do you have any idea of how hard the wind has to be
20 blowing for that to occur?

21 A. It all depends on how long it has been since they
22 watered down the coal piles or it has rained. If it has been
23 awhile since it has rained or they have watered it down, it does
24 not take very much of a wind to create a dust out there. But if

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1 it is -- I would say if they have not watered it down and it had
2 not rained, I would say a ten mile an hour wind would blow dust
3 across there if it has been two or three days since either of
4 those have occurred. Outside of that, I would say that it would
5 probably be up in the neighborhood of 20 miles an hour winds for
6 the dust to blow.

7 Q. Do you see dust blowing over the coal piles every day?

8 A. No, not every day.

9 Q. Every week?

10 A. Some time during the week, yes.

11 Q. I was interested in what you had to say about the coal
12 piles. I think you said that they -- that they basically build
13 them up and then they essentially use that coal?

14 A. Right.

15 Q. So they are tearing them down and building them back up
16 again?

17 A. (Nodded head up and down.)

18 Q. So, I mean, there is some variation in the amount of
19 coal in these piles at any given period of time?

20 A. True.

21 Q. What I am curious about is going back to when you moved
22 into that house in mid 1997 and today, is the maximum amount of
23 coal in those three piles that are nearest your home, is there
24 any more in there today than you recall back then, is it the

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1 same, is it less?

2 A. As I recall, it seems to be more today than there was
3 then.

4 Q. Can you give me any ballpark estimate as to the increase
5 in coal that you would estimate that is over in the coal yard
6 now?

7 A. In those particular three piles you are asking.

8 Q. Yes, let's go with the three piles first.

9 A. I would -- an estimate?

10 Q. Uh-huh.

11 A. I would say those three piles appear to me to be at
12 least 10 to 15 feet taller. That's an estimate on my part. I
13 don't know. It could be 20. It could be whatever.

14 Q. In terms of the whole coal yard can you give me any

15 estimate as to the amount of additional coal you perceive there
16 today versus when you moved in?

17 A. Well, it seems to me like they are putting a lot more
18 coal -- like stacking it behind each other. I didn't notice it
19 that much then, and it seems like they have got a lot more
20 traffic going up and down there and putting coal down by Casey's
21 and then they are putting coal there at those piles, those three
22 that you are talking about.

23 Q. Uh-huh.

24 A. And sometimes behind those, and then sometimes over

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1 closer to the plant, closer to the railroad tracks back there.
2 It seems like it just rotates, but those keep filling up there
3 where they -- the ones right in front of the house might have
4 went down and came back up again. But all of those piles that I
5 mentioned seem to keep increasing in size at those locations.

6 Q. One of the pictures that Mr. Muskopf showed you was of
7 the gate, and I am not sure, sir, whether this is near your
8 property or the -- I am trying to -- oh, I am sorry. It is
9 right down here (indicating).

10 A. Okay.

11 Q. This picture is one of the ones that I have looked at.
12 It is 1995. And I think you testified that this truck appears,
13 at any rate, to be coming out of the gate; is that right?

14 A. It appears that way.

15 Q. It appears that there is trackage out of this gate, dust
16 on the road?

17 A. Yes.

18 Q. You did testify that for the most part, with very few
19 exceptions, the trucks don't come out of this gate anymore; is
20 that right?

21 A. True.

22 HEARING OFFICER LANGHOFF: Is that C17?

23 MR. BABST: Yes, it is. Thank you, Mr. Hearing Officer.

24 Q. (By Mr. Babst) Is the coal dust on Edwardsville Road as

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1 bad by the gate now that the trucks are, for the most part, going
2 out a different gate?

3 A. I can't testify to this because I was not here at the
4 time, but I would assume that it would be -- I mean, common sense
5 would tell you that it would be better now than it would be then
6 if they just have one way in.

7 Q. That's a fair point. I didn't think about the fact that
8 you were not there at this time. Let me ask you this question.
9 In terms of the way that the road looks by that gate now, is that
10 representative of the way that it normally looks?

11 A. The way it normally looks?

12 Q. Yes.

13 A. It does not look like that right now.

14 Q. It is cleaner than that?

15 A. Yes.

16 Q. Okay. Mr. Glasgow, do you ever notice airplanes, the
17 noise of airplanes, when you are out in your yard?

18 A. No, I don't. I don't pay attention to airplanes.

19 Q. You hear enough during the day?

20 A. Yes.

21 Q. Your feeling is that the value of your property is less
22 because you live near the steel plant; is that right?

23 A. Yes.

24 Q. Would you say the value of homes near the airport where

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1 you work is less for those homes nearest the airport where planes
2 are landing?

3 A. I don't know. The only opinion I have on that is that
4 they are buying out most of the homes over there and they are
5 paying them as good or better prices than they would have got.
6 So I don't really have an opinion on that. I don't know. They
7 are getting good money for their houses over there.

8 Q. From the airport or the airlines?

9 A. No, from the -- well, they are putting in a new runway
10 and they are buying up all of the houses, so they are getting as
11 much or more than what it is worth. So I don't know. I mean,
12 everybody -- I know that they built some brand-new homes over

13 there and they are holding their value over there, not far from
14 the runway. So I would just base it on that.

15 Q. You don't have any feel for noise levels of homes near
16 the airport? You basically are restricted to the area in which
17 you work?

18 A. Yes. I have not really been in anybody's house that is
19 on a flight path to base the difference.

20 Q. Uh-huh. Can you tell me, going back to the trucks that
21 you will occasionally feel the vibration as they go by the house,
22 can you give me any estimates as to how many times a day you
23 might feel a truck go by there?

24 A. Feel it?

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1 Q. Uh-huh.

2 A. I would say -- actually feel it, I guess three to six.

3 Q. Three to six times a day?

4 A. Yeah.

5 Q. How about of the trucks going by, how many do you think
6 you can hear inside your house?

7 A. Oh, probably 20, 25.

8 Q. Do you feel Edwardsville Road is lightly traveled,
9 moderately traveled, or heavily traveled by trucks?

10 A. I think it is -- it is not heavily traveled by trucks, I
11 don't think. They are just doing business across the street, as
12 far as business with the steel mill. I don't think it is a

13 regular route.

14 Q. So you think all the trucks that go by your house are
15 going to the steel plant?

16 A. I think most of them, I would say, or have business to
17 do with them. There is going to be trucks that go by that are
18 delivering lumber or something, but it is not going to be a route
19 that a truck driver would take, having to deal with the railroad
20 crossings and the stoplights and everything like that. It is
21 just going to be someone that is doing business along there in
22 the local area, I would assume.

23 MR. BABST: Okay. No other questions.

24 MR. MUSKOPF: I have a couple more.

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1 THE WITNESS: Okay.

2 REDIRECT EXAMINATION

3 BY MR. MUSKOPF:

4 Q. I don't want to be give anybody the misimpression that
5 the only source of dust from those coal piles is when the wind
6 blows real hard. Is there dust that is created when the front
7 loaders dump the coal into the trucks?

8 A. There is dust created, yes.

9 Q. Is there dust created by the simple travel of the trucks
10 and the other heavy equipment across the coal itself?

11 A. Yes.

12 Q. Is there dust created when the bulldozers push and move
13 the coal around?

14 A. Yes.

15 Q. Is there any other dust associated with the movement of
16 the coal that you can think of right now?

17 A. Just the equipment that they use for the coal piles, I
18 would say.

19 MR. MUSKOPF: Thank you.

20 RE CROSS EXAMINATION

21 BY MR. BABST:

22 Q. The dust that you just talked about during those other
23 activities, is that dust that you see cross the property line?

24 A. Yes, at times. I mean, not all of it you see cross the

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1 property line, but you see it created.

2 Q. When you do see it come across the property line, is the
3 wind normally blowing out of the south?

4 A. Yeah, I would say. If it is going -- if you visibly see
5 a whole lot of it moving, it is coming from the south. It is not
6 coming from the north. You can see it blowing on past the coal
7 piles over towards the lake when it is blowing from the north.

8 Q. But my point is that just the fact that you see dust
9 being generated over on another piece of property does not mean
10 that that dust necessarily is coming and moving?

11 A. Not necessarily, no.

12 MR. BABST: I have no other questions.

13 MR. MUSKOPF: None.

14 HEARING OFFICER LANGHOFF: All right. Thank you, Mr.
15 Glasgow.

16 (The witness left the stand.)

17 MR. MUSKOPF: I call Pat Hoppe.

18 (Whereupon the witness was sworn by the Notary Public.)

19 P A T R I C I A H O P P E,

20 having been first duly sworn by the Notary Public, saith as
21 follows:

22 DIRECT EXAMINATION

23 BY MR. MUSKOPF:

24 Q. Would you give us your name, please.

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1 A. Patricia Hoppe.

2 Q. How old are you, Mrs. Hoppe?

3 A. I am 58.

4 Q. Where do you live?

5 A. 2815 Edwardsville Road.

6 Q. With your husband, Bill?

7 A. Yes.

8 Q. Anybody else?

9 A. A dog.

10 Q. What's your dog's name?

11 A. Beavis.

12 Q. Beavis?

13 A. Beavis.

14 Q. Who gave him that name?

15 A. Our youngest son.

16 Q. Yeah, I was going to say nobody from your generation or
17 mine. How does Beavis like playing in the yard?

18 MR. BABST: Objection. I don't think she can testify as to
19 what Beavis thinks. That is just a wild guess on my part.

20 MR. MUSKOPF: It is a figure of speech, meaning -- I will
21 withdraw the question and rephrase it.

22 HEARING OFFICER LANGHOFF: Thank you, Mr. Muskopf.

23 Q. (By Mr. Muskopf) Does it appear to you that Beavis
24 enjoys playing in the yard?

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1 A. He does not stay out in the yard too much. He does not
2 like it. He likes it about as much as we do. He does not like
3 it.

4 Q. So do you like him in the house?

5 A. No, I don't like him in the house.

6 Q. Why not?

7 A. Because when he is outside he comes in -- he is a big
8 dog. He is a German Shepherd. He is white. He comes in the
9 house and leaves footprint. I mean, he will not lay at the back
10 where the rug is at. He has to nose around. He goes though the

11 kitchen and everywhere else and he leaves his footprints all over
12 the place, and that means I have to clean it up when he is done.
13 So I would prefer him to stay outside.

14 Q. So he is good at tracking dust in?

15 A. Yes.

16 Q. Do you ever see dust on his coat when he comes inside
17 from being outside?

18 A. Yes.

19 Q. How often do you see that?

20 A. Well, we brought him in the other night because it was
21 really hot. So we brought him in hoping he would lay down and
22 cool down a little bit, but he wouldn't. So all around here, all
23 around -- I don't know what you would --

24 Q. The mouth?

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1 A. It is just black. I don't know if it is because he gets
2 in his little swimming pool and he gets wet and then he lays in
3 the yard and it just gets all over him. But you can pet him and
4 it is all over your hands.

5 Q. Now, you saw the videotapes that we played in the
6 hearing, have you not?

7 A. Yes.

8 Q. Are those a good indication of what the dust and noise
9 conditions are like at your house on a day-to-day basis?

10 A. Yes.

11 Q. Okay. Let's look at some pictures here. Oh, I meant to
12 ask you, too. What do you do for a living?

13 A. I am a restorative aid at a nursing home here in Granite
14 City.

15 Q. What kinds of hours do you keep?

16 A. I work from 6:45 a.m. to 3:15 p.m.

17 Q. Let's see. What time do you leave the house to get to
18 work?

19 A. About 25 after 6:00.

20 Q. That means you are up and around about 6:00 or before?

21 A. 4:30.

22 Q. 4:30?

23 A. Yes.

24 Q. My goodness. And do you ever hear noise from Granite

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1 City Steel before you leave for work?

2 A. Yes.

3 Q. What kinds of noise do you hear from them?

4 A. I don't know what they said that -- I call it -- I don't
5 know. The payloader, I guess. No, it is not a payloader. The
6 one with the big -- is that the payloader?

7 Q. Let's see if we have some pictures.

8 (Whereupon said photograph was duly marked for purposes of
9 identification as Complainant Exhibit C19 as of this

10 date.)

11 Q. (By Mr. Muskopf) Here is the bulldozer.

12 A. That's it.

13 Q. You are pointing to C19?

14 A. It is the bulldozer. It is going up, and as it goes up
15 these -- I don't know if that is rubber or metal or what it is,
16 but it just --

17 Q. The tracks?

18 A. It tracks all the way up. It is real loud. And then as
19 it is coming down it is just beep, beep, beep all the way down.

20 Q. Does it make a clattering noise on the way down, too?

21 A. Yes.

22 Q. Can you hear that from inside of your house?

23 A. Yes.

24 Q. Is there any room in your house that you can't hear that

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1 noise?

2 A. No.

3 Q. Okay. What about the beeping? Is there any room in
4 your house that you can't hear the beeping?

5 A. No.

6 Q. What other noises do you hear before you leave for work
7 on any given weekday morning?

8 A. Well, sometimes you can hear if the trucks are coming

9 in. Usually they are not coming in that early in the morning. I
10 hear them later in the day if I am home. But you can hear if the
11 trains are out there moving the -- like when the cars hit
12 together, like when they are -- I don't -- like when they put the
13 brakes on, they just hit back and forth together. You can hear
14 that. You can hear from the plant, like a big roar, like a wind,
15 like a big wind tunnel kind of like. And then occasionally you
16 can hear a big boom, like an explosion.

17 Q. Where does the boom come from?

18 A. It comes from the main -- from the plant.

19 Q. Are those -- what you are calling the plant, is that
20 anywhere here on any of these pictures?

21 A. Yes, down in here is the plant.

22 Q. Okay. You are pointing to these structures?

23 A. Or this right here (indicating).

24 (Whereupon said photograph was duly marked for purposes of

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1 identification as Complainant Exhibit C14 as of this
2 date.)

3 Q. (By Mr. Muskopf) Okay. We are looking at Exhibit C14, a
4 photograph taken in June of 1978. Did you take that or your
5 husband?

6 A. My husband did.

7 Q. You are pointing to which set of stacks?

8 A. Well --

9 Q. There is a real tall one on the very left.

10 A. Yes. I am not sure exactly where the boom takes place.

11 Q. Okay.

12 A. I mean, you can just hear it. It is just really loud.

13 Q. In that area of those stacks?

14 A. I would imagine, yes.

15 Q. Okay. And so on C15 which structure would that be or

16 can you distinguish?

17 A. I don't know.

18 (Whereupon said photograph was duly marked for purposes of

19 identification as Complainant Exhibit C9 as of this date.)

20 Q. (By Mr. Muskopf) Okay. Let's look at some more

21 pictures. C9, did you take that?

22 A. No, my husband did.

23 Q. Okay. Is that your house?

24 A. Yes.

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1 Q. That was taken -- is that the way your house looked

2 basically in about August of 2000?

3 A. Yes, it always got -- see the caulking and stuff that is

4 around here. It is always black and it is always -- it gets in

5 between -- we have vinyl siding as well, and it gets in all of

6 the little pieces, you know, where you put the siding as it goes

7 down. It is in all those pieces.

8 Q. So you have your windows caulked shut?
9 A. Yes.
10 Q. Does that keep the dust out?
11 A. No.
12 Q. Would you like to be able to open your windows and enjoy
13 some fresh air every now and then?
14 A. Yes, and I have on an occasion opened them up for about
15 15 minutes, and then I come along and wipe the counter top off
16 and then, slam, they go again. I can't take that stuff.
17 Q. So you pay the price for it every time you open your
18 windows?
19 A. Yes.
20 Q. What about -- now, this picture that we talked about a
21 little bit, C19, that was taken in the year 2000?
22 A. (Nodded head up and down.)
23 Q. Is that a picture of a Caterpillar almost at the top of
24 a coal pile?

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1 A. Yes.
2 Q. Is that about the way -- is that a scene that you see
3 from your yard pretty often?
4 A. Yes.
5 Q. Are they running Caterpillars up and down those coal
6 piles on an almost daily basis across the street from your house?
7 A. Yes.

8 (Whereupon said photograph was duly marked for purposes of
9 identification as Complainant Exhibit C16 as of this
10 date.)

11 Q. (By Mr. Muskopf) What about this scene on C16, which
12 looks like it was taken in May of 2000? What do you see there?

13 A. I see a lot of dust blowing around that eventually comes
14 across the highway and we get it.

15 Q. Do you --

16 A. You know, it comes in the house, track it in.

17 Q. Do you see that kind of dust blowing around very often?

18 A. Quite often.

19 Q. Does it take a stiff wind?

20 A. The wind does not have to be all that bad. It just --
21 it has to blow a little bit. I couldn't begin to say how fast.
22 I have heard all these guys say 15, 20 miles an hour. I am not
23 sure. But it does have to have some wind for it to stir up that
24 much.

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1 Q. Okay. What about the other activities, like the heavy
2 equipment, just driving on the coal dust, or the loading or
3 unloading of coal, does that create dust that gets into the air
4 and finds its way to your house?

5 A. Yes, because those piles are dry. And when they go to
6 get into them or go up the hill they are dry and when they load

7 them in that big truck it creates dust and you can see it
8 swirling up in the air.

9 Q. If there is any kind of wind does some of it blow your
10 way?

11 A. Yes.

12 (Whereupon said photograph was duly marked for purposes of
13 identification as Complainant Exhibit C12 as of this
14 date.)

15 Q. (By Mr. Muskopf) Okay. Let's take a look at this one.
16 It is C12. What does that show? First of all, did you take that
17 or your husband?

18 A. My husband did.

19 Q. Okay. That was in June of 1992?

20 A. Yes. He does most of that. It was taken -- well, our
21 back door is right here, so I presume he was standing right on
22 the back porch looking over that way to the piles and the
23 entrance, because the entrance to the coal plant is just -- if
24 you step out our back door and look straight ahead you can almost

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1 -- you know, almost walk straight across into it.

2 (Whereupon said photograph was duly marked for purposes of
3 identification as Complainant Exhibit C18 as of this
4 date.)

5 Q. (By Mr. Muskopf) Okay. What about this one, C18, June
6 of 1992?

7 A. Uh-huh.

8 Q. What do you see there?

9 A. Well, I see that they are loading something back in
10 there and probably in those train cars. I am not sure. And you
11 can see it. They are dropping something in there. That's from
12 our front yard.

13 Q. Okay. Is that -- that looks like dust in the air?

14 A. Yes, dust.

15 Q. Okay. Who are these kids?

16 A. Those are my grandchildren.

17 Q. Oh, okay. What are their names?

18 A. And Beavis.

19 Q. And Beavis.

20 A. This is Billy the third and this is Christian.

21 Q. I see. How old are they now?

22 A. Billy is 14 and Christian is eight.

23 Q. So I guess Billy is a little past the age of playing in
24 the yard a whole lot?

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1 A. Yes.

2 Q. What about Christian? Does she still like to come over
3 and play in the yard?

4 A. She comes over. She likes to play with the dog. They
5 were just over. Last week was his birthday and they were getting

6 ready to go to the park for 4th of July. And she had leaned up
7 against the -- on our back porch -- but, anyway, these bars right
8 here, these pillars like.

9 Q. Okay. These poles or these posts?

10 A. Yes.

11 Q. These support posts that you are pointing to on C12?

12 A. Uh-huh, yes.

13 Q. Okay.

14 A. Anyway, she had leaned up against those and the whole
15 backs of her little arms were filthy and her hands from grabbing
16 ahold of them. I had to take her in and wash her before she
17 could even go to the park.

18 Q. So if your -- when your grandkids have come over to
19 visit in the past and they play out in the yard, do you have to
20 clean them up before they can come in the house?

21 A. We have -- this may sound bad, but we have taken and
22 used the garden hose to wash them off a little bit to get them in
23 the house and put them in the tub.

24 Q. I guess they need to bring a change of clothes when they

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1 come over to play?

2 A. Yes.

3 Q. After you wash them off -- well, what kind of playing do
4 they do in the yard? Are they rolling around in the dirt --

5 A. No.

6 Q. -- or what is it that they do that gets them so dirty?

7 A. They just run around and kick the ball. Sometimes my
8 grandson would bring his bicycle over. And Christian, she is the
9 younger. You know, she is much younger. So she would just run
10 around out in the yard.

11 (Whereupon said photograph was duly marked for purposes of
12 identification as Complainant Exhibit C6 as of this
13 date.)

14 Q. (By Mr. Muskopf) We were talking about this picture with
15 your grandchildren and your dog and that was C6, right?

16 A. Yes.

17 (Whereupon said photograph was duly marked for purposes of
18 identification as Complainant Exhibit C13 as of this
19 date.)

20 Q. (By Mr. Muskopf) These two shots, C13 and C14, it looks
21 like they were taken in about 1978. Is that the way that you
22 remember things looking toward the steel plant from your house?

23 A. Yes. And as you can see, even way back then it was in
24 bad shape.

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1 Q. When you say bad shape you mean --

2 A. Well, you can see --

3 Q. -- smoky, dirty and dusty?

4 A. Yes, smoky, dirty, dusty. All of those things even way

5 back then.

6 Q. How long have you been living with the dust and the
7 noise over there?

8 A. Almost 40 years.

9 Q. What is that like on a day-to-day basis?

10 A. Very irritating.

11 Q. Are you about sick of it?

12 A. Yes, I am plenty sick of it.

13 Q. How long have you been that way?

14 A. Well, you know, when we first moved in there I was 18
15 years old. To me it was -- I just moved out of my home and we
16 got married. It was all different. But, you know, as the kids
17 began to come along and when our oldest boy who is now 37 would
18 play outside, he would -- he would just be absolutely filthy when
19 he would come in. You get tired of, you know, having to clean
20 all of the time. It is very irritating. It just -- it is
21 irritating.

22 Q. Is it -- now, is there a difference between being able
23 to put up with an irritation that lasts for a little while and
24 having to put up with an irritation that you have every day, day

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1 in and day out?

2 A. Little irritations you can handle. That is part of
3 life. But this I guess is becoming a part of our life. It has
4 been there, you know, for 40 years. For me it has been there for

5 40 years.

6 Q. So what do you try to do to get away from the dust or
7 the noise or minimize it? I guess we have talked about caulking
8 the windows and keeping them shut. Anything else?

9 A. I don't go out a whole lot. I had a porch swing and I
10 loved to sit in it, you know, but from across the street and all
11 of the particles and dirt and stuff it has actually eaten that
12 porch swing so that it looks just like somebody took a nail and
13 just -- it has just rotted, is what it is.

14 So I don't go outside a whole lot. Occasionally if he is
15 out in the yard and wants me to see something, or we are working
16 on -- or he is working on a vehicle I will go out and help him a
17 little bit. I don't spend much time out in the yard. You can't.
18 It is not a nice place to be.

19 Q. So what do you do inside when you want to relax?

20 A. Well, I just either -- I like to read a little bit. I
21 watch a little television. There is always something to do in
22 the house, you know. I work all day so there is always something
23 when you get home. You always have got something to do.

24 Q. Do you find it hard to find peace and quiet in your

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1 house because of the noise?

2 A. Yes.

3 Q. So when you are sitting down trying to read are you

4 bothered by the noises from Granite City Steel?

5 A. Yes.

6 Q. Let's see. How does it -- how does the noise affect
7 your sleep, if at all?

8 A. Well, the bed rattles or shakes. The bed shakes. You
9 can hear the mirror, and this is pushed clear up against the
10 wall, but the mirror actually will flop back and forth and any
11 bottles, perfume bottles or whatnot just clang, you know.
12 Sometimes I have even gotten up and had to separate, you know,
13 the bottles that are on there because they are just all together.
14 It will wake you up. I will admit that I can go back to sleep
15 fairly easy, but mostly the shaking, the shaking of the bed
16 bothers me more than anything else.

17 Q. And what about when you are trying to get to sleep, does
18 the noise or the vibration prevent you from getting to sleep as
19 easily as you would like?

20 A. Sometimes but, you know, it is not a major problem.

21 Q. So what is the biggest irritation for you with the dust
22 and the noise?

23 A. Well, with the dust it is cleaning all of the time.
24 Because I would like to have other things to do than to just

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1 spend my whole time cleaning. And there is just two of us and
2 you would think that, you know, it would not be so bad, but it
3 is. You can't walk across the floor. You go out to get the

4 newspaper in the morning, and he comes back in and takes one step
5 off the rug and he has left his shoe prints, you know, where he
6 has been. And you can't open the window, as we said before. It
7 is just -- it is just not real to open the window.

8 (Whereupon a dust cloth was duly marked for purposes of
9 identification as Complainant Exhibit C22 as of this
10 date.)

11 Q. (By Mr. Muskopf) So what is this, Exhibit C22?

12 A. That is an old sock that I use to clean out the window
13 sills and the windows facing directly across the street from the
14 coal piles.

15 Q. Okay. Is that coal dust on there?

16 A. Yes.

17 Q. I guess you go through a lot of cloths or paper towels
18 or rags trying to keep up with the coal dust?

19 A. Yes. The window sills are always really, really bad.

20 Q. Okay.

21 A. And you can sweep your floor -- there has been many a
22 time that I have had to sweep my floor two or three times in a
23 day. And I usually mop just about every other day.

24 Q. Wow. Now, do you have any sense, from the time you

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1 moved in to the present, whether the dust and noise problems have
2 gotten any better or worse or changed at all?

3 A. When we first moved in I guess I just didn't pay
4 attention to it that much. I always worked. I worked in the
5 daytime. Then when the kids were smaller and growing up, you
6 know, I was busy with them. I really didn't pay a whole lot
7 attention until, I don't know, maybe the last ten years or so.
8 It has really began to -- I guess because I am just getting tired
9 of being around it all of the time, and you see it everywhere you
10 move that it is something dirty. I guess it wears on you after
11 awhile.

12 Q. Can you think of anything you would like to say about
13 the dust or the noise that we have not talked about already?

14 A. Well, I wish it was not there. But, you know, I would
15 like to have friends over. You can't have company, you know. We
16 have friends that come over and he is a retiree from the plant
17 and it does not bother him. But his wife, when a boom will go
18 off or she hears one of those banging noises and stuff she says,
19 what is that, what is that, and her husband will say, you know,
20 what it is, because he didn't work across the street, he worked
21 down in the plant further down there.

22 But you can't go outside. You can't have a picnic. You
23 can't barbecue. You can't sit out because if you do you come in
24 dirty. It gets in the creases of your nose and your cheeks and,

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1 you know, everywhere there is a spot for it to land it does.

2 Q. Okay. Anything else?

3 A. No, I guess not.

4 MR. MUSKOPF: Okay. Thank you very much.

5 THE WITNESS: Uh-huh.

6 MR. BABST: Mr. Muskopf, there was only one exhibit you
7 didn't read the date of, and that was Exhibit 14. Could you read
8 that for me?

9 MR. MUSKOPF: If I can find it.

10 HEARING OFFICER LANGHOFF: I believe that is 1978. Is that
11 correct.

12 MR. MUSKOPF: Yes. Okay. It is probably this one then.
13 Yes, that is right.

14 HEARING OFFICER LANGHOFF: For the record, I don't have a
15 date on C9.

16 MR. MUSKOPF: Okay.

17 HEARING OFFICER LANGHOFF: Or on C16.

18 MR. MUSKOPF: Okay. Exhibit C9 is August of 2000, and C16
19 is May of 2000.

20 HEARING OFFICER LANGHOFF: Thank you. Go ahead, Mr. Babst,
21 please.

22 CROSS EXAMINATION

23 BY MR. BABST:

24 Q. Mrs. Hoppe, just so I am clear, you said at one time, I

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1 think, that your windows are caulked; is that correct?

2 A. Yes.

3 Q. Another time you said you do open them occasionally?

4 A. Well, there is a kitchen window.

5 Q. Uh-huh.

6 A. They are sliding back and forth this way (indicating) so
7 those are not caulked.

8 Q. Okay. Thank you.

9 A. I was referring to the picture of this one here
10 (indicating).

11 MR. MUSKOPF: That is C9.

12 THE WITNESS: It has it all around.

13 Q. (By Mr. Babst) The picture of -- the two pictures that
14 we looked at and maybe you could help me and tell me what exhibit
15 number this is. Is it C14?

16 A. Uh-huh.

17 Q. Is there a date on this?

18 MR. MUSKOPF: Yes, it says June of 1978.

19 Q. (By Mr. Babst) Okay. That is 1978. This is C13. Is
20 that the same thing?

21 A. Uh-huh.

22 Q. Can you tell me what this is?

23 A. It looks like coal piles to me.

24 Q. Okay. Mrs. Hoppe, is the same area where the coal piles

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1 are located today?

2 A. No, they are down this way further.

3 Q. Okay. Are there any coal piles located here?

4 A. I don't believe so.

5 Q. We are looking from your house here?

6 A. Yes.

7 Q. Okay. So you are saying that there are now coal piles
8 here, and you don't believe there were any at that time?

9 A. I don't -- I don't believe there is any there now.

10 Q. Oh, I see. I see. Now, how about does this also appear
11 to be coal?

12 A. Yes.

13 Q. Is this any closer to your house or further away from
14 your house?

15 A. This right here is the same as that right there.

16 Q. It is?

17 A. Uh-huh.

18 Q. Okay. This is the corner of your house right here?

19 A. This is the corner of my fence.

20 Q. Your fence. Okay. Do you recall back at about that
21 time in 1978 whether there were coal piles in the same location
22 where the three coal piles are today that we have talked about?

23 A. I don't believe there were any there then. When you go
24 into the gate there was a big -- there was a pile there, but it

1 was kind of setting back. If I can recall, and I am not real
2 sure about this, but I think they took it down and it was down
3 pretty far, but now it is back up again.

4 Q. Okay. Do you see them doing the same things with the
5 coal pile that Mr. Glasgow does with the coal piles, they come
6 down and then they build them back up and then come down?

7 A. I have not really seen them go down. To me they have
8 just always been high. I have not myself, you know, really seen
9 them go down and build them back up. They have always just
10 looked like they are the same level to me all of the time. They
11 are pretty tall.

12 Q. Does your dog dig at all in the yard?

13 A. Not much.

14 Q. Some?

15 A. He used to years ago, but he got in trouble.

16 Q. You said that your bed sometimes shakes, the mirrors
17 shake, the bottles will shake?

18 A. (Nodded head up and down.)

19 Q. How long does that vibration last?

20 A. A couple of seconds, three, maybe two or three.

21 Q. Do you ever feel any vibrations from any of the traffic
22 going by your house on Edwardsville Road?

23 A. The big trucks, yes, the 18 wheelers, yes, the big
24 trucks.

1 Q. Will you feel that in your bedroom as well?

2 A. No, not in the evening time. As the evening progresses
3 on those trucks don't come by.

4 Q. Let's say in the daytime when they go by, can you feel
5 that in the bedroom?

6 A. I am not home in the day time. I work in the day time.

7 Q. Are you home on Saturdays and Sundays?

8 A. Every other weekend.

9 Q. Are you ever in your bedroom at a time when a truck has
10 gone by in the last few years?

11 A. Probably, probably, but I don't recall -- I mean, I have
12 heard the noise, but I don't recall the bed shaking.

13 Q. But there is some vibration when these trucks go by?

14 A. There might be a little.

15 Q. You feel that when you are in the yard or in your living
16 room? Where do you feel that?

17 A. In the house, just in the house.

18 Q. How long does that vibration last?

19 A. Just as long as it takes the truck to get past the
20 house.

21 Q. You did say, I think, Mrs. Hoppe, that you leave for
22 work sometime near 6:30?

23 A. Yes.

24 Q. Do the trucks start to come into the gate across from

1 your house prior to you leaving?

2 A. Not all of the time. This morning -- I heard them this
3 morning. I heard a truck going in, but it was before we came
4 here. I don't think they start that early.

5 Q. So for the most part the trucks don't start to move into
6 the gate until after 6:30?

7 A. Yeah. Yes.

8 MR. BABST: Okay. I don't have any other questions.

9 HEARING OFFICER LANGHOFF: Mr. Muskopf?

10 REDIRECT EXAMINATION

11 BY MR. MUSKOPF:

12 Q. Are you bothered by any of the traffic that goes by and
13 shakes the house?

14 A. No.

15 Q. Are you bothered by the vibrations from the Caterpillars
16 on the Granite City Steel coal piles?

17 A. Yes.

18 MR. MUSKOPF: That's all I have.

19 HEARING OFFICER LANGHOFF: Mr. Babst?

20 MR. BABST: No other questions.

21 HEARING OFFICER LANGHOFF: Thank you, Mrs. Hoppe.

22 (The witness left the stand.)

23 MR. MUSKOPF: We call Mr. Zak as our next witness.

24 (Whereupon the witness was sworn by the Notary Public.)

1 G R E G Z A K,
2 having been first duly sworn by the Notary Public, saith as
3 follows:

4 DIRECT EXAMINATION

5 BY MR. MUSKOPF:

6 Q. Would you give us your name, please.

7 A. My name is Greg Zak. That is spelled G-R-E-G, Z-A-K.

8 Q. Mr. Zak, how are you employed?

9 A. I work for the State of Illinois.

10 Q. What do you do for the State?

11 A. I work at the Illinois Environmental Protection Agency
12 as the State's Noise Advisor.

13 Q. And in your capacity as Noise Advisor what are some of
14 your routine duties?

15 A. A portion of my routine duties is to answer the 3,000 to
16 4,000 phone calls I receive per year from people with noise
17 problems, and also technical and legal folks that have questions
18 on measurement and solutions to noise problems.

19 Q. Is part of your job to evaluate various noise problems
20 that people complain about?

21 A. Yes, that's an integral part of the job.

22 Q. Okay. So if someone makes a complaint to the Illinois
23 Environmental Protection Agency, and depending on the type of
24 complaint, you may go take a look at the site or develop other

1 information about the complaint that this person has made to
2 determine if there is a noise problem or not?

3 A. Well, I would say that would tend to happen at what I
4 would call the end of the complaint cycle as opposed to the
5 beginning of the complaint cycle. The reason being that with
6 approximately 3,000 calls up front, I need a process whereby I
7 can provide as much time as possible for folks on the phone and
8 minimize my time in the field where I won't be available to take
9 phone calls.

10 Q. What is the job of the Environmental Protection Agency?
11 Does it have any enforcement role? I mean the Illinois EPA?

12 A. Well, we do have an enforcement role as far as air
13 pollution, water pollution, land pollution, and public water
14 supplies. We have not had an enforcement tool available for
15 noise since 1981.

16 Q. So if someone wants to enforce the noise provisions of
17 the Environmental Protection Agency, they need to do it
18 privately?

19 A. That's correct.

20 Q. Is part of your job, however, to understand and apply
21 the environmental regulations that govern noise in this state?

22 A. Yes.

23 Q. So you are thoroughly familiar with the noise
24 regulations promulgated by the EPA?

1 A. Yes, I am.

2 Q. Did you have any hand in actually promulgating those
3 regulations?

4 A. Yes, I did. I was present when the regulations were in
5 draft form and assisted in supplying technical information to the
6 drafts, and they were submitted and went through the hearing
7 process and were adopted by the Illinois Pollution Control Board.

8 Q. So you -- it is a big part of your job to apply the
9 Illinois Environmental Protection Act as far as the noise
10 regulations go to given complaints that people make in this
11 state?

12 A. Yes. If I could kind of elaborate just slightly on that
13 to clarify it, we have the Environmental Protection Act which
14 would be, in essence, the Illinois Compiled Statutes, and the
15 main thing that we would really be applying, though, would be the
16 regulations under Title 35 of the Board's regulations for noise.
17 That would be the main thing that we would focus on as opposed to
18 the statutory part.

19 Q. Okay. I am sorry. I didn't mean to be so imprecise.
20 The Environmental Protection Act essentially gives life to and
21 incorporates the Illinois Pollution Control Board Procedural
22 Rules, Chapter 35; is that right?

23 A. Yes.

24 Q. Okay. It is your job to know what those laws and

1 regulations -- well, what those regulations mean and how they
2 apply to given noise complaints?

3 A. That's correct.

4 Q. Is it a part of your job to determine whether a
5 particular noise emitter is in violation of the Illinois
6 regulations?

7 A. Well, ultimately the violation is determined by the
8 Pollution Control Board. I will supply the technical knowledge
9 that I attained over the last 29 years to a specific case or
10 problem, but my testimony would be taken by the Board along with
11 everyone else's testimony, and then the Board would ultimately
12 decide if there is a violation or not.

13 Q. Okay. Is it a part of your job to make a recommendation
14 to the Board or to give input suggesting that there is a
15 violation or that there is not a violation in a particular case?

16 A. Yes, that has been my role for the last 15 years.

17 Q. So you look at the noise problem and you say I think
18 this is a violation of the regulations. Now, Members of the
19 Board, it is your turn to take a look at the situation. Or there
20 is not a violation here?

21 A. Yes. And I also have a detailed explanation as to why
22 it may be or why it may not be.

23 (Whereupon said document was duly marked for purposes of
24 identification as Complainant Exhibit C39 as of this

1 date.)

2 Q. (By Mr. Muskopf) Okay. Your C.V. is labeled as Exhibit
3 C39. Is that reasonably current?

4 A. It is reasonably current. There have been a few events
5 that have taken place since the date on this resume, but it is
6 reasonably current.

7 Q. It is a fairly good summary of your experience and
8 qualifications as a noise expert?

9 A. Yes.

10 Q. You are an expert in the fields of -- or in the subjects
11 of noise control, noise management, noise measurement, and the
12 impact of noise on human beings?

13 A. Yes. The Board, in a number of decisions, has stated
14 so.

15 Q. As a part of your job do you design noise solutions or
16 propose noise solutions in a given case for the Board to
17 consider?

18 A. Yes, that has been a function of the job since 1973.

19 Q. And as part of that particular function that you
20 perform, does it involve estimating the cost of the solution that
21 you are proposing?

22 A. Yes. The Board, in essence, is looking for the
23 technical feasibility and the economic reasonableness of a noise
24 solution. It has been my job since 1973 to any noise case I am

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1 involved in where I would testify as an expert to do the
2 calculations and do the research to be able to present the Board
3 with a reasonably good technical solution and the approximate
4 cost of that solution, or if there is multiple solutions, the
5 cost of each solution and the effectiveness of each solution.

6 Q. Okay. Is it part of your job, and has it been over the
7 past 29 nine years, to come to a conclusion and pass that
8 conclusion on to the Board as to whether in a noise case that a
9 particular noise source constitutes an unreasonable interference?

10 MR. BABST: I will object to the question. I think this
11 goes to the motion in limine that we filed this morning. I
12 believe that that portion of our motion was sustained. I don't
13 know what the relevance is as to whether or not he has testified
14 as to that ultimate conclusion before. It is my understanding it
15 is the Hearing Officer's decision that he will not testify as to
16 that today.

17 HEARING OFFICER LANGHOFF: Mr. Muskopf?

18 MR. MUSKOPF: The motion in limine is a preliminary ruling
19 on the evidence and is not a final ruling on the evidence. I am
20 merely establishing the foundation.

21 HEARING OFFICER LANGHOFF: I am going to sustain the
22 objection on the grounds that I stated earlier this morning when
23 I ruled on the motion in limine.

24 Q. (By Mr. Muskopf) Is it part of your job to review Board

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1 opinions and decisions?

2 A. Yes.

3 Q. And apply the various noise regulations?

4 A. Yes.

5 Q. Do you review every decision or opinion that they hand
6 down?

7 A. Yes, I have since 1973.

8 Q. So I would say you are -- are you in a pretty good
9 position to judge how the Board is applying the Illinois
10 regulations as regards to noise?

11 A. Yes. I occasionally even get a call from the Board or
12 members of the staff of the Board asking questions about some of
13 the older noise cases because I am probably the most familiar
14 with those cases.

15 Q. Okay. Now, Mr. Zak, beyond your usual state salary are
16 you being compensated for your work in this case?

17 A. No, I am not.

18 Q. How much time have you put into this file so far, would
19 you estimate?

20 A. A very rough guess, I would say between 50 -- about 50
21 hours.

22 Q. Do you consider your work on this file to be part of
23 your job duties for the -- with the state?

24 A. Yes, it is.

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1 Q. You have been present for all of the testimony of all of
2 the witnesses so far in this hearing?

3 A. That's correct.

4 Q. I want to talk to you about some of the materials -- the
5 materials that you have reviewed and relied upon in forming the
6 opinions that you will express today. I am going to ramble
7 through a list and ask you at the end of it whether you have
8 reviewed all of those.

9 A. Okay.

10 Q. The two videotapes; the photographs, which are about 20
11 in number; the depositions of the complainants; the financial
12 statement from National Steel; logs of noise and air pollution,
13 which have been created by the Glasgows, not the pollution, but
14 the logs themselves; a calendar created by Mr. Hoppe with a log
15 of noise and air pollution; correspondence between the
16 complainants and Granite City Steel regarding dust and noise; a
17 sound study performed by Vibra-Tech; and the answers to
18 interrogatories given by both the complainants and the
19 respondent?

20 A. Yes.

21 Q. Of course, you have heard everyone's testimony, and it
22 is part of your customary practice when you participate in a
23 hearing to listen to all of the testimony prior to your own and
24 base your opinions on that testimony as well?

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1 A. That's correct.

2 Q. You also in this case made a visit to the site, did you
3 not?

4 A. Yes, I did.

5 Q. When was that?

6 A. I believe it was approximately two months earlier. I
7 would say two months prior to this hearing, approximately.

8 Q. Okay. You have viewed the videotapes in their entirety,
9 not just the portions that we played today in the hearing?

10 A. That's correct.

11 Q. Now, these tapes show various Granite City Steel noise
12 sources and some measurements of those sound levels, correct?

13 A. Yes.

14 Q. Is it fair to say that the basis for your opinions in
15 this case are your experience and training, your review of the
16 materials we have just discussed, and the testimony you have
17 heard in this hearing?

18 A. Yes.

19 Q. Okay. Well, let's identify, in broad terms, the
20 various noise sources that have been identified and talk about
21 them one by one, what the problem is, and what solution you see
22 as being economically reasonable and technically feasible.

23 First of all, the plant itself. Would you agree that there

24 is a noise problem emanating from the plant itself? I don't mean

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1 the coal pile.

2 A. Yes.

3 MR. BABST: I would object to that. I don't know what
4 "problem" means, so it is unclear to me what the question is.

5 HEARING OFFICER LANGHOFF: Can you rephrase the question?

6 MR. MUSKOPF: Sure.

7 Q. (By Mr. Muskopf) Mr. Zak, would you agree that there are
8 sound and noise emissions from the Granite City Steel plant
9 itself which impact the Glasgow and Hoppe residences that have
10 been causing them problems that could potentially be in violation
11 of the Illinois noise regulations?

12 A. Yes, based on observing the tape and the testimony here
13 today I would say yes.

14 Q. Okay. Do you have any idea what the particular noise
15 sources are within the plant that are causing this noise that
16 impacts the Glasgows and the Hoppes?

17 A. Specifically as far as getting into actual processes and
18 describing equipment, no, I don't have that -- I don't have that
19 information and it has not been supplied to me. I think it is a
20 situation where it needs to be studied by a competent consultant
21 and recommendations made and then action taken.

22 Q. Do you recall seeing noise level measurements taken by
23 Vickie Glasgow of the noise emanating from the plant itself and

24 specifically with levels of approximately 70 dB(A)?

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1 A. Yes.

2 Q. Let's talk for a moment -- well, I want to digress into
3 two areas. First I want to talk to you about the noise level
4 measurements that were taken by Vickie Glasgow and whether they
5 are meaningful to you in a scientific manner, whether they are
6 reasonably reliable. I also want to talk to you about why we
7 would look in a nuisance case at noise levels and compare them to
8 the numerical limits established under the Illinois regulations.

9 So why don't we do the last one first that I just
10 mentioned. This is a nuisance case and we are not -- the
11 complaint is not that there is a violation of the numerical
12 limits under the Illinois regulations.

13 Why would we then look at sound level measurements and
14 compare them to the Illinois daytime and nighttime limits in a
15 nuisance case like this?

16 A. Because those measurements would give us guidelines to
17 design noise solutions that would bring the levels down to
18 approximate the daytime and nighttime limits for noise. The idea
19 -- my conception of a nuisance case, as far as what we are doing
20 is we are using approximate numbers as opposed to exact numbers.
21 By approximate I would say we may have a plus or minus one or two
22 dB either direction on these measurements.

23 However, since we are talking about levels, as you said, of
24 70, and I remember seeing that on the tape, 70 dB(A) at

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1 nighttime, when the Illinois standard would allow a dB(A)
2 equivalent of 51, we are looking at a situation where we have 20
3 decibels over the regulatory limit. But that 20 decibel
4 information then gives us something to use for design purposes to
5 abate or at least mitigate the noise that is impacting the folks
6 in Granite City.

7 Q. Are these noise level measurements also relevant to
8 whether the noise levels are reasonable or constitute an
9 unreasonable interference?

10 MR. BABST: Objection. He is asking the same question
11 again that I believe is the basis of our motion in limine this
12 morning. I think the Hearing Officer has ruled on this a number
13 of times.

14 MR. MUSKOPF: I most certainly am not asking the same
15 question. The motion in limine was can he testify ultimately
16 whether the -- could he testify to the ultimate opinion as to
17 whether there is an unreasonable or reasonable interference in
18 this case. All I am asking him is are these noise level
19 measurements and the Illinois limits relevant to determining
20 reasonableness or unreasonableness. So I am stopping way, way,
21 way short of asking him to say whether there is an unreasonable
22 interference in this case or not?

23 HEARING OFFICER LANGHOFF: Anything else, Mr. Babst?
24 MR. BABST: No. I mean, I think he is asking the same

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1 questions.

2 HEARING OFFICER LANGHOFF: Would you please read back the
3 original question.

4 (Whereupon the requested portion of the record was read
5 back by the Reporter.)

6 HEARING OFFICER LANGHOFF: I am going to overrule the
7 objection on this question as to -- well, he can answer the
8 question.

9 THE WITNESS: To answer the question -- I am sorry. Mr.
10 Hearing Officer, can I talk?

11 HEARING OFFICER LANGHOFF: Yes.

12 THE WITNESS: To answer this question, whenever we have a
13 significant exceedance of the numerical standards, we have a very
14 strong piece of evidence that the noise then may be unreasonable.

15 MR. BABST: The basis of my objection this morning was that
16 an expert witness is not needed to make a determination whether
17 something is reasonable or unreasonable. That is certainly
18 something that we could all do. That was my objection this
19 morning and it is the same thing this afternoon.

20 HEARING OFFICER LANGHOFF: I think in this instance the
21 question was are the actual level readings relevant to the

22 determination of the nuisance case.

23 MR. MUSKOPF: Right.

24 HEARING OFFICER LANGHOFF: And that question was answered.

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1 I overruled your objection on that grounds.

2 Q. (By Mr. Muskopf) Have we covered the importance or the
3 significance of both the numerical limits and the noise level
4 measurements as they fit into this case?

5 A. Well, again, looking at past Board decisions, the Board
6 has asked the question many times in the distant past on a
7 nuisance case what was the -- were there any levels taken so that
8 they have some type of number to work with, and in many of the
9 early cases there weren't. The concept of using the Radio Shack
10 meter and the camcorder was to provide the Board with more
11 information than they had in the past on a nuisance case. It
12 seems, from reading the Board decisions that that has helped the
13 Board in deciding whether they do or they do not have a nuisance
14 case.

15 Q. Is that why you recommended to the Glasgows and the
16 Hoppes that they use a video camera and a noise meter?

17 A. Yes, yes. It was first used in Cohen versus Overland,
18 and the Board had a choice in that particular case of both expert
19 measurements and amateur measurements with a camcorder and a
20 Radio Shack meter. Due to one defect in the professional
21 measurements they were thrown out as evidence. However, the

22 Radio Shack meter with the camcorder was used by the Board in
23 determining the case.

24 Q. And we do have the benefit of the camcorder evidence and

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1 the noise meter evidence in this case, do we not?

2 A. That's correct.

3 Q. And you have reviewed that evidence?

4 A. Yes, I have.

5 Q. And did you come to a conclusion as to whether the
6 manner in which that evidence was collected was reasonably
7 reliable?

8 A. Yes. In my opinion, it was reasonably reliable. We
9 have an accuracy there of plus or minus one or two decibels. For
10 precision measurements we would look for an accuracy of, say,
11 plus or minus a half a decibel. In this case when we are talking
12 of exceeding numerical standards by factors of 20 decibels, which
13 would be 100 to one, the accuracy is definitely sufficient for
14 the inexpensive meter and camcorder combination.

15 Q. Now, you found that those Radio Shack noise meters are
16 generally accurate and reasonably reliable?

17 A. Surprisingly so.

18 Q. Did you ever test the calibration of Mrs. Glasgows'
19 meter?

20 A. Yes, I did.

21 Q. And what was the result of that test?

22 A. The result of that test indicated that her meter is one
23 decibel below the sensitivity of a precision meter, which means
24 that when we compare her measurements to precision measurements

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1 we would see that her numbers that she gave us were about one
2 decibel off.

3 Q. So in looking at her figures, if the meter says 70, are
4 you suggesting that the actual sound level is probably more like
5 71?

6 A. That's correct.

7 Q. Now, what about do these meters tend to drift over time
8 at all in calibration?

9 A. No, they do not. I have never run across one that
10 drifted. I currently have five in my lab. I have had them
11 several years. I have periodically loaned them out and checked
12 them, and I have never had to adjust any of the meters. They
13 have held their calibration for several years.

14 Q. So are you satisfied that the measurements that Vickie
15 Glasgow took in this case are reasonably reliable?

16 A. Yes.

17 Q. Now, after those two digressions, let's get back to the
18 noise problems and solutions that you would propose in this case.
19 We have got the noise from the plant itself, and you said that
20 you have seen the noise level measurements of that noise and we

21 have talked about it being in the range of 70 dB(A); is that
22 right?

23 A. That's correct.

24 Q. What do you see as being the solution to that problem at

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1 this point?

2 A. My suggestion would be for Granite City Steel to retain
3 a qualified consultant that can take measurements per the
4 Illinois standards, and is familiar enough with that type of
5 operation to make engineering recommendations as to what can be
6 done to reduce the noise from 70 dB(A) nighttime to 51 dB(A)
7 nighttime, or thereabouts. And then submit those recommendations
8 to the Pollution Control Board for final determination by the
9 Board as to what the ultimate solution would be to the plant
10 problem.

11 Q. So I guess that takes us to the coal piles, then. We
12 have covered the plant itself?

13 A. Yes.

14 Q. Okay. Do you have an opinion as to whether the noise
15 from the bulldozer, the engine noise, or the clatter of the
16 tracks, or the back up noises need to be addressed?

17 A. Yes, they do.

18 Q. What kind of solution do you think would be reasonable
19 and practicable under the circumstances here?

20 A. Well, taking them one at time, I will start with the
21 back up beeper. In the case of the back up beeper, I would
22 recommend the same solution that I recommended in Hoffman versus
23 Columbia. In that particular case I had recommended that since
24 the OSHA regulations under the Code of Federal Regulations gives

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1 an option of either a back up beeper or an observer, that in
2 situations, and specifically in that case, in that situation
3 there, that they delete the back up beeper and use an observer.
4 The Board accepted that opinion. And they also have the
5 references there of the appropriate statutes and the Code of
6 Federal Regulations for that recommendation. That would be my
7 recommendation in this case, too, that I think an observer would
8 be sufficient in order to provide an adequate margin of safety
9 for personnel.

10 It has been my experience, having been involved in a number
11 of large construction projects where I performed all of the noise
12 control engineering when the Agency was doing toxic waste
13 cleanups and incineration, that in most cases where you have
14 machinery with back up beepers on it you don't normally have
15 personnel in the immediate vicinity that are in danger of being
16 struck by the machinery. In those cases we did not have any
17 problems as far as disabling the back up beepers when the
18 machinery was used when there was no personnel that could be
19 struck by it. So, again, I think that the use of an observer

20 would be acceptable to OSHA and has been accepted by the Board.

21 Q. That would completely eliminate, that would not just
22 mitigate, but it would eliminate that noise source, right?

23 A. Yes, it would.

24 Q. You are talking about --

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1 (Building personnel entered the hearing room and announced
2 that the building would be closing in a few minutes.)

3 HEARING OFFICER LANGHOFF: I can't remember. Were you
4 finished with your answer?

5 (Whereupon the last question and answer of the record were
6 read back by the Reporter.)

7 THE WITNESS: Yes, I was finished with my answer.

8 HEARING OFFICER LANGHOFF: Okay. Let's go off the record.

9 (Discussion off the record.)

10 HEARING OFFICER LANGHOFF: Okay. We are adjourned until
11 tomorrow at 9:00 a.m.

12 (The hearing adjourned at approximately 5:00 p.m.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF MONTGOMERY)

3 C E R T I F I C A T E
4

5 I, DARLENE M. NIEMEYER, a Notary Public in and for the
6 County of Montgomery, State of Illinois, DO HEREBY CERTIFY that
7 the foregoing 300 pages comprise a true, complete and correct
8 transcript of the proceedings held on the 10th of July A.D.,
9 2001, at the City Hall Building, the Mayor's Conference Room,
10 Granite City, Illinois, in the case of James A. Glasgow, Vickie
11 L. Glasgow, Bill Hoppe and Pat Hoppe v. Granite City Steel, in
12 proceedings held before Hearing Officer Steven C. Langhoff, and
13 recorded in machine shorthand by me.

14 IN WITNESS WHEREOF I have hereunto set my hand and affixed
15 my Notarial Seal this 23rd day of July A.D., 2001.

16
17
18

19

Notary Public and
Certified Shorthand Reporter and
Registered Professional Reporter

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CSR License No. 084-003677

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My Commission Expires: 03-02-2003

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