

July 27, 2016

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL RECYCLING)
AND DISPOSAL SERVICES,)
INC.,)

Petitioner,)

vs.)

WILL COUNTY, ILLINOIS,)
WILL COUNTY BOARD, and)
WASTE MANAGEMENT OF)
ILLINOIS, INC.,)

Respondents.)

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STATE OF ILLINOIS
Pollution Control Board

PCB 16-76
(Third-Party Pollution
Control Facility
Siting Appeal)

TRANSCRIPT FROM THE PROCEEDINGS

taken before the HEARING OFFICER BRADLEY P. HALLORAN by DIANE M. NULICK, C.S.R, a notary public within and for the County of Cook and State of Illinois, at Rockdale Village Hall, Board Room, 79 Moen Avenue, Rockdale, Illinois, on the 27th day of July, A.D. 2016, at 9:07 o'clock a.m.

HEARING OFFICER:

ILLINOIS POLLUTION CONTROL BOARD,
(100 West Randolph Street, Suite 11-500,
Chicago, Illinois 60601,
(312) 814-3461), by:
MR. BRADLEY P. HALLORAN,

1 PRESENT:

2 MUELLER ANDERSON, P.C.,
3 (609 Elma Road,
4 Ottawa, Illinois 61350,
5 (815) 431-1500), by:
6 MR. GEORGE MUELLER,
7 george@muelleranderson.com,

8 appeared on behalf of the petitioner,
9 Environmental Recycling and Disposal
10 Services, Inc.;

11 and

12 HINSHAW & CULBERTSON,
13 (200 Park Avenue, P.O. Box 1389,
14 Rockford, Illinois 61105-1389,
15 (815) 490-4900), by:
16 MR. CHARLES F. HELSTEN,
17 chelsten@hinshawlaw.com,

18 and

19 OFFICE OF THE WILL COUNTY STATES ATTORNEY,
20 (57 North Ottawa Street, 6th Floor,
21 Joliet, Illinois 60432,
22 (815) 727-8751), by:
23 MR. MATTHEW L. GUZMAN,
24 mguzman@willcountyillinois.com,

25 appeared on behalf of the respondent,
26 Will County, Illinois, Will County
27 Board;

1 HEARING OFFICER HALLORAN: All
2 right.

3 Good morning, everyone. My
4 name is Bradley Halloran. I'm the hearing
5 officer with the Illinois Pollution Control
6 Board. I am also assigned to this case
7 entitled, Environmental Recycling and Disposal
8 Services, Inc., Petitioner, versus Will County,
9 Illinois, Will County Board, and Waste
10 Management of Illinois, Inc., Respondents,
11 Docket No. PCB 16-76. It's a third-party
12 pollution control facility siting appeal.

13 Today is July 27, 2016. It
14 is approximately 9:05 a.m. This hearing was
15 scheduled and noticed according to the Illinois
16 Pollution Control Board procedural rules and
17 the Environmental Protection Act. It will be
18 conducted according to the procedural rules
19 found in Sections 107 and 101 of the board's
20 procedural rules.

21 In this matter, ERDS argues
22 that the Will County Board's conditional
23 approval of the application is not authorized
24 by Section 39.2 of the act and that the county

1 board's decision was contrary to the manifest
2 weight of the evidence on statutory siting,
3 criteria one, two, and six.

4 As you all know, I will not
5 make the ultimate decision in this matter. The
6 five board members will be doing that. They'll
7 take a look at the siting record below, the
8 transcript from today, and the post-hearing
9 briefs. And after this hearing is concluded,
10 which I suspect is relatively soon, we'll set
11 post-hearing briefing schedules.

12 I would like to have the
13 parties introduce themselves. Mr. Mueller?

14 MR. MUELLER: Your Honor, George
15 Mueller for Environmental Recycling and
16 Disposal Services. Donald Ipema, the president
17 of the company, is with me here today.

18 HEARING OFFICER HALLORAN: Thank
19 you.

20 Mr. Moran?

21 MR. MORAN: Donald Moran on behalf
22 of the respondent, Waste Management of
23 Illinois, Inc., and along with me is Micah
24 Hamstra, Regional Counsel for Waste Management

1 of Illinois, Inc.

2 HEARING OFFICER HALLORAN: Thank
3 you, sir.

4 MR. HELSTEN: Good morning, Mr.
5 Halloran. Chuck Helsten on behalf of Will
6 County along with Matt Guzman, Assistant Will
7 County State's Attorney for the respondent,
8 Will County.

9 HEARING OFFICER HALLORAN: Thank
10 you, Mr. Helsten.

11 Now, it's my understanding
12 that there will be no witnesses called, just
13 put the arguments in the post-hearing briefs;
14 is that correct, Mr. Mueller?

15 MR. MUELLER: That is correct, your
16 Honor.

17 HEARING OFFICER HALLORAN: Okay.
18 Thank you.

19 And before the hearing
20 started this morning, we talked about
21 post-hearing briefing schedules, and I think
22 we've all agreed on -- let's see. The
23 transcript will be due with the board on August
24 3, 2016. With that in mind, we've all agreed

1 that August 19, 2016, opening briefs will be
2 due. And then on August 31, replies will be
3 due. And the record will -- the cutoff is
4 August 31.

5 With that said, anything else
6 we need to talk about before we close the
7 record?

8 MR. MORAN: And all of the briefs
9 will be filed electronically. So we'll have,
10 obviously, each other's briefs on the 19th of
11 August?

12 HEARING OFFICER HALLORAN: Correct.
13 Yeah. Since you said that, Mr. Moran, thanks.
14 The mailbox rule will not apply, and I'll put
15 that in the post-hearing order as well.

16 Anything else?

17 MR. MUELLER: I'm confused about one
18 thing, Mr. Halloran. In light of the fact that
19 the parties here have consented to electronic
20 service, does that, then, mean we no longer
21 have to serve hard copies on other counsel?

22 HEARING OFFICER HALLORAN: Well, I
23 guess that's -- that's between you guys. You
24 guys have worked together, you know, long

1 enough. If you want to get hard copies, then I
2 guess, you know, request it. But I don't know.
3 In my mind, electronic service is enough unless
4 you want the hard copies.

5 MR. MUELLER: Thank you.

6 MR. HELSTEN: The county does not
7 want hard copies.

8 HEARING OFFICER HALLORAN: I know
9 our chairman is pushing heavily against doing
10 anything hard copy except, I guess, by statute,
11 their orders still have to be.

12 Anything else?

13 MR. MUELLER: Nothing from ERDS.

14 HEARING OFFICER HALLORAN: Okay.

15 Mr. Helsten? Mr. Moran?

16 MR. HELSTEN: Nothing for the
17 county.

18 MR. MORAN: Nothing for Waste
19 Management.

20 HEARING OFFICER HALLORAN: All
21 right.

22 Thank you so much. And I
23 want to thank, again, the Village of Rockdale
24 for their hospitality. It's been terrific.

1 And have a safe drive home. Thank you.

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3 (Which were all of the
4 proceedings had in the
5 above-entitled matter.)

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July 27, 2016

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
4

5 I, DIANE M. NULICK, a Certified
6 Shorthand Reporter of the State of Illinois, do
7 hereby state that I am a court reporter doing
8 business in the City of Chicago, County of
9 Cook, and State of Illinois; that I reported by
10 means of machine shorthand the proceedings held
11 in the foregoing cause, and that the foregoing
12 is a true and correct transcript of my
13 shorthand notes so taken as aforesaid.

14 IN WITNESS WHEREOF, I do hereunto set
15 my hand and affix my seal of office at Chicago,
16 Illinois, this 28th day of July, 2016.

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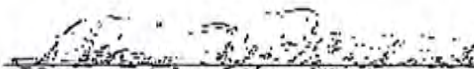

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Certified Shorthand Reporter.

C.S.R. Certificate No. 084-002029.

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