

CERTIFICATE OF RECORD ON APPEAL

In accordance with the Illinois Pollution Control Board's procedural requirements, I, Karen Eggert, Clerk of the Village of Round Lake Park, hereby certify that the document enclosed and described in the attached Index to Record of Proceedings, are true and accurate copies of the documentation deposited in the official files and records of this office regarding the Application for Local Siting Approval for the Groot Industries Lake Transfer Station filed by Groot Industries, Inc., with the Round Lake Park Village Clerk on June 21, 2013.

Dated this 15th day of ~~March~~ ^{April}, 2014



Karen Eggert
Clerk of the Village of Round Lake Park



INDEX TO RECORD OF PROCEEDINGS

| | | |
|-------|--|-----------------------|
| 1. | Certificate of Record pursuant to 35 Ill. Adm. Code 107.308 | C0000i- C000ix |
| 2. | Exhibits Relied Upon by the Village of Round Lake Park in Making its Decision | C00001-C02456 |
| A. | Groot Exhibits: | C00002-C01376 |
| i. | Groot Exhibit #1 -Application for Local Siting Approval for the Groot Industries Lake Transfer Station filed by Groot Industries, Inc., with the Round Lake Park Village Clerk on June 21, 2013 and Errata Sheets: | C00012-C01229 |
| | (1) Executive Summary | C00012-C00012 |
| | (2) Section 1.0 - Need | C00019-C00053 |
| | (3) Section 2.0 – Health, Safety, and Welfare | C00054-C00086 |
| | (4) Section 3.0 – Land Use and Property Value | C00087-C00187 |
| | (i) 3.1 Land Use and Planning Analysis | C00088-C00109 |
| | (ii) 3.2 Real Estate Impact Evaluation | C00110-C00187 |
| | (5) Section 4.0 – Floodplain Assessment | C00188-C00190 |
| | (6) Section 5.0 – Contingency Plan | C00191-C00192 |
| | (7) Section 6.0 – Traffic Impact Analysis | C00193-C00665 |
| | (8) Section 7.0 – Hazardous Waste Preclusion | C00666-C00667 |
| | (9) Section 8.0 – Plan Consistency | C00668-C00684 |
| | (10) Section 9.0 – Regulated Discharge Areas | C00685-C00686 |
| | (11) Drawings | C00687-C00698 |
| | (12) Appendices | C00699-C01217 |
| | (13) Errata Sheets | C01218-C01229 |
| ii. | Groot Exhibit #2: Pre Application Notice | C01230-C01259 |
| iii. | Groot Exhibit #3: Pre Hearing Notice | C01260-C01287 |
| iv. | Groot Exhibit #4: Devin A. Moose Criterion 2, 4, 5, 7, and 9 Power Point | C01288-C01312 |
| v. | Groot Exhibit #5: J. Christopher Lannert Criteria 3 Land Use Power Point | C01313-C01322 |
| vi. | Groot Exhibit #6: Peter J. Poletti Criteria 3 Land Value Power Point | C01323-C01333 |
| vii. | Groot Exhibit #7: Christina M. Siebert Criteria 1 Need Power Point | C01334-C01345 |
| viii. | Groot Exhibit #8: Michael A. Werthmann Criteria 6 Traffic Power Point | C01346-C01365 |
| ix. | Groot Exhibit #9: Devin A. Moose Criteria 8 Consistent with Plan Power Point | C01366-C01373 |

| | | | |
|-----------|---|--|----------------------|
| x. | Groot Exhibit #10: | Excerpt, "Waste Transfer Stations: Involved Citizens Make A Difference" | C01374-C01375 |
| xi. | Groot Exhibit #11A: | Satellite Photo - HERC Incinerator | C01376 |
| B. | Timber Creek Homes, Inc. Exhibits ("TCH"): | | C01377-C02429 |
| i. | TCH Exhibit #1: | John W. Thorsen Resume | C01378-C01382 |
| ii. | TCH Exhibit #2: | John W. Thorsen Report | C01383-C01387 |
| iii. | TCH Exhibit #3: | McGinley Resume | C01388-C01392 |
| iv. | TCH Exhibit #4: | McGinley Report | C01393-C01492 |
| v. | TCH Exhibit #5: | Coulter Resume | C01493-C01494 |
| vi. | TCH Exhibit #6: | Coulter Traffic Report | C01495-C01500 |
| vii. | TCH Exhibit #7: | Marous Resume | C01501-C01506 |
| viii. | TCH Exhibit #8: | MaRous Report | C01507-C01524 |
| ix. | TCH Exhibit #10: | Lake Transfer Station LCA | C01525-C01574 |
| x. | TCH Exhibit #19: | 2009 IEPA Capacity Report* <i>*Submitted as Public Comment</i> | C01575-C01872 |
| xi. | TCH Exhibit#22: | Data from 2012 Landfill Capacity Report | C01873-C01878 |
| xii. | TCH Exhibit#27: | Lake County 2009 Plan Update | C01879-C02074 |
| xiii. | TCH Exhibit#28: | Groot Public Meeting Presentation | C02075-C02104 |
| xiv. | TCH Exhibit#34A: | Veolia Zion Expansion Application Documents | C02105-C02112 |
| xv. | TCH Exhibit#38C: | Pages from Winnebago Section 1 | C02113-C02115 |
| xvi. | TCH Exhibit#41: | Preventing a Nuisance | C02116-C02120 |
| xvii. | TCH Exhibit#42: | Dealing With the Public's Nose | C02121-C02131 |
| xviii. | TCH Exhibit#45: | Dale Kleszynski Appraisal of Tinaglia Family Limited Partnership | C02132-C02185 |
| xix. | TCH Exhibit#46: | Dale Kleszynski Estimate of Value by the Direct Sales Comparison Approach | C02186-C02373 |
| xx. | TCH Exhibit#47: | Dale Kleszynski Rebuttal Analysis and Appraisal Review Tinaglia Family Limited Partnership | C02374-C02400 |
| xxi. | TCH Exhibit#51: | Dale Kleszynski Review of Real Estate Impact Evaluation with effective date of September 5, 2013 | C02401-C02429 |
| C. | Round Lake Park Exhibits ("RLP"): | | C02430-C02456 |
| i. | RLP Exhibit #1: | Dale Kleszynski Resume | C02431-C02436 |
| ii. | RLP Exhibit #2: | Dale Kleszynski Review of Real Estate Impact Evaluation | C02437-C02456 |

| | | |
|--------|--|-----------------------|
| 3. | Various Round Lake Park Ordinances | C02457-C02494 |
| A. | AN ORDINANCE APPROVING AND ADOPTING A “SOLID WASTE MANAGEMENT PLAN” FOR THE VILLAGE OF ROUND LAKE PARK (Ordinance 12-13) | C02458-C02470 |
| B. | POLLUTION CONTROL FACILITIES SITING ORDINANCE (Ordinance 12-14) | C02471-C02490 |
| C. | AN ORDINANCE REPEALING ORDINANCE 12-13 ADOPTING A “SOLID WASTE MANAGEMENT PLAN” FOR THE VILLAGE OF ROUND LAKE PARK, AND IN ITS PLACE, ADOPTING THE “2009 SOLID WASTE MANAGEMENT PLAN UPDATE FOR LAKE COUNTY ILLINOIS” ADOPTED BY THE BOARD OF DIRECTORS OF THE SOLID WASTE AGENCY OF LAKE COUNTY ON OCTOBER 22, 2009 AND ADOPTED BY THE LAKE COUNTY BOARD ON APRIL 13, 2010 (Ordinance 13-15) | C02491-C02494 |
| 4. | Transcripts | C02495-C04047 |
| A. | Local Siting Hearing | |
| i. | September 17, 2013 starting at 1:30 p.m. | C02496-C02530 |
| ii. | September 20, 2013 starting at 12:00 p.m. | C02531-C02571 |
| iii. | September 23, 2013 starting at 12:00 p.m. | C02572-C02709 |
| iv. | September 23, 2013 starting at 3:00 p.m. | C02710-C02816 |
| v. | September 23, 2013 starting at 6:30 p.m. | C02817-C02876 |
| vi. | September 24, 2013 starting at 12:00 p.m. | C02877-C03029 |
| vii. | September 24, 2013 starting at 3:10 p.m. | C03030-C03116 |
| viii. | September 24, 2013 starting at 6:00 p.m. (out of order) | C03507-C03677 |
| ix. | September 25, 2013 starting at 12:00 p.m. | C03116.001-C03116.147 |
| x. | September 25, 2013 starting at 3:00 p.m. | C03117-C03255 |
| xi. | September 25, 2013 starting at 8:00 p.m. | C03256-C03261 |
| xii. | September 26, 2013 starting at 12:05 p.m. | C03262-C03351 |
| xiii. | September 26, 2013 starting at 3:00 p.m. | C03352-C03357 |
| xiv. | September 30, 2013 starting at 3:00 p.m. | C03357.001-C03357.145 |
| xv. | September 30, 2013 starting at 7:00 p.m. | C03357.146-C03357.220 |
| xvi. | October 1, 2013 starting at 12:05 p.m. | C03358-C03506 |
| xvii. | October 1, 2013 starting at 3:00 p.m. | C03678-C03742 |
| xviii. | October 2, 2013 starting at 12:00 p.m. | C03742.001-C03742.164 |
| xix. | October 2, 2013 starting at 3:00 p.m. | C03743-C03874 |
| B. | Round Lake Park Village Board Deliberations | |
| i. | December 11, 2013 starting at 6:08 p.m. | C03875-C04024 |
| ii. | December 13, 2013 starting at 6:09 p.m. | C04025-C04047 |

| | | |
|-----------|---|--------------------------|
| 5. | Briefs, Arguments and Statements of Parties and Participants | C04048-C04355.077 |
| A. | Appearance of Glenn Sechen on behalf of Round Lake Park | C04049-C04051 |
| B. | Appearance of Larry Clark on behalf of SWALCO | C04052 |
| C. | Appearance of Timber Creek Homes, Inc. as Public Participant | C04053-C04055 |
| D. | Appearance of Michael Blazer on behalf of Timber Creek Homes, Inc. | C04056-C04057 |
| E. | Notice of Public Hearing on Request for Approval of a Site For a New Pollution Control Facility for a Waste Transfer Station | C04058-C04060 |
| F. | Errata Sheet filed by Groot Industries, Inc. | C04061-C04069 |
| G. | Notice of Service, Filing and Appearance of Richard Porter on behalf of Groot Industries, Inc. | C04070-C04075 |
| H. | Appearance of George Mueller on behalf of Groot Industries, Inc. | C04076-C04081 |
| I. | Appearance of Village of Round Lake as Public Participant | C04082-C04086 |
| J. | Hearing Exhibits of Timber Creek Homes, Inc. | C04087-C04090 |
| K. | Witness List of Timber Creek Homes, Inc. | C04091-C04092 |
| L. | Village of Round Lake Disclosure of Witness and Exhibits | C04093-C04095 |
| M. | Groot Industries Errata Sheet to Correct Table M.2-2 | C04096-C04099 |
| N. | Motion to Bar Testimony of Timber Creek Homes, Inc. or In the Alternative to Compel the Disclosure of Exhibits it Actually shall use at Hearing | C04100-C04102 |
| O. | Groot Industries, Inc. Disclosure of Order of Applicant Witnesses | C04103-C04106 |
| P. | Round Lake Park "Practical Considerations Regarding Criterion VI Traffic Patterns | C04107-C04112 |
| Q. | Timber Creek Homes' Memorandum Regarding Criterion 6 | C04113-C04124 |
| R. | Groot Industries Renewed Motion to Strike the Testimony And Report of Ben Coulter | C04125-C04134 |
| S. | Timber Creek Homes' Proposed Findings and Conclusions | C04135-C04201 |
| T. | Village of Round Lake Proposed Findings of Fact | C04202-C04211 |
| U. | SWALCO Proposed Findings of Fact | C04212-C04220 |
| V. | Round Lake Park Proposed Findings of Fact | C04221-C04279 |
| W. | Groot Industries, Inc. Closing Brief and Proposed Findings of Fact | C04280-C04332 |
| X. | Groot Industries, Inc. Response to Special Conditions | C04333-C04355.001 |
| Y. | Timber Creek Homes' Motion to Strike and for Negative Inference Instruction | C04355.002-C04355.006 |
| Z. | Village of Round Lake Response to Public Comments and Applicant's Response to Conditions Proposed by Participants | C04355.007-C04355.011 |
| AA. | Groot Industries, Inc. Response to Public Comment | C04355.012-C04355.023 |
| BB. | Round Lake Park Motion to Strike | C04355.024-C04355.027 |
| CC. | Timber Creek Homes' Response to Co-Applicant Motion to Strike | C04355.028-C04355.031 |

| | | |
|-----------|---|--------------------------|
| DD. | Findings and Recommendations of Hearing Officer | C04355.032-C04355.077 |
| 6. | Hearing Officer Orders | C04355.078-C04371 |
| A. | Siting Criteria | C04355.079 |
| B. | Public Hearing Outline | C04356 |
| C. | Appearance of Public Participant Form | C04357-C04358 |
| D. | Order dated August 9, 2013 | C04359-C04361 |
| E. | Amended Order dated August 14, 2013 | C04362-C04364 |
| F. | Order dated August 26, 2013 | C04365-C0366 |
| G. | Order dated September 11, 2013 | C04367-C04369 |
| H. | Order dated October 7, 2013 | C04370-C04371 |
| 7. | Written Public Comment | C04372-C04381 |
| A. | Letter from Mayor Linda Soto from Village of Hainesville Dated October 2, 2013 | C04373-C04374 |
| B. | Letter from Richard Herman received October 9, 2013 | C04375 |
| C. | Letter From Mayor Rhett Taylor from Village of Grayslake dated October 28, 2013 | C04376-C04377 |
| D. | Letter from Doug Vehlow received October 31, 2013 | C04378-04379 |
| E. | Communication from Brian Smith received November 4, 2013 | C04380 |
| F. | Letter from Lake County Engineer Paula Trigg received On October 31, 2013 | C04381 |
| 8. | Minutes of all Relevant Open Meetings of the Village Board of the Village of Round Lake Park | C04382-C04524 |
| A. | Minutes of meeting dated December 13, 2011 | C04383-C04384 |
| B. | Minutes of meeting dated April 10, 2012 | C04385-C04388 |
| C. | Minutes of meeting dated October 9, 2012 | C04389-C04391 |
| D. | Minutes of meeting dated October 16, 2012 | C04392-C04396 |
| E. | Minutes of meeting dated November 6, 2012 | C04397-C04401 |
| F. | Minutes of meeting dated November 13, 2012 | C04402-C04404 |
| G. | Minutes of meeting dated December 4, 2012 | C04405-C04408 |
| H. | Minutes of meeting dated December 11, 2012 | C04409-C04412 |
| I. | Minutes of meeting dated December 18, 2012 | C04413-C04417 |
| J. | Minutes of meeting dated February 5, 2013 | C04418-C04422 |
| K. | Minutes of meeting dated March 12, 2013 | C04423-C04426 |
| L. | Minutes of meeting dated April 16, 2013 | C04427-C04432 |
| M. | Minutes of meeting dated June 11, 2013 | C04433-C04439 |
| N. | Minutes of meeting dated June 18, 2013 | C04440-C04448 |
| O. | Minutes of meeting dated July 2, 2013 | C04449-C04454 |
| P. | Minutes of meeting dated July 9 2013 | C04455-C04458 |
| Q. | Minutes of meeting dated July 12, 2013 | C04459 |
| R. | Minutes of meeting dated July 16, 2013 | C04460-C04466 |

| | | |
|-----|---|---------------|
| S. | Minutes of meeting dated August 6, 2013 | C04467-C04473 |
| T. | Minutes of meeting dated August 13, 2013 | C04474-C04479 |
| U. | Minutes of meeting dated August 20, 2013 | C04480-C04486 |
| V. | Minutes of meeting dated September 17, 2013 | C04487-C04494 |
| W. | Minutes of meeting dated October 1, 2013 | C04495-C04501 |
| X. | Minutes of meeting dated October 15, 2013 | C04502-C04506 |
| Y. | Minutes of meeting dated November 5, 2013 | C04507-C04515 |
| Z. | Minutes of meeting dated December 3, 2013 | C04516-C04520 |
| AA. | Minutes of meeting dated December 10, 2013 | C04521-C04523 |
| BB. | Minutes of meeting dated December 12, 2013 | C04524 |

9. Notices of Hearing or all Relevant Meetings of the Village Board of the Village of Round Lake Park C04525-C04576

| | | |
|-----------|---|---------------|
| A. | Agenda for Village Board meeting dated December 13, 2011 | C04526 |
| B. | Agenda for Village Board meeting dated April 10, 2012 (out of order) | C04541 |
| C. | Agenda for Village Board meeting dated October 9, 2012 | C04527 |
| D. | Agenda for Village Board meeting dated October 16, 2012 | C04528 |
| E. | Agenda for Village Board meeting dated November 6, 2012 | C04530 |
| F. | Agenda for Village Board meeting dated November 13, 2012 | C04532 |
| G. | Agenda for Village Board meeting dated December 4, 2012 | C04533 |
| H. | Agenda for Village Board meeting dated December 11, 2012 | C04535 |
| I. | Agenda for Village Board meeting dated December 18, 2012 | C04536 |
| J. | Agenda for Village Board meeting dated February 5, 2013 | C04538 |
| K. | Agenda for Village Board meeting dated March 12, 2013 | C04540 |
| L. | Agenda for Village Board meeting dated April 16, 2013 | C04542 |
| M. | Agenda for Village Board meeting dated June 11, 2013 | C04544 |
| N. | Agenda for Village Board meeting dated June 18, 2013 | C04545 |
| O. | Agenda for Village Board meeting dated July 2, 2013 | C04548 |
| P. | Agenda for Village Board meeting dated July 9, 2013 | C04550 |
| Q. | Agenda for Village Board meeting dated July 12, 2013 | C04551 |
| R. | Agenda for Village Board meeting dated July 16, 2013 | C04552 |
| S. | Agenda for Village Board meeting dated August 6, 2013 | C04554 |
| T. | Agenda for Village Board meeting dated August 13, 2013 | C04556 |
| U. | Agenda for Village Board meeting dated August 20, 2013 | C04557 |
| V. | Agenda for Village Board meeting dated September 17, 2013 | C04559 |
| W. | Agenda for September 20, 2013 for Explanation of Hearing Procedure | C04561 |
| X. | Public Hearing Outline | C04562 |
| Y. | Agenda for September 23 through September 27, 2013, September 30 through October 3, 2013, October 8 through October 11, 2013 and October 14, 2013 | C04563 |
| Z. | Agenda for September 23 through September 27, 2013, September 30 through October 3, 2013, October 8 through October 11, 2013 and October 14, 2013 with modified Public Comment Schedule | C04564 |

- AA. Amended Agenda for September 25, 2013, September 26, 2013, September 30, 2013, October 1, 2013 and October 2, 2013 C04565
- BB. Notice for Starting Time for September 30, 2013 is 3:00 p.m. C04566
- CC. Agenda for Village Board meeting dated October 1, 2013 C04567-C04568
- DD. Agenda for Village Board meeting dated October 15, 2013 C04569-C04570
- EE. Agenda for Village Board meeting dated November 5, 2013 C04571-C04572
- FF. Agenda for Village Board meeting dated December 3, 2013 C04573-C04574
- CC. Agenda for Village Board Meeting dated December 10, 2013 C04575
- DD. Agenda for Village Board Meeting dated December 12, 2013 C04576

- 10. Resolution Adopting the Decision of the Corporate Authorities Of the Village of Round lake park on the Application for Local Siting Approval for Groot Industries Lake Transfer Station C04577-C04623**

- 11. Host Agreements between the Village of Round Lake Park and Groot Industries, Inc. C04624-C04659**

 - A. Host Community Agreement between the Village of Round Lake Park and Groot Industries, Inc dated October 16, 2012 C04625-C04655
 - B. First Amendment to Host Community Agreement between the Village of Round Lake park and Groot Industries, Inc. dated April 16, 2013 C04656-C04659

Rudolph F. Magna
rmagna@maglaw36.com
Peter S. Karlovics
pkarlovics@maglaw36.com
Lawrence H. Spector
lspector@maglaw36.com

The Law Offices of
Rudolph F. Magna

Windsor Court Office Centre II
495 North Riverside Drive
Suite 201
P.O. Box 705
Gurnee, Illinois 60031-0705
847/623-5277 Fax: 847/623-5336

April 16, 2014

Illinois Pollution Control Board
Attn: **John Therriault**
James R. Thompson Center
100 W. Randolph
Suite 11-500
Chicago, Illinois 60601



ORIGINAL

VIA FEDERAL EXPRESS

RECEIVED
CLERK'S OFFICE

APR 17 2014

STATE OF ILLINOIS
Pollution Control Board

Re: Supplement to the Timber Creek Homes Inc. v. Village of Round Lake Park Record of Proceedings; PCB No. 2014-099 (Pollution Control Facility Siting Appeal)

Dear Mr. Therriault:

Enclosed for the Board's records, please find the electronic version of the following documents:

1. Second Amended Index to Record of Proceedings
2. Second Amended Record of Entire Proceedings

Also please find:

1. Three (3) paper copies of the Certificate of Record on Appeal and Index
2. Three (3) supplements to the original filed Record consisting of transcripts dated September 25, 2013 at 12:00 pm, September 30, 2013 at 3:00 pm and September 30, 2013 at 6:00 pm.

Please call me with any questions.

Respectfully,
THE LAW OFFICES OF RUDOLPH F. MAGNA

Peter S. Karlovics

PSK/ks

Enclosure