

BEFORE THE CITY COUNCIL OF THE CITY OF  
WEST CHICAGO SITTING AS A POLLUTION  
CONTROL SITING AUTHORITY

In the Matter of: )  
 )  
APPLICATION FOR LOCAL SITING )  
APPROVAL FOR LAKESHORE )  
RECYCLING RECYCLING SYSTEMS, )  
LLC, FOR THE WEST DU PAGE )  
RECYCLING AND TRANSFER )  
STATION, 1655 POWIS ROAD, )  
WEST CHICAGO. )

REPORT OF PROCEEDINGS had and testimony  
taken at the hearing of the above-entitled  
matter, at 900 Prince Crossing Road, West  
Chicago, Illinois, on the 3rd day of January,  
A.D. 2023, at the hour of 6:00 p.m.

PRESENT:

- MR. DERKE PRICE, Hearing Officer;
- MR. DENNIS WALSH, City Council Attorney;
- MR. PHILLIP A. LUETKEHANS, Attorney for  
Protect West Chicago;
- MR. RICARDO MEZA, Attorney for Protect  
West Chicago;
- MR. GERALD CALLAGHAN, Attorney for city  
staff;
- MR. STEVE DeLaROSA, Representative for  
People Opposing DuPage Environmental  
Racism (PODER);
- MR. GEORGE MUELLER, Attorney for  
Lakeshore Recycling Systems, LLC.

I N D E X

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E X H I B I T S

APPLICANT EXHIBIT ID ADMITTED

No. 1 ..... 14

Nos. 2, 3 and 4 ..... 15

PWC EXHIBIT ID ADMITTED

No. 151-A ..... 121

No. 23 ..... 169

1 HEARING OFFICER PRICE: It is the  
2 appointed hour of 6:00 o'clock, so we're going  
3 to commence the hearing on the application for a  
4 waste transfer station in the City of West  
5 Chicago.

6 Good evening. My name is Derke  
7 Price. I have been appointed the hearing  
8 officer for purposes of this hearing as part of  
9 the application process. I'm a local government  
10 attorney, and I'll be serving as the hearing  
11 officer for the hearing on the application. To  
12 my right is the court reporter. I'll explain  
13 her role in a minute. And surrounding me are  
14 people who have registered as parties.

15 This entire process is governed by  
16 Section 39.2 of the Environmental Protection Act  
17 in the State of Illinois. It's also governed by  
18 the City of West Chicago's siting ordinance for  
19 pollution control facilities. Both of those are  
20 available on online for you to look up and have  
21 as a reference.

22 For the sake of the public, I want

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1 to outline some of the procedures that will be  
2 used throughout the hearing process. The  
3 application was filed by the applicant on  
4 September 16th, 2022. The act states that this  
5 hearing must be held no sooner than 90 days and  
6 no later than 120 days after the filing. So if  
7 you do the calendar math, we're in the proper  
8 window for holding the hearing. The city  
9 council must act on the application within  
10 180 days or the filing is deemed approved by  
11 operation of law. There is also, under the  
12 statute, a mandatory 30-day period following the  
13 conclusion of the hearing for people to submit  
14 written comment to the corporate authorities for  
15 their consideration. So we have a tight window  
16 for getting this done in a mandatory 30-day  
17 period and then time for the city council to  
18 consider it all and act. We need to be  
19 efficient and we'll move forward in that way.

20 We are scheduled to be here  
21 tonight, tomorrow, and on Thursday. Then again  
22 on the 10th, if needed, and on the 12th at the

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1 high school, if needed. The hearing will be  
2 adjourned from time to time to the next date  
3 until we are concluded. We will start each  
4 night at 6:00 p.m.

5 Now, a transfer station is a  
6 pollution control facility, as defined by the  
7 act, and whether a pollution control facility  
8 can be sited and operated is determined by the  
9 process set forth in Section 39.2. That  
10 involves notice to various parties, filing of  
11 the application with the municipality, an  
12 examination period, the 90 days, and then this  
13 hearing on the application, followed by public  
14 comment, and then the city council must  
15 determine if it meets the proposed -- if the  
16 proposed facility meets the State of Illinois  
17 criteria as set out in the act.

18 It is the criteria in the act that  
19 controls, not local zoning. This is an  
20 important distinction for the public. Although,  
21 we may make reference to the local zoning code,  
22 that is not what is in place. It is the

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1 criteria of Section 39.2. And that's what we  
2 will be focused on. There are, essentially, ten  
3 criteria, but not all of them apply to this  
4 case, and it will be not uncommon to jump around  
5 from one to another, depending on timing and  
6 witness availability. We don't necessarily have  
7 to take them in order one to ten.

8 The city council has to make its  
9 decision based on the record that's developed  
10 here concerning application and also on the  
11 public comment and other things. We have a  
12 court reporter for this purpose, to create the  
13 record. The record includes the application,  
14 the evidence and sworn testimony we'll hear in  
15 the hearing, and also public comment. Public  
16 comment, which is not sworn, which is not  
17 subject to cross-examination or testing, is  
18 given less weight than sworn testimony and the  
19 evidence in the record, but it is nevertheless  
20 still important.

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21 This brings us to a very important  
22 procedural aspect of this case. The city

1 council is essentially acting as a jury. Now,  
2 under the siting ordinance, the city council  
3 doesn't actually have to be present. They can  
4 read the transcripts. They can pay attention to  
5 the hearing. They can review the record. They  
6 don't actually have to be here for this in order  
7 to go forward. But while they are a jury, it  
8 means they are not allowed to talk to you about  
9 the case. You may be used to confronting the  
10 mayor or your alderman at the grocery store or  
11 at church or places of worship and getting their  
12 attention on matters of importance. You can't  
13 do that in this case. They are not allowed to  
14 talk to you because they are acting as a jury.  
15 Just as jurors can't talk about a criminal case  
16 in front of them, they can't talk to you about  
17 this application. Please understand they are  
18 not being rude. They are simply following the  
19 law and doing their job to have a fundamentally  
20 fair process. So, again, please respect that  
21 and do not try to talk to the elected officials  
22 during the pendency of this application.

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1 Up here on the stage are all of the  
2 parties who have taken the steps necessary under  
3 the city's siting ordinance to be a party. A  
4 party allows them to present and test the  
5 evidence that is being put in. To my left is  
6 the applicant. They are represented by an  
7 attorney, Mr. George Mueller, who will present  
8 their case through various witnesses. To my  
9 right is the city staff that is represented by  
10 Mr. Gerald Callaghan, who is the attorney. The  
11 city has been reviewing the application, has  
12 comments and has things that are important that  
13 staff will love to recommend to city council and  
14 the mayor. Behind them are two organizations  
15 that have signed up as parties. The first is  
16 Protect West Chicago, which is represented by  
17 Mr. Leutkehans and Mr. Meza. Also, next to them  
18 is a group called PODER, People Opposing DuPage  
19 Environmental Racism, and they are represented  
20 by Mr. Steve DeLaRosa. These are the parties.  
21 They have a right to cross-examine witnesses and  
22 present evidence in due course.

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1 Now, there are also opportunities  
2 for the public to participate that do not  
3 involve testing and cross-examination. That is  
4 the public comment period. I have 25 people who  
5 have signed up to provide public comment, when  
6 we get to that part of the hearing, and there  
7 will be a time and place to do that. I'm  
8 anticipating it will either be the 10th or the  
9 12th, depending on how things go. I have two  
10 people who have signed up for public comment,  
11 though, who we need to squeeze in sometime this  
12 week. They will not be around on the 10th or  
13 the 12th. If there's anybody else who needs  
14 that accommodation, please see me.  
15 Under West Chicago siting ordinance  
16 if you wish to provide oral public comment, you  
17 need to sign up by the conclusion of this  
18 evening, and the forms are down here in front.  
19 Again, there is no sign up necessary if you want  
20 to put in written comment at the conclusion of  
21 this during the 30-day period afterwards.  
22 At present, it's my intention to

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1 devote the 10th and the 12th to this but, again,  
2 we'll see how it goes. And, again, we will be  
3 at the high school on the evening of the 12th,  
4 but I'm not certain we are going to need that.

5 After the oral public comment is  
6 received and the hearing is closed, that will  
7 then begin the 30-day clock for the notice --  
8 for people to put in their public comment.  
9 Again, no need to register for written public  
10 comment. After that time period, the parties  
11 will submit, under the siting ordinance, sort of  
12 closing briefs and proposed findings of fact to  
13 me. Under the siting ordinance, I'm supposed to  
14 point the recommendation and the report to the  
15 city council. The city council will then take  
16 all of that up and consider it at a future  
17 meeting where they will vote on whether or not  
18 to move forward with the application and approve  
19 it.

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06:09:02PM

20 A very important point often  
21 misunderstood is that the public -- by the  
22 public is, again, the city council does not need

1 to be here, but the city is represented by their  
2 attorney, Mr. Walsh, who is down here at this  
3 table. You may see elected officials come from  
4 time to time, confer with them, because they  
5 have the opportunity to ask questions also.

6 Again, there's a distinction  
7 between evidence and submittals like public  
8 comment. Evidence is tested in a formal way  
9 that public comment is not. If you want to give  
10 public comment, you're not going to get  
11 cross-examined, but that means it has a little  
12 less weight. Again, they've agreed here, these  
13 parties, to submit themselves to the same  
14 process of testing and cross-examination.

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15 Whether something constitutes  
16 evidence or comes in is initially a matter for  
17 me to determine as the hearing officer, and it's  
18 not the strict rules of court. It's not what  
19 you have seen on TV. The standard here is  
20 fundamental fairness. We're trying to create as  
21 complete a record as possible for the city  
22 council to make their decision.

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1 One of the main differences you'll  
2 see is in a courtroom lots of questions have to  
3 be asked of the witness so we know what's about  
4 to be said and whether or not that's  
5 objectionable or competent evidence. Here, we  
6 do it by more of a narrative form. Essentially,  
7 Mr. Mueller will ask a few questions of the  
8 witness and the witness will take over and  
9 present their testimony, and that's perfectly  
10 acceptable in these kinds of hearings. I find  
11 the West Chicago siting ordinance -- and I'll  
12 make this part of my future report -- with its  
13 opportunities for the public to participate in  
14 various ways, meets this requirement of  
15 fundamental fairness, and so we will be  
16 following those procedures.

06:10:28PM

17 The order of things will be the  
18 applicant will put in its case sort of one  
19 criteria at a time by one witness at a time.

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20 And so I believe we're beginning with  
21 Criteria 1, and the witness will put it in the  
22 case. The parties then will have an opportunity

1 to ask questions. If Mr. Mueller feels he needs  
2 to follow up with the witness, he will. Then  
3 there will be a second round or any further  
4 questions and then that's that, and we move onto  
5 the next part of the case that the applicant  
6 wants to put in. Once the applicant has  
7 concluded presenting their case, then the city  
8 staff can call witnesses if they wish, then it  
9 will be up to Protect West Chicago and PODER  
10 will have the opportunity to call witnesses, all  
11 of which can be cross-examined by the other  
12 parties and then Mr. Mueller. In every  
13 instance, the city will have the opportunity to  
14 ask questions after everybody else has gone in  
15 each round so that they can get what they need  
16 to make the decision they need to make.

06:11:24PM

17 That brings us to the pre-testimony  
18 administrative filings. The application was  
19 filed on September 16th, I've seen it and  
20 reviewed it. I have accepted it into evidence  
21 as Exhibit 1. It's on file with the clerk.  
22 It's also available on the city's website. So

06:11:55PM

1 that's Exhibit 1.  
2 Mr. Mueller, with that, are there  
3 any other pre-testimony administrative findings  
4 that you wish to present?

5 (Exhibit No. 1 marked for  
6 identification.)

7 MR. MUELLER: Mr. Price, thank you.  
8 Prior to the commencement of the hearings, I  
9 handed out some additional exhibits. For the

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10 record, Exhibit 2 are the documents and our  
11 affidavit of compliance with the prehearing  
12 notice requirements. I would note that the  
13 proof of compliance with the pre-filing notice  
14 requirements is contained in the application,  
15 which you have admitted as Exhibit No. 1.

16 Exhibit No. 3, for the applicant,  
17 is the John Hock resume. And Exhibit No. 4  
18 would be John Hock's PowerPoints, which he will  
19 use during his presentation. We'll have  
20 additional resumes and PowerPoints as additional  
21 witnesses are called.

06:13:10PM

22 HEARING OFFICER PRICE: At this point,

1 have been around for a while, and we hope to  
2 have their presence add to competition and the  
3 economic health of the Waste Management industry  
4 in this part of Illinois.

5 With that said, the first criterion  
6 that the applicant needs to prove is whether or  
7 not the facility is necessary to accommodate the  
8 waste needs of the area it is intended to serve.  
9 Our evidence will show that our service area  
10 will be most of DuPage County. The area of the  
11 county west of 355, small portions of Kane  
12 County, and small portions of Will County.

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13 You're going to hear that there is  
14 another waste transfer station located pretty  
15 close to our proposed site. And so the question  
16 becomes: Why is this necessary? Our  
17 presentation with regard to need is based upon  
18 the competitive economic and environmental  
19 benefits that flow to the community as a result  
20 of additional competition in the service area.

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21 Mr. Hock will explain that in significant  
22 detail.

1 then, looking at Exhibit 2, the parties have had  
2 that.

3 Any objection to admitting No. 2?

4 MR. CALLAGHAN: Which was 2?

5 HEARING OFFICER PRICE: 2 was the  
6 affidavit of compliance that's in evidence. And  
7 we'll take 3 and 4 after Mr. Hock testifies.

8 If there are no other  
9 pre-administrative hearings, then, Mr. Mueller,

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10 I believe -- is there any desire to present a  
11 brief opening statement of any kind?

12 (Applicant Exhibit Nos. 2, 3  
13 and 4 marked for  
14 identification.)

15  
16 OPENING STATEMENT ON BEHALF OF THE APPLICANT

17  
18 MR. MUELLER: Very briefly, Mr. Price.  
19 First of all, I want to introduce my client, who  
20 is a representative of Lakeshore Recycling  
21 Services. Lakeshore is a privately-owned  
22 company out of the Chicago suburban area. They

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1 With regard to the other criteria,  
2 Mr. Hock, who is a man for all seasons, at this  
3 hearing at least, will testify as to the nature  
4 of the operation and proposal itself. You may  
5 ask: What is a transfer station? A transfer  
6 station is an enclosed facility where garbage  
7 trucks that pick up local waste at the curb  
8 discharge their loads and then those loads are  
9 transferred into a tractor-trailer, which is  
10 covered and sent to a remote landfill in western  
11 Illinois. There are no more landfills in DuPage  
12 County, nor are there any allowed. So all of  
13 the waste in this county that's generated has to  
14 move out of the county in one way or another.

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15 Transfer stations are, as I said,  
16 enclosed. They have to be clean at the end of  
17 the day, meaning that the floor is cleaned.  
18 Waste is not allowed to sit overnight. This  
19 particular transfer station is located on a  
20 luxuriously large piece of property, from our  
21 perspective. We have a 28-acre site, and that  
22 means we have had plenty of opportunity to

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1 design this with ample space and ample  
 2 opportunity for safe movement of vehicles.  
 3 Now, I have heard, in anticipation  
 4 of this hearing, a number of possible critiques,  
 5 all of which we believe we will answer. The  
 6 first of those is that the facility will  
 7 generate odors. That's not going to be the case  
 8 because the operations all take place indoors.  
 9 It's located in the far northwest corner of West  
 10 Chicago, across the street from the DuPage  
 11 Airport. And, in fact, you're going to hear  
 12 evidence that the DuPage Airport, which is our  
 13 closest neighbor, has already signed off on the  
 14 safety of the facility from an aviation  
 15 perspective. So there are not going to be any  
 16 odors from the site because the operations are  
 17 enclosed.  
 18 You're going to hear that there are  
 19 environmental harms. All of this takes place on  
 20 a solid concrete surface. None of the waste or  
 21 liquids generated with waste are going to be  
 22 discharged into the community in any way, shape,

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1 The last criticism I have heard is  
 2 that this facility is going to negatively impact  
 3 property values in West Chicago. We will have  
 4 an expert, who is actually here today, Dale  
 5 Kleszynski, who will testify that, by his study,  
 6 this is an industrial area with heavy industry;  
 7 and, if anything, this facility is going to  
 8 improve the character of the area and certainly  
 9 is not going to be incompatible with the  
 10 activities there and, therefore, he believes  
 11 that this transfer station will be -- and this  
 12 is a technical appraisal term -- the highest and  
 13 best use of the property.  
 14 We will address all of the other  
 15 criteria through our witnesses, but I think  
 16 after the testimony is completed and the  
 17 evidence is all in, I'll be justified and  
 18 comfortable in asking the city council to  
 19 approve this siting application. Thank you.  
 20 HEARING OFFICER PRICE: Thank you,  
 21 Mr. Mueller. Mr Callaghan, any opening  
 22 statement for the city?

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1 or form.  
 2 Then I have heard that this  
 3 facility is going to generate large amounts of  
 4 traffic. The garbage trucks that will come to  
 5 the facility and discharge their loads are  
 6 already on the road doing their work. They are  
 7 just now going to come here to discharge. And  
 8 coming to our facility, we believe, means they  
 9 will drive less miles, use less fuel, put less  
 10 carbon emissions in the atmosphere, and less  
 11 wear and tear on the roads. Transfer trailers  
 12 that will to take the waste are going to be  
 13 routed in such a way that they are not going  
 14 through any residential or built-up urban areas.  
 15 Generally the route from the transfer station is  
 16 going to be Powis Road north to Route 64 -- and,  
 17 John, correct me if I make a mistake on this --  
 18 east to Kirk Road -- or west to Kirk Road --  
 19 see, I know I needed his help. And from the  
 20 Kirk Road, they will then go south to the  
 21 east-west tollway, thereby avoiding downtown  
 22 West Chicago and avoiding downtown St. Charles.

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1 MR. CALLAGHAN: I have no opening.  
 2 HEARING OFFICER PRICE: Mr. Leutkehans?  
 3 Mr. Meza? Anything for Protect West Chicago.  
 4  
 5 OPENING STATEMENT ON BEHALF OF  
PROTECT WEST CHICAGO  
 6  
 7 MR. LEUTKEHANS: Yes. Thank you,  
 8 everyone, for coming. I'd like to give a little  
 9 background here. The City of West Chicago has  
 10 done their job and has vetted this process, at  
 11 least to a staff level, by hiring Mr. Moose to  
 12 critique and provide information on the  
 13 application. As many of us know, Mr. Moose has  
 14 been doing this now for a number of years and  
 15 has sited many landfills and waste transfer  
 16 stations.  
 17 He reported the nature of the  
 18 facility was done properly and safely; however,  
 19 you will hear or see, not from Mr. Moose, but  
 20 from his memos that he wrote to LRS throughout  
 21 the process, of all of the concerns he had with  
 22 their application, the problems with their

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1 application. Some of which LRS responded and  
2 tried to solve. Many of which they said, Oh,  
3 we're just not going to talk about that in our  
4 application. We're going to remove that from  
5 our application. In essence, it's time will  
6 see. Normally we wouldn't even know that,  
7 except we were able to get a bunch of documents  
8 through FOIA that showed all these memos and  
9 this back and forth and the fact that LRS has  
10 not taken the advice of Mr. Moose in proceeding  
11 with this application.

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12 For example, there's a question of  
13 a 1,000-foot setback. Mr. Moose questioned  
14 that, questioned the letter that was going to be  
15 the basis for that. Instead of coming up with a  
16 real solution, they -- LRS asked the city to  
17 modify the letter.

18 Mr. Moose brought up tipping floor  
19 and stockpiling capacity. What was in response  
20 done? It was removed -- The whole concept was  
21 removed from the final application. The storm  
22 water pollution and prevention plan, again,

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1 removed from the application.

2 There was a report -- and this one  
3 is really, very interesting -- a wildlife report  
4 done by a company called Loomacres. It was in  
5 the first draft of the application, and it  
6 talked about the fact that the facility could be  
7 a wildlife attraction.

8 The second draft of the  
9 application -- rather the third, removed that  
10 report. And when APTIM asked about that, What  
11 are you going to do about the wildlife issues?  
12 LRS said, Oh, we're just removing it from the  
13 our application. You don't have to worry about  
14 it anymore. This was a game of hide and seek.

06:24:02PM

15 On at least two different occasions  
16 in their needs analysis, instead of resolving  
17 Mr. Moose's concerns, LRS just deleted the  
18 language in the section.

19 We heard about the service area.  
20 The service area originally included two other  
21 transfer stations. After the application, the  
22 service area was changed so it only included one

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1 transfer station. And just for the record, that  
2 one transfer station is about a quarter of a  
3 mile away and is at less than full capacity. So  
4 the question becomes: Does West Chicago need  
5 two transfer stations within a quarter of a mile  
6 when there's no others in the entire County of  
7 DuPage, and there are other transfer stations  
8 within the service area.

06:25:12PM

9 We're going to talk about  
10 competition. What you'll also here is there is  
11 not one portion of the service area that does  
12 not have competition, not one. There is a  
13 transfer station that has a service area for  
14 every portion -- actually, two already  
15 existing -- two -- at least two, sometimes up to  
16 five or six transfer stations that already serve  
17 every area of the service area, every one of  
18 them.

06:25:44PM

19 So LRS manipulated the service area  
20 to ensure that there was only one other waste  
21 transfer station in the service area.

22 MR. MUELLER: Mr. Price, I've got to

1 make an objection now. Counsel knows it is the  
2 absolute prerogative of the applicant to  
3 designate its own service area.

4 HEARING OFFICER PRICE: That is true,  
5 isn't it?

6 MR. LEUTKEHANS: It is. I don't have  
7 any -- I don't have any doubt about it. The  
8 point is it goes to the intent of what they were  
9 trying to do with the area, but we'll move on.

06:26:20PM

10 When you hear about Criterion 1 and  
11 the need and the competition this is going to  
12 create, you'll hear about vertical integration.  
13 LRS is already vertically integrated in the  
14 Chicago area. You'll hear vertical integration  
15 means hauling waste transfer to landfills. LRS  
16 has that. They already have three transfer  
17 stations, many of which already serve this exact  
18 same area, or portions of this exact area. What  
19 you won't hear from LRS or what is not in the  
20 application is actual data showing any of this  
21 supposed competition is needed, is not already  
22 occurring, or is in any way going to save money

06:26:56PM

1 to us, the consumers. It's not there. It's  
2 just a bunch of conclusory statements.  
3 I don't know where Mr. Mueller got  
4 his critiques because you won't hear any of them  
5 from us. You will hear some of them. But the  
6 reality is this application has been modified  
7 because they couldn't answer the questions.  
8 They couldn't answer -- provide answers to those  
9 memos that Mr. Moose did and Mr. Fallon did that

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10 LRS received and they couldn't respond to. So  
11 what did they do? They deleted stuff.

12 They are not -- We will do our best  
13 to show you the truth of what this application  
14 is really about. And at the end, we will -- I  
15 think we will have a basis for you to say -- for  
16 the city council to say, without any doubt, that  
17 this application should be denied because it  
18 fails to meet the criteria of Section 39.2.

19 HEARING OFFICER PRICE: Thank you,  
20 Mr. Leutkehans.

06:28:18PM

21 Mr. DeLaRosa, do you have an  
22 opening statement?

1  
2 OPENING STATEMENT ON BEHALF OF PODER

3  
4 MR. DeLaROSA: Steve DeLaRosa from  
5 PODER in DuPage. I'll make my opening remarks  
6 very brief.

7 West Chicago has a working class  
8 history with a history of upper mobility of its  
9 residents. West Chicago is also a majority  
10 minority community whose residents have lived  
11 through historical episodes of waste pollution  
12 in its town.

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13 West Chicago, though, is not the  
14 only party setting up the conditions for the  
15 permitting process for this transfer station.  
16 DuPage County has, for over 20 years, through  
17 its waste transfer -- through its waste transfer  
18 legislation, which reacts with the nine criteria  
19 to be used for the permitting process, has also  
20 done nothing to provide other options besides  
21 West Chicago.

06:29:42PM

22 So it's going to be an interesting

1 hearing, and I look forward to it. In the  
2 interest of brevity, I conclude. Thank you.  
3 HEARING OFFICER PRICE: Thank you.  
4 Mr. Walsh, anything for the city.  
5 MR. WALSH: Not at this time.  
6 HEARING OFFICER PRICE: With that,  
7 we'll turn to the applicant and the presentation  
8 of the testimony and evidence.  
9 Mr. Mueller.

06:30:16PM

10 MR. MUELLER: We'll call John Hock to  
11 testify.

12 (Witness sworn.)

13 WHEREUPON:

14 JOHN HOCK,  
15 called as a witness herein, having been first  
16 duly sworn, was examined and testified as  
17 follows:

18 EXAMINATION

19 BY MR. MUELLER:

06:30:51PM

20 Q. State your name, please, and spell  
21 your last name.

22 MR. LEUTKEHANS: Mr. Hearing Officer,

1 Mr. DeLaRosa didn't get a copy of the  
2 PowerPoint.  
3 Do you have an extra copy?  
4 MR. MUELLER: I have an extra copy for  
5 him.

6 BY MR. MUELLER:

7 Q. Let's start that again. Would you  
8 state your name, spell your last name, and tell  
9 us your profession.

06:31:36PM

10 A. My name is John Hock. Last name  
11 spelling is H-o-c-k, and I work for Civil &  
12 Environmental Consultants as the vice president.

13 HEARING OFFICER PRICE: The court  
14 reporter says --

15 THE COURT REPORTER: It's muffled. I  
16 couldn't even hear the name of the company.

17 THE WITNESS: The name of the company  
18 is Civil & Environmental Consultants.

19 MR. MUELLER: John, if you could move  
20 the microphone closer to you.

06:32:11PM

21 BY MR. MUELLER:

22 Q. What is your role in this project,

1 Mr. Hock?

2 A. I am the principal engineer for the  
3 entire process.

4 Q. Have you signed various reports that  
5 are contained in the siting application?

6 A. I have.

7 Q. And you are the principal signatory on  
8 the application?

9 A. Yes.

06:32:46PM 10 Q. And have you, Mr. Hock, prepared a  
11 presentation as to the areas of the application  
12 that you were responsible for?

13 A. Yes.

14 Q. Were all of these reports written  
15 either by you or under your direct supervision?

16 A. Yes.

17 Q. Mr. Hock, did you prepare a report on  
18 Criterion 1, which is whether the West DuPage  
19 Recycling and Transfer Station is necessary to  
06:33:19PM 20 accommodate the waste needs of the area it is  
21 intended to serve?

22 A. I did.

1 Q. John, why don't you tell us why we  
2 need this transfer station?

3 A. All right. I'm going to go ahead and  
4 stand, if that's okay.

5 My name is John Hock. Again, this  
6 presentation is going to be about Criterion 1,  
7 which is why the facility is necessary, and at  
8 its core, why we're here tonight.

9 Before we -- Before I do that  
06:34:01PM 10 overview, I'm going to give a little background  
11 on myself, a little background on the applicant,  
12 and I'm going to describe the existing  
13 operations and the proposed operations  
14 sufficiently for everyone to help you understand  
15 why this facility is necessary. We will get  
16 into more detail on the design and operation in  
17 a later presentation in this hearing.

18 Quickly, a little information about  
19 myself. I have worked in governance for solid  
06:34:35PM 20 waste business for over 35 years in this market,  
21 which is the Chicagoland area. I have worked  
22 for large publicly traded companies and smaller

1 privately owned companies, and I have also  
2 provided services on the consulting side to all  
3 of those same type of companies.

4 As I mentioned, I work for Civil &  
5 Environmental Consultants. We have an office  
6 right in Naperville. CEC is a growing,  
7 predominantly, Midwest Company. We are a  
8 national and local leader in providing services  
9 to the waste business. And over the years, I  
06:35:23PM 10 have developed an expertise and a focus on  
11 transfer stations and recycling facilities, as  
12 we're going to be discussing tonight.

13 The applicant is Lakeshore  
14 Recycling Systems. They are a relatively young,  
15 growing, midsize company. They grew up in the  
16 Chicagoland area and this is still their largest  
17 market. They are up to over 100 franchise  
18 agreements, which our agreements are with  
19 municipalities, townships, special use areas in  
06:36:00PM 20 Illinois. They have a diverse workforce right  
21 in West Chicago at the facility on Powis Road of  
22 about 125 people.

1 They provide a variety of services  
2 in the waste industry. They provide the full  
3 life cycle, so all the way from collection  
4 through disposal.

5 And they have only entered the  
6 landfill business in 2019. So historically and  
7 currently, they still have a large focus on  
8 diverting as much material from landfills as  
9 possible. And they provide other services  
06:36:46PM 10 related to the waste business or similar, I  
11 should say, with portable restroom services and  
12 street sweeping.

13 As George mentioned, our facility  
14 is located on Powis Road, directly across the  
15 street from the DuPage Airport. It's the  
16 northwest portion of West Chicago, and it's on  
17 the western extent of a large commercial and  
18 industrial area. It is a very unique facility  
19 due to its large size. Many facilities of this  
06:37:24PM 20 type are maybe 25 percent or a quarter of the  
21 size and that allows a nice flight of operations  
22 to occur on the property and give us space to

1 expand our operations like our proposal.  
 2 This is an aerial photograph of the  
 3 facility. Again, you can see Powis Road to the  
 4 left, you can see the runways of DuPage Airport  
 5 also on the left. There is a closed landfill  
 6 directly south of us. It's owned by the DuPage  
 7 Airport Authority. There is railroad tracks,  
 8 followed by air control tower to the east on the  
 9 right side of the figure, and there is  
 10 commercial and industrial property to the north  
 11 for the top of the drawing. We have it color  
 12 coded to give you an idea of the type of  
 13 operations and where they are located.

06:38:16PM

14 So our main operation is recycling  
 15 construction and demolition debris. We have  
 16 been performing that operation since the  
 17 inception of the start of the business. We  
 18 recycle for unofficially reuse at least  
 19 75 percent of the material that comes in. And  
 20 that, basically, happens in the central portion  
 21 of the facility that's highlighted, or hatched,  
 22 in that kind of light greenish color.

06:38:51PM

1 We do park a number of vehicles  
 2 currently at the facility. Lakeshore is in the  
 3 hauling business. So the exact type of trucks  
 4 that we're proposing to bring waste into the  
 5 facility currently park and enter and exit this  
 6 facility every day. The parking all occurs just  
 7 to the -- just to the west or left of our C&D  
 8 recycling operation. We also stage or store a  
 9 number of containers, so roll-off boxes or  
 10 totes. We refer to totes as the large bins that  
 11 in our households where we throw all of our  
 12 waste and recyclables in. We also store  
 13 portable restrooms out there as well. Those are  
 14 basically on the north and south sides with the  
 15 yellow highlighting.

06:39:32PM

16 There is a dispatch and customer  
 17 service center that's in our office up front.  
 18 That's highlighted with the pink rectangle on  
 19 the aerial photo. And then on both the far west  
 20 and the far east, there's storm water controls  
 21 at the front of the property. So at the front  
 22 of the property on Powis Road, you drive down

06:40:03PM

1 and there's a pond and there's trees. If you go  
 2 to the far east, there's a very large detention  
 3 pond and then there's also a buffer pond before  
 4 you get to the railroad tracks.

5 MR. MUELLER: John, if I can interrupt.  
 6 Just to be clear, you're describing activities  
 7 that LRS performs on the property now?

8 A. Correct. These are existing  
 9 operations.

06:40:35PM

10 In terms of the proposed facility  
 11 improvements, the list of activities are shown  
 12 here. In essence, the physical improvements are  
 13 relatively minor. We're going to build a  
 14 building for the transfer of municipal solid  
 15 waste and single-stream recyclables. We will  
 16 build a smaller and separate building for the  
 17 solidification and transfer of hydro-excavation  
 18 waste. We would add a second scale. There is  
 19 currently a scale out there now, which weighs  
 20 vehicles coming in and, if needed, going out to  
 21 establish how much is in each truck. When I say  
 22 "how much," how much waste is in each truck. We

06:41:14PM

1 would add a second scale. We would -- Right now  
 2 there is one access drive that all trucks come  
 3 in from and leave. We would actually establish  
 4 the second driveway that is already in place at  
 5 the property that is just currently unused. We  
 6 would open that driveway end up using current --  
 7 the current driveway for just vehicles entering  
 8 and they would all leave in the northern  
 9 improved driveway. We also establish a drop-off  
 10 area for residents for both recyclables and  
 11 electronic waste. Associated with all of that,  
 12 we would have some utility improvements, being  
 13 electric and water. This is a plan view of the  
 14 improvements to the western portion of the  
 15 facility. I'll show you the eastern portion in  
 16 a moment. Again, the facility we're talking  
 17 about, we broke it into two pieces.

06:41:56PM

18 So, again, you see Powis Road to  
 19 the left, and the DuPage Airport would be across  
 20 the street, again, off the left of the plan  
 21 view. The existing entrance is labeled and  
 22 shown. We add a second scale up front. We

06:42:27PM

1 would add a municipal solid waste single stream  
 2 recyclable building over on the lower right-hand  
 3 corner. That actually would be connected to the  
 4 existing building where we recycle and transfer  
 5 the trucks with construction and demolition  
 6 debris. You can see it's kind of tucked in back  
 7 there and behind it. If you were looking at  
 8 Powis Road, it would be very difficult to tell  
 9 that building would be there. The hydro  
 10 excavation building would kind of be in the  
 11 middle of the facility, again, a smaller  
 12 building. And the northern driveway is labeled  
 13 up by Powis Road where -- again, that's where  
 14 all vehicles would exit.

06:43:04PM

15 The bathrooms and the resident  
 16 drop-off area would be right up front, so it  
 17 would be gated for residents to come in, drop  
 18 off those materials without getting in the back  
 19 where all the larger trucks will be moving  
 20 around.

06:43:39PM

21 These are proposed improvements to  
 22 the east, which is essentially next to nothing.

1 What we're showing is that large retention pond  
 2 right in the middle of it. The shaded areas  
 3 are, actually, paved areas. All we would be  
 4 doing is converting an area on the south that is  
 5 currently used to store or stage containers and  
 6 such and parking trucks right there.

06:44:24PM

7 Before we move forward, I just want  
 8 to make sure people are clear on some of the  
 9 terms we're using. The materials that are  
 10 coming into the facility, the first is  
 11 construction and demolition debris. It should  
 12 be, you know, what it kind of sounds like. It's  
 13 wood, concrete, shingles, metal. It's basically  
 14 materials from constructing, remodeling,  
 15 demolishing -- demolishing structures or  
 16 roads, that type of thing. Again, what the  
 17 facility currently does, that mixture of  
 18 materials comes in and we use mechanical and  
 19 physical means to make the material into  
 20 component parts and send it out to the various  
 21 other entities to be recycled.

06:44:59PM

22 Municipal solid waste, it's

1 garbage. It's material that you and I all throw  
 2 away out of our houses, and it's the same type  
 3 of material that comes from commercial  
 4 facilities. So it's just garbage. It's just  
 5 waste.

06:45:37PM

6 I'm going to jump down to the  
 7 single-stream recyclables. It's a little bit of  
 8 a fancy word. The recycling piece should be  
 9 fairly obvious. That is paper, cardboard,  
 10 bottles, cans. Again, the things we all throw  
 11 into our recycling bins that are picked up and  
 12 eventually, again, broken into their component  
 13 parts and recycled and reused. The single  
 14 stream part of the word comes from the fact  
 15 we're all just putting them in the same  
 16 container. So the one container, it is  
 17 single-stream recyclables that are pulled apart  
 18 and separated later down the road.

06:46:09PM

19 Hydro-excavation waste, that's  
 20 basically water. It is material that is  
 21 generated from a process using high-pressure  
 22 water and air. Since the hydro-excavation waste

1 may be new to some of you, I want to spend a few  
 2 more moments talking about it.

06:47:05PM

3 Again, it's created through using  
 4 high-pressure water and an air vacuum. It is a  
 5 process that's used to excavate using water  
 6 around other infrastructure that we cannot  
 7 damage or do not want to damage. So it's around  
 8 gas lines, electric lines, communication lines.  
 9 We've probably all experienced somebody doing  
 10 excavating work, so the buildings in the area  
 11 loses power, loses communication because a large  
 12 piece of yellow equipment hit a line they  
 13 weren't supposed to. This is a process where  
 14 you can expose those type of lines and you can  
 15 excavate without damaging the underlying  
 16 structure.

06:47:35PM

17 What the suction does -- So the  
 18 water basically cuts through the soil or  
 19 materials and suctions it with the air, it moves  
 20 it out of the way so you can continue to dig and  
 21 see the bottom of the excavation. So on the  
 22 left is a picture of hydrovac trucks. You may

42

1 have seen them around in the streets. My  
 2 understanding is West Chicago has one of these  
 3 trucks they use to clean their storm sewers  
 4 with, which is another use for these type of  
 5 vehicles. Again, you can imagine a storm sewer  
 6 on all of our streets. There is sediment that  
 7 ends up at the bottom of the storm sewers. They  
 8 will use high-pressure water and loosen it and  
 9 use the suction to remove the waste. The  
 10 pictures on the right are excavations that were  
 11 made using this type of process, which, to me,  
 12 it's pretty amazing. You can -- You have  
 13 vertical walls, very clean excavations, and as  
 14 you go to the top of these utility lines, they  
 15 are not damaged.

16 So we have talked about the  
 17 physical improvements to the facility. Now  
 18 we'll go through and talk about the proposed  
 19 operations. The first thing to understand is  
 20 the existing operations will all continue. So  
 21 we'll continue to perform the C&D recycling, we  
 22 will still park vehicles and stage containers.

06:48:14PM

06:48:54PM

44

1 that waste is picked up, loaded up, and out of  
 2 the facility.

3 Then, for all of us, there are  
 4 effective controls for odor and litter, not the  
 5 least of which is, again, everything is indoors.

6 In terms of hydro-excavation waste,  
 7 which is the mud, that material is too sloppy to  
 8 go directly to a landfill. What needs to happen  
 9 is we need to mix it with other material that  
 10 absorbs that excess water, such as woodchips.  
 11 And then once it's firmer or more solidified,  
 12 then we can take it. Again, we would mix it --  
 13 Again, this is an operation that Lakeshore  
 14 currently performs at its facility in Forest  
 15 View. So we mix it with the woodchips -- the  
 16 woodchips are generated through the recycling or  
 17 have been recycled already, so there's  
 18 efficiency there. Generally speaking, it's  
 19 about two parts of the hydro-excavation waste  
 20 coming in with one part woodchips. It gives you  
 21 a solidified mold to promptly take down, put in  
 22 another truck, and take to the landfill. Again,

06:50:51PM

06:51:24PM

43

1 We also have our customer service and our  
 2 dispatch.

3 Again, what we are proposing is to  
 4 start bringing in municipal solid waste with the  
 5 same trucks that are parked there and take it to  
 6 other facilities or simply take it back here.

7 As George mentioned earlier, all of  
 8 the waste handling that's discharged from the  
 9 trucks, loading and putting it into a larger  
 10 truck is all indoors. In general, about three  
 11 to four of the trucks you see on the roads,  
 12 three to four of those makes up one larger load  
 13 that would go to the more distant landfill.

14 It's also important to know that  
 15 the waste is only onsite for a short time. The  
 16 waste business is basically a transportation  
 17 logistics business. It is picking it up from  
 18 the homes, bringing it, transferring it, and  
 19 getting it to the landfill as efficiently as  
 20 practical. Once it's discharged inside the  
 21 building on the concrete floor, it's anywhere  
 22 from, I would say, 15 minutes to 2 hours that

06:49:30PM

06:50:04PM

45

1 we have been doing this for a number of years.  
 2 We have well-established pre-approval  
 3 acceptance.

4 Then the other operations that are  
 5 also very important, we would have the drop-off  
 6 area for electronic waste, which may have been  
 7 referred to as e-waste. We would also have a  
 8 similar drop off for the recyclables. For the  
 9 e-waste, someone would come in, there would be  
 10 an employee there that would take it. Those are  
 11 carefully placed into a container called a  
 12 Gaylord box where it's wrapped up, among other  
 13 things, where it goes off and then haul the  
 14 components off to the processing center.  
 15 Recyclables would go into a larger container.  
 16 At least they have a drop off in Carol Stream  
 17 where you can put recyclables in a larger  
 18 container and bring those back, send it off to a  
 19 processing center; that would likely be  
 20 Lakeshore. Lakeshore has a facility in Forest  
 21 View where, again, recyclables are pulled apart,  
 22 the component pieces put in bails and sent off

06:52:07PM

06:52:41PM

1 to recycling. It's actually a custom -- Again,  
2 we have another brand-new state-of-the-art  
3 facility in Chicago that is really quite  
4 amazing.

5 BY MR. MUELLER:

6 Q. John, with regard to the drop-off  
7 center that you're talking about for citizens,  
8 is there going to be a charge for them to drop  
9 off e-waste and recyclables?

06:53:22PM

10 A. The short answer is no. There is a  
11 provision in the agreement that says we can  
12 charge for -- it's called CRT capital rate to --  
13 those are old monitors, the big bulky things.  
14 Our understanding is there is very few of those  
15 left.

16 So this the MSW and single-stream  
17 transfer building. Off to the left is the  
18 closed landfill. It's just an open grassy area.  
19 In the background you can kind of see it as the  
20 facility entrance. That's the area right  
21 between the trees out front. So, again, this  
22 building is towards the back of the existing

06:54:13PM

1 buildings. The lighter shaded areas are the  
2 doors. There's four of them. What we have  
3 depicted is some trucks waiting to enter the  
4 building and discharge their load. The way it  
5 works is the truck would come into the facility,  
6 go to the scale, drive to the back of the  
7 facility here. When it's ready to enter the  
8 building, the door would open, the truck would  
9 back in, the door would then close. The truck  
10 could be in there two minutes discharging the  
11 load. When it's ready to leave, the door will  
12 open again, then he'll drive out, the door will  
13 close again.

06:54:49PM

14 As you see over to the left, that's  
15 one of the larger trucks. That would be, again,  
16 loaded with the material from the smaller ones.  
17 It would actually be tarped before it leaves the  
18 building. And, again, there's a specific  
19 loading area between the building where that  
20 would occur.

06:55:17PM

21 You may also notice some objects on  
22 the top of the building, and that's a depiction

1 of the ventilation and filtration system that  
2 would be installed. There are -- We're planning  
3 for six blowers or fans that would be removing  
4 air from the building. In each one of those  
5 blowers or fans would have a treatment system of  
6 ozone associated with it that would basically  
7 destroy any odors from that area exhaust.  
8 Maybe, just as a reminder, as George mentioned,  
9 inside that building would be a large concrete,  
10 what we call, tipping floor. A tipping floor  
11 simply comes from that's where the trucks tip  
12 their back end up to discharge the waste and,  
13 again, it's simply picked up by a large loader  
14 and put into the larger vehicle.

06:56:04PM

15 So that was the background on the  
16 existing and proposed operations. So now we'll  
17 get into the discussion of why this facility is  
18 necessary. And just as a reminder, this is the  
19 language in the act for Criterion 1, which is  
20 the facility is necessary to accommodate the  
21 waste needs to the area we intend to serve.

06:56:40PM

22 As Derke had mentioned, this is a

1 summary overview. There is a lot of detail and  
2 calculations that go with it. It is all in the  
3 application on the City of West Chicago website  
4 if you want to go back and look.

06:57:24PM

5 So as we look at our evaluation of  
6 the criteria, there is really four. The first  
7 is deciding what the area is -- what area we  
8 intend to be served by this facility. We'll  
9 talk about that first. Once we define the area,  
10 we'll then look at how much waste is generated  
11 in that area, how it's currently managed, and  
12 trends associated with that; meaning, what are  
13 the trends in the amount of waste being  
14 generated, what are the trends in the waste  
15 disposal system. We'll evaluate those as well.  
16 And then we'll evaluate the benefits of our  
17 proposed facility, which, in our mind, clearly  
18 exists, with the demonstration of why this  
19 facility is needed. So the plan to the right is  
20 a depiction of our service area. You can see  
21 the counties labeled and some major roadways  
22 labeled as well. And our service area is the --

06:58:05PM

1 kind of the non-blue hatched area in the middle.  
 2 So as George had mentioned, it is the west  
 3 two-thirds of DuPage County, so, again,  
 4 everything west of I-355. It is the eastern  
 5 portion of Kane County, which is generally  
 6 everything east of the Fox River, and it is the  
 7 northern portion of Will County where there  
 8 are -- it's really because there's communities  
 9 in DuPage County that -- well, they overlap both  
 10 counties, so we included that as well.

06:58:50PM

11 So in terms of the waste disposal  
 12 volumes, there's plenty of data out there and in  
 13 that service area. There's just under  
 14 3,000 tons of waste per day that's generated as  
 15 of 2020. That is expected to increase to a  
 16 little less than 3,600 tons per day by 2040, and  
 17 that's essentially because of the population of  
 18 the service area is predicted to increase as  
 19 well and, in general, as the population  
 20 increases, the amount of waste also increases.

06:59:37PM

21 There are no landfills in the  
 22 service area, and there are two transfer

1 stations that can accept municipal solid waste  
 2 in this area as well. One is the one that was  
 3 mentioned before, DuKane Transfer Station that  
 4 is also located on Powis Road, just north of our  
 5 facility, and there's another one in Batavia,  
 6 just across the county line into Kane County.

07:00:21PM

7 If you look at how much waste is  
 8 currently managed by those two transfer  
 9 stations, it's about 1,700 tons per day. So  
 10 there is -- what we're describing as a shortfall  
 11 or need of about 1,300 tons per day. That is  
 12 simply the, approximate, 3,000, minus the 1,700,  
 13 gives you about 1,300.

14 You may ask yourself -- Well, it  
 15 is -- These transfer stations actually do have  
 16 operate at half capacity, as such, that they  
 17 would be allowed to accept the entire 3,000 tons  
 18 generated in the service area and you may ask  
 19 yourself, Well, why don't they --

07:00:59PM

20 Q. John, if I can interrupt you for a  
 21 second. Mr. Leutkehans, on behalf of his  
 22 citizens group, said that we had changed the

1 service area to eliminate one transfer station  
 2 and there's only one left. Is that true?

3 A. That's incorrect. There are two  
 4 transfer stations in our service area.

5 MR. MUELLER: Thank you.

6 HEARING OFFICER PRICE: John, I  
 7 couldn't hear what you said. Could you repeat  
 8 what you were saying right before Mr. Mueller  
 9 asked you the question about the capacity?

07:01:36PM

10 BY THE WITNESS:

11 A. Sure. The two existing transfer  
 12 stations in our service area, again, the DuKane  
 13 Transfer Station and the Batavia Transfer  
 14 Station, collectively, they are permitted to  
 15 accept more than 3,000 tons per day, but they do  
 16 not. They have historically, and this is a  
 17 long-term trend, accepted around 1,700 tons per  
 18 day between the two of them. And my somewhat  
 19 rhetorical question that I'm hopefully going to  
 20 answer for you as this presentation goes is:

07:02:12PM

21 Why don't those two transfer stations already  
 22 accept all of the waste from the service area if

1 they have the capacity? As we go on, I'm going  
 2 to answer that question for you.

3 We'll go deeper now into how the  
 4 waste in the service area is currently managed.  
 5 So this is a -- On the right side is a planned  
 6 view, again, of the service area, so you can see  
 7 the counties labeled, and the service area is  
 8 the heavier black line, and it is color coded by  
 9 municipality by which company currently services  
 10 or hauls the waste from that municipality. The  
 11 table on the left is, again, color coded so this  
 12 company and the population of the communities  
 13 served by that company.

07:03:10PM

14 Let me be a little clearer. So  
 15 Waste Connections or Groot -- Groot is the owner  
 16 of the transfer station down the road, which is  
 17 DuKane Transfer Station, that was Waste  
 18 Connections. Waste Connections bought Groot a  
 19 handful of years ago. They are the same  
 20 company. For instance, Waste Connections hauls  
 21 the waste from Batavia, Elgin, Aurora, Bartlett,  
 22 Naperville, and West Chicago, right here, and

07:03:53PM

1 Woodridge. So all of those communities are  
 2 yellow and, again, if you add them all up, it's  
 3 a little over 552,000 people in those  
 4 communities.  
 5                   Second largest provider is Waste  
 6 Management. They are shown in green. Some of  
 7 the communities they serve are Plainfield,  
 8 Romeoville -- I may have misspoke before. Waste  
 9 Management services Batavia and Elgin -- I may  
 10 have misspoke and assigned them to Groot, so I  
 11 apologize for that.

07:04:46PM

12                   Anyway, their communities are in  
 13 green, and it's a little over 215,000. And then  
 14 Lakeshore is the third largest. The communities  
 15 that they serve are shown in blue. So that  
 16 includes Lisle and Wheaton and Geneva and  
 17 St. Charles, for instance. And then there's a  
 18 smaller number of communities in the service  
 19 area serviced by the Flood Brothers, Republic  
 20 Services, and SBC Waste Solutions.

07:05:16PM

21                   The other thing that's important to  
 22 note about this figure is there are the

1 give everybody a good idea of here's who is  
 2 servicing the area right now.  
 3                   So now I'm going to start looking  
 4 and talking to you about trends in the waste  
 5 disposal system. First, the important thing to  
 6 understand is about landfills. So any material  
 7 that is not recycled or somehow benefits to be  
 8 reused ends up in the area landfill. There is a  
 9 decreasing number of landfills over time. It  
 10 actually decreased by about 40 percent over the  
 11 last 25 years, and there's actually -- If you  
 12 think about the nine-county Chicagoland area, it  
 13 includes DuPage and Kane and Cook and Will,  
 14 Lake, McHenry -- I think I'm forgetting one in  
 15 there -- There's only three -- Only three  
 16 remaining that are active. Two are actually in  
 17 Lake County, one is in Will County, and two  
 18 busiest landfills in Illinois now are in  
 19 Rockford -- excuse me -- they are next to  
 20 Rockford. So that's where a big portion of the  
 21 waste goes now, is the Rockford area. So as the  
 22 landfills -- number of landfills have been

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1 color-coded ovals, and those generally represent  
 2 the transfer stations in and around our service  
 3 area. So there's the two we mentioned before  
 4 and you can -- again, they are color coded the  
 5 same way, so the Waste Connections are the ones  
 6 highlighted in yellow and you can see there's  
 7 the one in the service area and they have one to  
 8 the southwest and they have a couple to the east  
 9 and one -- I think that covered them. Then  
 10 Waste Management has one in the service area,  
 11 that's the Batavia service station. A couple to  
 12 the north, couple to the south, a few to the  
 13 east. And then Lakeshore Recycling, their  
 14 transfer stations are shown in blue. So there's  
 15 the one just outside the service area to the  
 16 west, which is Elburn; and then there's four to  
 17 the northeast and east. And then Republic  
 18 Services they are in orange and you see their  
 19 transfer stations are all east of our service  
 20 area.

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21                   That was a lot of information but  
 22 we tried to put it in one convenient location,

1 decreasing and the remaining active ones that  
 2 moved farther away -- the remaining ones are  
 3 farther away. The ones that are all nearby have  
 4 closed. The number of transfer stations has  
 5 increased.  
 6                   So, as of 2020, there's actually  
 7 about 14 transfer stations in the approximate  
 8 area -- I'm sorry -- I should say, to go back to  
 9 1995, there's actually no transfer stations in  
 10 DuPage County, Kane County had one, and there  
 11 was eight, actually, in Cook County, actually,  
 12 northeast of us. Over the past 25 years, there  
 13 have been 14 more that have been permitted, one  
 14 in DuPage, one in Kane, one in Kendall, one in  
 15 McHenry County, two in Will, and then there's  
 16 been several in Cook County to the north and to  
 17 the east.  
 18                   The other key trend is, as the  
 19 landfills have decreased in number, the  
 20 remaining ones are located farther away, the  
 21 owners of those landfills have been  
 22 consolidated. So we're now to the point that

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1 all of -- Think about this: All of the  
2 landfills in Illinois north of Peoria are owned  
3 by one of the three large publicly traded  
4 companies. Those three companies are: Waste  
5 Management, that's the largest; Republic  
6 Services, which is the second; and Waste  
7 Connections or Groot, which is the third.

8 The only ones not controlled by  
9 those three large publicly traded companies are  
10 shown in green on this figure. So one is design  
11 which is operated by -- I think they are called  
12 GFL, which is way up in the right-hand corner,  
13 right near the Wisconsin border and Lake  
14 Michigan. Number 2 was the Knox County  
15 landfill, which is a very small, just a local  
16 community landfill way out in Knox County. It  
17 really has no influence of the Chicagoland area.  
18 And then the landfill in Atkinson, which is  
19 directly west, and Atkinson, if you don't know,  
20 is about 30 miles from the Iowa border, right on  
21 I-80, and that landfill is operated by Lakeshore  
22 Recycling. Lakeshore Recycling actually bought

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1 West Chicago, that's where our proposed --  
2 that's where our facility is. And there are 23  
3 total transfer stations on the Illinois map, 17  
4 of them -- 17 out of 23 are owner-operated by  
5 those same three large publicly traded  
6 companies. The only other transfer station,  
7 there's one, down in Rockdale, operated by a  
8 small family-run company called Environmental  
9 Recycling and Disposal Services. The other  
10 remaining ones are owned by Waste Management.  
11 The same consolidation is a trend that reduces  
12 competition.

13 Phil alluded to it earlier, so I'm  
14 going to give you background on vertical  
15 integration and why it's so important. First  
16 it's important to understand how the waste  
17 collection and disposal process works. Again,  
18 it starts with the collection vehicle that will  
19 go around and collect. The vehicle is obviously  
20 parked somewhere. In the morning, it travels to  
21 its route, it goes around, whether it be  
22 businesses or homes, picks up all the waste

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1 that in 2019. So they only have three that are  
2 not controlled by -- If you look at regions one  
3 and two, regions one and two it's a term or an  
4 area defined by the Illinois Environmental  
5 Protection Agency. They put out reports.  
6 Region one is northeast Illinois. That's  
7 actually the nine-county area I described  
8 earlier. Region 2 -- I'm sorry. That's  
9 Region 2. Region 1 is the area to the  
10 northwest. And if you look at just those two  
11 regions, those three publicly traded companies,  
12 control 97 percent of all the landfills.

13 So you can see the numbers. They  
14 really have a stranglehold on landfills, which,  
15 again, all of which are potentially income. If  
16 things consolidate, you have fewer players.  
17 That's a trend that reduces competition. So as  
18 the landfills have consolidated, the same thing  
19 has happened with transfer stations. This is  
20 the same figure I showed you earlier. I  
21 probably should mention that our facility, you  
22 can see the red dot right there in the middle of

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1 until the truck is full, then it goes to a  
2 transfer station. Because, again, the landfill  
3 is too far to drive. It goes to the transfer  
4 station and deposits the load. That waste is  
5 then picked up, loaded into a larger vehicle  
6 where it travels down the road to a landfill  
7 where it is disposed.

8 Maybe, again, a fun fact. A  
9 traditional collection truck that goes  
10 down around the neighborhood. It fills stuff  
11 up, goes to the transfer station, goes back out  
12 to another route, fills up and goes back for  
13 more.

14 Most of the waste that's collected  
15 by the three large publicly traded companies --  
16 you can go to their annual report and it will  
17 tell you -- most of the waste they pick up from  
18 the curb or businesses ends up in their  
19 landfills. Why is that? Why do they want to  
20 put the waste they pick up in their own  
21 landfills? It has a number of advantages. The  
22 first is control of the cost in the disposal

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1 market. As a hauling contractor -- We'll use  
 2 West Chicago as an example in a few minutes. If  
 3 the company has to bid on a hauling contract, it  
 4 has to not only include the cost of the  
 5 collection, it has to include the cost of  
 6 disposal in that day. Again, if you cannot  
 7 control your own price, if I have to bring the  
 8 waste I collect to somebody else's transfer  
 9 station, a competitor of mine, who is also  
 10 competing for that same contract -- hopefully  
 11 things become clear. So vertical integration  
 12 really is the ability to control all of the  
 13 aspects of your own costs. It is also your  
 14 ability to control your own operating  
 15 commission. If I'm bringing waste, I'm  
 16 collecting to somebody else's transfer station,  
 17 they control things like the operating hours,  
 18 how late they are open, and I have to modify my  
 19 operations around their facility. And what  
 20 fundamentally it can cause is it prohibits your  
 21 competitors from using their facilities to start  
 22 you out (inaudible) --

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1 Now we're going to go all the way  
 2 deeper and get even more clear about what we're  
 3 talking about. As I mentioned, Lakeshore  
 4 performs hauling in the service area. They  
 5 currently do that and haul from certain  
 6 communities right now. They do not have a  
 7 transfer station in the service area. From  
 8 June 2018 to the end of 2020, Lakeshore was  
 9 delivering all the waste they were collecting to  
 10 the transfer station in Batavia, which, at the  
 11 time, was owned by Advanced Disposal. Then  
 12 Advanced Disposal needs to take it from the  
 13 transfer station, take it to their landfill in  
 14 Rockford, and that's how Lakeshore was running  
 15 their business.  
 16 What happened a couple of years ago  
 17 is that Waste Management bought Advanced  
 18 Disposal, so that was the largest waste company  
 19 in the country buying the fourth largest. So  
 20 now those same transfer stations and same  
 21 landfills where everybody takes their waste  
 22 changed owners. It took one of the competitors

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1 out of the market, so Advanced Disposal is no  
 2 more.  
 3 What happened is the boundary --  
 4 basically if they replace the price --  
 5 THE COURT REPORTER: I'm sorry. Can  
 6 you repeat that? I'm having a lot of trouble  
 7 here. Just repeat that last paragraph, please.  
 8 BY THE WITNESS:  
 9 A. Right after the merger between Waste  
 10 Management and Advanced Disposal, the pricing  
 11 that Lakeshore was getting at that transfer  
 12 station went up 10 percent. Since that time,  
 13 it's gone up another 10 percent.  
 14 Lakeshore has other transfer  
 15 stations outside of the service area, so  
 16 Lakeshore was also taking other waste that came  
 17 into their other transfer station to that  
 18 landfill called Orchard Hills near Rockford.  
 19 The price at the landfill right after the merger  
 20 went up to 33 percent.  
 21 Again, you would say, well, why  
 22 don't you just take it down to the Groot

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1 transfer station.  
 2 HEARING OFFICER PRICE: Please, it's  
 3 not a debate. It's a public hearing. We have  
 4 to let the witness present the testimony. You  
 5 wouldn't do this at a city council meeting, you  
 6 wouldn't do this in the legislature. Please,  
 7 let's respect the process, let the witness  
 8 testify, and have public comment at the end.  
 9 It's inappropriate and we're not going to  
 10 condone it. If anybody wants to keep it up,  
 11 I'll ask for you to be excused.  
 12 Back to you.  
 13 BY THE WITNESS:  
 14 A. The pricing that Lakeshore was quoted  
 15 at the Waste Connections or Groot transfer  
 16 station is actually 25 percent higher than the  
 17 pricing they were receiving in Batavia. So  
 18 they, essentially, made it possible here. So  
 19 what happened? In the meantime, Lakeshore  
 20 Recycling did acquire the Elburn transfer  
 21 station. That is actually one of the reasons we  
 22 changed the service area, as Phil had mentioned

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1 before. At the time that draft was created,  
 2 Lakeshore didn't own that transfer station.  
 3 Well, they do now, and it is, in some ways, a  
 4 bit helpful but it doesn't solve the problem  
 5 we're going to be talking about. What's  
 6 happened is the waste has been diverted. So  
 7 what was then going to Batavia, the majority now  
 8 does go to the Elburn transfer station, some of  
 9 it goes the other direction to Maywood. From  
 10 Elburn, it now goes out to Lakeshore's landfill  
 11 in Atkinson.

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12 Again, think of that. The price  
 13 they are getting from Groot, just down the road,  
 14 is so cost prohibitive that the waste was going  
 15 to a transfer station in Batavia and then  
 16 traveling to Rockford, but it is more cost  
 17 advantageous to private out to Elburn and then  
 18 send it all the way out to Atkinson, rather than  
 19 bring it to the Groot transfer station just down  
 20 the road. Again, a key point. Let's hope  
 21 that's -- And that's what could happen when your  
 22 competitors control the pricing. And this

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1 consolidation of these large companies has  
 2 brought the transfer stations -- It's just this  
 3 world of have and have nots in the waste  
 4 industry. The haves want to continue to be  
 5 those few that are fully vertically integrated  
 6 and, ideally, keep the other folks, well, as a  
 7 have not.

8 Again, Lakeshore, as any other not  
 9 publicly-owned company, has to pay other  
 10 companies to bring their waste if they are not  
 11 fully vertically integrated. Just to be clear,  
 12 other than those three publicly traded  
 13 companies, no other company is fully vertically  
 14 integrated. Not Lakeshore, not the others.  
 15 Lakeshore is in other areas but not this area.

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16 Again, think about bidding on a  
 17 waste public contract if you don't control the  
 18 price of the transfer station or the landfill.  
 19 You have a significant cost factor that is not  
 20 under your control. It's an unknown factor. So  
 21 if you try to make a bid, how do we start  
 22 investing? There's a number. How do you borrow

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1 money and make capital investments? We all know  
 2 that banks do not like uncertainty. The more  
 3 uncertainty, the harder it is to make those  
 4 investments to obtain the funds to invest.  
 5 Again, the operational deficiencies that I  
 6 talked about earlier. So Lakeshore had trucks,  
 7 because of the closing time of the Batavia  
 8 Transfer Station, they had trucks that have to  
 9 leave their routes in the middle of it to get to  
 10 the transfer station before they close and then  
 11 go back and try to finish the route either later  
 12 that day or the next morning. Again, think  
 13 about the inefficiency of that.

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14 HEARING OFFICER PRICE: Hold on a  
 15 second.

16 BY MR. MUELLER:

17 Q. John, while there's a break, I think  
 18 you implied this, but if Lakeshore owns the  
 19 Elburn transfer station, why don't we send all  
 20 of the garbage there?

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21 A. Because it's farther away and it's  
 22 less cost effective. Again, it's a

1 transportation logistics business. So we can  
 2 send it wherever, but if you're going to be able  
 3 to effectively compete in a market, you need to  
 4 be fully vertically integrated in that market.

5 Again, everything I was just  
 6 talking about was trends. Now I'm going to talk  
 7 about the main benefit of the proposed facility  
 8 and it is to provide additional capacity and  
 9 competition in this market. Again, the  
 10 landfills located closest to the service area  
 11 are those two in Rockford. Those two landfills,  
 12 one is owned by Waste Management, the other is  
 13 owned by Waste Connections. They also have the  
 14 two transfer stations in our service area.  
 15 Again, the one in Kane is owned by Waste  
 16 Connections, Batavia is owned by Waste  
 17 Management. If you go back to that slide I  
 18 showed you before, it's not surprising why they  
 19 have the large majority of the hauling contracts  
 20 in the service area.

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21 As we have acknowledged before,  
 22 these transfer stations do have adequate

1 capacity to take more waste, if you don't  
2 consider the negative economic and environmental  
3 impacts of the business. You don't consider  
4 them.

5 So what happens is the trends that  
6 companies that collect waste from municipalities  
7 ends up going in the general direction of their  
8 transfer station, they are going in the general  
9 direction of their landfills. The capacity of

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10 these transfer stations can vary for others  
11 from -- it can vary based on pricing, the  
12 operational approach of those companies. So  
13 there could be some and there could be nothing.

14 Again, just reemphasizing the same  
15 point. Really in the service area there's Waste  
16 Management and Groot that they have a sufficient  
17 control of pricing to effectively diminish the  
18 competition from other non-vertically integrated  
19 companies. Again, the non-vertically integrated

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20 companies are everybody else.

21 This isn't just our view. So if  
22 you go into the application, there are a number

1 of letters in support from other haulers that  
2 are in the same position that are looking for  
3 other options. There are four municipalities  
4 that have written letters in support, including  
5 Wheaton and Lisle. There is a whole conjuring  
6 of small contractors and demolition companies  
7 that would love to have additional options, so  
8 they provided letters of support, along with a  
9 little over 100 citizens.

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10 Maybe I'll just take a moment to  
11 talk about one specific company. So the  
12 village-run company was a waste disposal company  
13 that was highly respected, family run, had been  
14 in business for over 75 years. They actually  
15 sold to Lakeshore in December of 2020, and  
16 George Strom is the current generation main  
17 person that was running that company. I talked  
18 to him personally about it and, frankly, asked  
19 him why they sold. What he talked about -- and

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20 there's a letter, again, in the application, and  
21 I encourage you to read it if you haven't, from  
22 George that talks about the exact same factors

1 that I'm talking about. It was that he was  
2 being squeezed by the large publicly traded  
3 companies, and they felt like they could no  
4 longer compete, so they sold to the other  
5 company that they knew and thought they would  
6 fit in well with, so they sold to Lakeshore.

7 Another example so we'll talk about  
8 West Chicago's municipal contract to Groot  
9 connections held the hauling contract for many

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10 years from 2012 to 2019. It came up to bid  
11 there was two companies that bid on it west  
12 connections and Lakeshore. Lakeshore's bid was  
13 based on the anticipation of getting the

14 facility permit, having a transfer station close  
15 where they could compete, so they, again, threw  
16 their -- threw their name in a hat for the bid.

17 In the end, it forced Waste Connections to make  
18 concessions, lower their pricing, Waste  
19 Connections was in fact, awarded the contract,

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20 so they are still the hauler in West Chicago.

21 To be clear, the pricing that Waste  
22 Connections -- the pricing that West Chicago

1 received was lower than the previous contract.  
2 Over a five-year period, the cost went down by  
3 \$1.7 million. That is \$300 of savings to every  
4 resident -- not every person, every single  
5 family unit in West Chicago. So \$300, over that  
6 five-year span, of savings, they got increased  
7 benefits for a variety of items that are all  
8 listed here. So, again, because Lakeshore had  
9 the anticipation of this, they bid on it, and

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10 that was the result. When this contract comes  
11 up for bid again in a few years and if Lakeshore  
12 does not have this facility and is unable to bid  
13 it, you can ask the question yourself, what do  
14 you think will happen with pricing and services?

15 Q. So, John, are you saying that just the  
16 threat of competition can have the effect of  
17 lowering prices for the consumer and, in this  
18 case, the citizens of West Chicago?

07:31:59PM

19 MR. LEUTKEHANS: Objection; foundation.

20 HEARING OFFICER PRICE: Overruled.

21 You can answer.

22

1 BY THE WITNESS:

2 A. In this case, it certainly appears so.  
3 So the same situation for West Chicago happened  
4 with Lisle, Wheaton, and St. Charles. Again,  
5 all of the details or information is in the  
6 application. Those communities all saw cost  
7 decreases in the contract that Lakeshore bid.  
8 And, again -- I'll say it again -- it's the same  
9 bullet, if Lakeshore is unable to get approval  
10 for this facility, their ability to compete on a  
11 long-term basis in this service area is  
12 significantly diminished and may disappear.

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13 One more time to kind of drive home  
14 the point, so this slide has a table that  
15 compares our service area to suburban Cook  
16 County. So suburban Cook County -- I'll say it  
17 the other way. So our service area is about  
18 45 percent smaller in area in suburban Cook  
19 County and the population is about 43 percent  
20 less. So it's essentially the same population  
21 density in our service area as the suburban Cook  
22 County area, since they are both proportionately

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1 lower -- it's about the same population density.  
2 Suburban Cook County -- Well, our service area  
3 compared to suburban Cook County, we have less  
4 than 10 percent of the transfer stations they  
5 need. Suburban Cook County, being a little --  
6 about twice our size, has ten times as many  
7 transfer stations as the service area. It's  
8 just another very clear indicator that this  
9 service area is significantly underserved and  
10 all of those transfer stations in suburban Cook  
11 County compete, they live, drive, and survive  
12 and, again, it helps the price go down and  
13 maximize those services.

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14 I mentioned this before, but want  
15 to touch on it again. So in addition to the  
16 competition and capacity, another important  
17 benefit of our proposed facility is we'll  
18 provide operational responsibility.

19 I'm going to talk about the  
20 operations now again that those limited hours at  
21 the Batavia Transfer Station have caused us to  
22 use stockpiles in the middle, which seems to

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1 pick up, which obviously causes extra driving,  
2 extra mileage, extra wear and tear on roads, and  
3 we are familiar with examples where transfer  
4 stations will remain open with their own  
5 internal collection trucks, meaning from the  
6 same company, but they will shut off trucks from  
7 other companies. Again, it's a pretty key  
8 advantage that they give themselves. And West  
9 DuPage Recycling and Transfer Station would have  
10 longer hours, so if there are other haulers out  
11 there that need that flexibility.

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12 I'm going to now come back to  
13 hydro-excavation waste. While there's municipal  
14 solid waste, there's also a bunch of information  
15 about what transfer stations are for  
16 hydro-excavation waste. There are very few  
17 facilities out there that can manage them. The  
18 only one we know of within our service area or  
19 close to it is the Woodridge Greene Valley  
20 Wastewater Treatment Plant. As you can imagine,  
21 it's in Woodridge. The only other facility  
22 within 10 miles of the area is Lakeshore's

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1 facility in Forest View, where we currently  
2 manage hydro-excavation waste with the exact  
3 same way we're proposing at this facility.

4 In terms of the Woodridge Greene  
5 Valley Wastewater Plant, I actually toured it  
6 myself, and the materials they take are  
7 primarily storm sewer caps from Woodridge, the  
8 Naperville folks go in there, so that's what  
9 they take. They close at 3:00 o'clock. And it  
10 really is just a facility that can only manage  
11 limited volumes, so they, really, are not  
12 equipped to handle a substantive amount of  
13 hydro-excavation waste.

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14 We talked extensively with a  
15 company called Badger Daylighting. Badger  
16 Daylighting is a company, like a client or a  
17 customer of Lakeshore, and they do take waste --  
18 hydro-excavation waste into the facility at  
19 Forest View. They are, by all appearances, the  
20 largest service supplier of hydrovac trucks in  
21 the Chicagoland area. They have a fleet around  
22 50 of these vehicles that are staged to run them

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1 and they are in multiple locations and they do  
 2 that to try to minimize driving as they service  
 3 those locations.  
 4 Again, they routinely use the  
 5 facility in Forest View, and they told us they  
 6 do not use the facility at Woodridge at all,  
 7 primarily because of the limited operating  
 8 hours. In terms of hydro-excavation waste, the  
 9 demand is only increasing over time. We talked  
 10 to the folks at the Underground Contractors  
 11 Association and they provided a letter of  
 12 support for this facility because they have seen  
 13 the need for this service in the amount of waste  
 14 being generated growing. Actually, they used  
 15 the word growing exponentially, there's an  
 16 increase in demand. Badger Excavation -- I'm  
 17 sorry -- Badger Daylighting said the same thing.  
 18 They are a growing company. They actually  
 19 mentioned they added several trucks in the last  
 20 couple of years and other customers that use the  
 21 facility in Forest View, include the major  
 22 utility companies like Com Ed and Nicor. They

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1 Those transportation efficiencies  
 2 can be applied to Benefit No. 4, which was a  
 3 reduction of environmental impacts. Trucks  
 4 running around, obviously, have wear and tear on  
 5 roads, they consume fuel, and fuel results in  
 6 air emissions. So we just made some very  
 7 conservative estimates that if this facility was  
 8 approved, it would reduce truck miles by about  
 9 800,000 miles per year. 800,000 truck miles  
 10 would be lessened. Over a 20-year span, that's  
 11 over 16 million truck miles that would be saved  
 12 or would not occur. That results in about  
 13 4.6 million gallons of diesel fuel that would  
 14 not be burned and a reduction of carbon dioxide  
 15 emissions of over 102 million pounds. Again,  
 16 all of this, the transportation business, the  
 17 results are pretty staggering. There's  
 18 improvements in environmental impacts.  
 19 Q. John, are all of these calculations  
 20 regarding environmental impacts and savings in  
 21 the application?  
 22 A. They are.

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1 have also said the same thing. Those companies  
 2 are now mandating if there's any excavation or  
 3 digs around their utilities, they mandate the  
 4 hydro-excavation technique be used.  
 5 So Badger Daylighting was actually  
 6 very transparent with their operations. They  
 7 talked about -- They were very excited about  
 8 having a facility in West Chicago, mainly  
 9 because of the transportation. Again, they  
 10 provide services all over northern Illinois.  
 11 They actually went so far to say about  
 12 40 percent of their work is located much more  
 13 convenient to West Chicago than Forest View.  
 14 And if the West Chicago facility was approved,  
 15 they would save about two hours of drive time  
 16 per truck per day. So that's two more hours  
 17 they can be providing services, instead of  
 18 driving, and would result in significant cost  
 19 savings because a lot of work for utility  
 20 companies, those cost savings would very likely  
 21 be passed onto utility companies, which should  
 22 be able to be passed down to the taxpayers.

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1 Q. Thank you.  
 2 A. I'm going to move on and talk about  
 3 another trend in the Waste Management system,  
 4 which is challenges in recycling. So recycling  
 5 has been going on for, obviously, a number of  
 6 decades now, construction and demolition debris,  
 7 landscape waste, things of that nature, are  
 8 Predominantly recycling materials, in addition  
 9 to the recyclables we all separate. You have  
 10 probably read or heard about challenges in  
 11 commodity markets, in terms of being able to  
 12 economically reuse materials. You probably  
 13 heard about a lot of recycled materials were  
 14 sent over to foreign countries and they are  
 15 starting to be rejected or what they call  
 16 contamination were basically nonrecyclable  
 17 material mixed in with the recyclables and it's  
 18 too much so that material can no longer be  
 19 recycled.  
 20 The other thing that's happened is  
 21 we have -- in terms of materials that are  
 22 recycled, we pretty much got the low hanging

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1 fruit. We got the things that are easier to  
2 recycle. We try to continue to improve the  
3 recycling number and it's just harder and harder  
4 to do. And counties are really the entities  
5 that are responsible for trying to implement the  
6 recycling plants and hit these recycling goals  
7 that Illinois has established.

8 Each county has a solid waste  
9 plant. If you go to the plant for DuPage  
10 County, they will talk about the same thing we  
11 all know, that there's been significant changes  
12 in the last decade with volatile markets,  
13 contamination issues with the shared end users  
14 were causing challenges. They emphasize the C&D  
15 recycling is still an important option to reduce  
16 landfill waste and we talked about how  
17 electronic products, e-waste, are now banished  
18 from landfills so they need some options for  
19 those materials for recycling.

20 The Kane County waste station has  
21 recognized it similarly. They actually talk  
22 about how the residential suburban Lake and Kane

07:44:01PM

07:44:38PM

1 electronic waste and there are not enough of  
2 those facilities. We will have the drop off for  
3 residential recyclables -- this is really  
4 important -- for the multiunit -- multiunit  
5 living quarters or apartments in and around West  
6 Chicago, those tend to get underserved. So that  
7 is a convenient drop-off where, again, all of  
8 this is free, it's open during normal business  
9 hours, so it would be convenient for folks, and  
10 then we would also be transferring single-stream  
11 recyclables from our facility to our other  
12 Lakeshore facilities. So those efficiencies,  
13 again, will help keep costs down and help with  
14 recycling as well.

15 Another benefit, to be clear, with  
16 our site is competition will be provided for  
17 hauling contracts. There is a host agreement  
18 that our facility has with West Chicago, so they  
19 will receive a fee, \$2.45, for every ton of  
20 municipal solid waste and hydro-excavation  
21 material that's received.

22 Again, what were proposing is --

07:46:49PM

07:47:28PM

1 County has actually been slowly declining from  
2 2015 to 2019. They, again, also talks about the  
3 importance of diverted construction debris and  
4 they made two points that I just need to read  
5 because they hit on exactly what we're talking  
6 about here, that the waste needs what  
7 competition for both waste transfer and  
8 landfilling and, as I have said, that is the  
9 greatest need. And the competition will control  
10 price increases and also maintain a high-quality  
11 service in both the residential and commercial  
12 setting. Kane County, in their plan, said the  
13 exact same thing we're talking about here.

14 The benefit to our facility is it  
15 will facilitate. Again, we -- our facility  
16 recycles construction and demolition debris to  
17 date. There's ongoing challenges of doing that  
18 and having these other operations will basically  
19 bring more revenue to the facility, actually,  
20 more investment in equipment and machinery to  
21 continue to do that as effectively as possible.  
22 We will have the courtesy drop-off up front for

07:45:17PM

07:46:02PM

1 we're only proposing 600 max with a capacity of  
2 650 tons a day. To give you a sense, permanent  
3 capacity of the DuKane Transfer Station is  
4 3,000 tons per day. Batavia Transfer Station is  
5 1,500 tons per day. So this is really a  
6 relatively modest facility. In the long run,  
7 again, but what's really important is our  
8 ability to compete on a level playing field with  
9 these other folks. Between municipal solid  
10 waste and hydro-excavation waste if there's just  
11 600 tons a day accepted, which means about  
12 450 tons of municipal solid waste and 150 of the  
13 hydro excavation, \$420,000 a year would go to  
14 West Chicago.

15 We're also giving them historical  
16 rates for what's generated, so basically, a very  
17 favorable disposal rate. There's also free  
18 disposal for up to 2,500 tons of waste per year,  
19 so that could be from government buildings or  
20 such. We're providing -- We will be providing  
21 free use of some dumpsters and carts or totes  
22 for one-time pickup. So they can basically be

07:48:05PM

07:48:48PM

1 free pickup from special events that are  
 2 happening around West Chicago.  
 3 As I mentioned before, about 125  
 4 folks that are employed at the West Chicago  
 5 facility currently. It will probably add about  
 6 another 35 jobs if this facility is approved and  
 7 we would absolutely give preference to the  
 8 applicants from West Chicago. Again, that  
 9 courtesy drop-off for the residents of West  
 10 Chicago, along with the e-waste, is another key  
 11 benefit. It's all in the host agreement.  
 12 Similarly, there's an agreement with DuPage  
 13 County that if this facility is approved, they  
 14 would also receive a host agreement. The key  
 15 with DuPage County is that 70 percent -- about  
 16 70 percent of the waste generated in DuPage  
 17 County goes to a transfer station outside of  
 18 DuPage County.  
 19 So DuPage County gets a host fee,  
 20 so does West Chicago, from the DuKane Transfer  
 21 Station. The point is more waste from DuPage  
 22 County will be managed in DuPage County, and the

07:49:34PM

07:50:14PM

1 host fees that they are just simply not getting,  
 2 again, because they are missing out on  
 3 70 percent of it. They would receive additional  
 4 host fees. And the same thing, it's all  
 5 municipal solid waste and hydro excavation,  
 6 again, those same numbers, they probably get  
 7 about \$100,000 a year. Basically, we as well  
 8 committed the drop-off area for recyclables for  
 9 DuPage County.  
 10 And the other one is that DuPage  
 11 County will run the hazardous waste collection  
 12 programs, the rents that they get, and they need  
 13 a location to have a host fee agreement. And we  
 14 have a very large property and we have a lot of  
 15 paved area. So we wouldn't be doing anything  
 16 with waste ourselves but we would basically host  
 17 the event on our property so people could bring  
 18 in their household waste. It would -- DuPage  
 19 County would have a company right there that  
 20 would collect it, pack it up, and take it with  
 21 them. That's DuPage County was actually very  
 22 excited that we would be willing to do that.

07:50:54PM

07:51:32PM

1 Now we're on to the summary portion  
 2 of the program. So, again, just hitting the  
 3 highlights, in terms of benefits of this  
 4 proposed facility, it would increase  
 5 competition, we would be able to transfer actually in  
 6 the service area, which has been clearly  
 7 recognized, help control prices, and maintain  
 8 high-quality level of service.  
 9 Our proposed facility would provide  
 10 additional operational possibilities. We would  
 11 provide a necessary and conveniently located  
 12 facility to manage hydro-excavation waste with  
 13 the result of significant transportation  
 14 efficiencies. Those transportation efficiencies  
 15 would reduce the environmental impact to the  
 16 City of West Chicago and thereby decreasing the  
 17 traveling distance of municipal solid waste and  
 18 hydro-excavation collection vehicles, it would  
 19 facilitate recycling by having service offerings  
 20 and allowing additional investments in our  
 21 infrastructure and operational improvements. We  
 22 would provide direct benefits to the City of

07:52:15PM

07:52:50PM

1 West Chicago, as detailed in the host community  
 2 benefit agreement. The facility would provide  
 3 benefits to DuPage County, as detailed in the  
 4 secondary host community benefit agreement.  
 5 And, again, as I pointed out before, the waste  
 6 and service area is expected to grow over time,  
 7 so all of these benefits will only become more  
 8 important.  
 9 Q. So, Mr. Hock, based upon your review  
 10 of the facts and your presentation, do you have  
 11 an opinion, based upon a reasonable degree of  
 12 scientific and engineering certainty, as to  
 13 whether or not the West DuPage Transfer and  
 14 Recycling Station is necessary for the waste  
 15 needs of the area it is intended to serve?  
 16 A. I do.  
 17 Q. What is that opinion, sir?  
 18 A. It is my professional opinion that the  
 19 West DuPage Recycling and Transfer Station meets  
 20 the requirements of Criterion 1, and it is  
 21 necessary to accommodate the waste needs of the  
 22 area it is intended to serve.

07:53:29PM

07:54:00PM

1 MR. MUELLER: Thank you. We have no  
2 further questions.

3 HEARING OFFICER PRICE: Thank you.  
4 Mr. Hock, we're going to give our court  
5 reporter, Ms. Landolina, a break here. We can  
6 take ten minutes. We'll reconvene at five after  
7 8:00.

8 The city is up first. Are you  
9 ready to go?

07:54:28PM

10 MR. CALLAGHAN: I think it's the  
11 opposite. Under the ordinance, the city goes  
12 last.

13 HEARING OFFICER PRICE: So then Protect  
14 West Chicago, you're going to be up first,  
15 followed by Mr. DeLaRosa, and then the city.  
16 And then Mr. Walsh is part of the city.

17 All right. We'll take a break.  
18 Five after 8:00 o'clock we'll start again

19 (A short break was had.)

08:07:35PM

20 HEARING OFFICER PRICE: Let's  
21 reconvene. First will be Mr. Leutkehans for  
22 West Chicago.

1 A. Yes. I believe in the affidavit there  
2 is a reference to the website.

3 Q. You just say GIS, you don't say what  
4 it is. There is no link. So we're just kind of  
5 guessing and trying to understand it.

6 So is that what you call -- If I go  
7 to DuPage County and look at their ArcGIS  
8 website, that's what it is; is that correct?

9 A. I believe that's correct.

08:09:29PM

10 Q. You did that for all of the properties  
11 that were within 250 feet?

12 A. Yeah. We, actually, went out to  
13 400 feet.

14 Q. So you look on the DuPage County  
15 ArcGIS website. Does it actually give you any  
16 information for the railroads?

17 A. In terms of addresses, it did not. It  
18 provided owners.

19 Q. Where did you determine what address  
20 that the entity should be served at?

08:10:07PM

21 MR. MUELLER: Mr. Price, this is beyond  
22 the scope.

1 Mr. Leutkehans, whenever you're  
2 ready.

3 CROSS-EXAMINATION  
4 BY MR. LEUTKEHANS:

5 Q. Good evening, Mr. Hock. We're going  
6 to start with what has been listed as Exhibit 2,  
7 I think, your pre-filing -- your affidavit, which  
8 is Appendix 2-J.

9 So you served the pre-filing notice  
10 in accordance with your affidavit in

08:08:27PM

11 Appendix 2-J, correct?

12 A. Yes.

13 Q. Before determining who and where to  
14 send the brief out -- In other words, how did  
15 you actually determine what the authentic tax  
16 records were?

17 A. So for DuPage County there is a  
18 website that we went to, and you can look up the  
19 tax records of all of the -- excuse me -- all of  
20 the various property owners.

08:08:58PM

21 Q. You went to the DuPage ArcGIS website;  
22 is that what you went to?

1 MR. LEUTKEHANS: Sometime I have to ask  
2 about this affidavit.

3 HEARING OFFICER PRICE: We did set the  
4 groundwork, Mr. Mueller, for the basis of the  
5 application, the facility, were the part of this  
6 testimony, and the document was put in at the  
7 beginning. So I'm going to allow Mr. Leutkehans  
8 a little freedom here to keep going.

9 Overruled.

08:10:36PM

10 BY MR. LEUTKEHANS:

11 Q. What did you do to determine the  
12 proper entities to receive notice? How did you  
13 do that?

14 A. Now you're speaking specifically to  
15 the railroads?

16 Q. No. All of them first. Let's start  
17 with all of them.

18 A. So we went to the website to determine  
19 the owners of the properties.

08:10:53PM

20 Q. Okay.

21 A. And for most of them, it had the  
22 addresses. There were -- So for, like, the

1 general assembly and folks like that, we went to  
2 a different website that listed those folks.  
3 Q. I'm going to interrupt you, because  
4 I'm not going ask you about the general assembly  
5 people. I won't waste your time. I'm just  
6 talking about the property owners. I apologize  
7 if you misunderstood.

8 A. Understood.

9 Q. So if you can tell me how you did it  
10 for the property owners? How do you determine  
11 what entities to serve?

12 A. So, again, for all of them other than  
13 the railroads, my recollection is that -- that  
14 there were addresses provided.

15 Q. Okay. So that is the only  
16 information -- The only place you went to  
17 determine was non-railroad addresses; is that  
18 correct?

19 A. There were -- If there was a post  
20 office box listed, then we also sent one to a  
21 physical address as well.

22 Q. So if there was no post office box

08:11:21PM

08:11:47PM

1 Q. I'm not trying to be rude. I don't  
2 really care about how you did it in the past. I  
3 only care about how you did it here.

4 A. Okay.

5 Q. Is that how you learned that that was  
6 where the computer -- the hard copies  
7 affected -- The computer equivalent of  
8 information available in hard copies is plat  
9 books and section maps; is that what you learned  
10 from your survey group?

11 A. I guess I'll also say that my own  
12 experience of having done this before that that  
13 is an acceptable approach.

14 Q. Have you ever done this in DuPage  
15 County before?

16 A. I have not been involved in a local  
17 siting application in DuPage County in the past.

18 Q. You're talking generally, you're not  
19 talking specifically DuPage County?

20 A. Yes.

21 Q. When you talk about your prior  
22 experience?

08:13:25PM

08:13:52PM

1 address, you just used the ArcGIS website,  
2 correct?

3 A. Yes.

4 Q. Okay. And you said that -- your  
5 affidavit says this is the, quote, computer  
6 equivalent of information available on hard  
7 copies and plat books and section maps, correct?

8 A. Yes.

9 Q. How did you make that determination?

10 A. Well, the -- So we have a survey group  
11 in our office that does this type of work  
12 regularly and I talked with them and what --  
13 what was a manual effort of going to courthouses  
14 and looking at -- looking at hard copy records,  
15 it's my understanding that the current standard  
16 of care is that you can use these electronic  
17 websites that provides the same information and  
18 that is what is normally done now.

19 Q. Okay. So you learned that from your  
20 survey work is what you're saying?

21 A. Yeah. That's how we have done it in  
22 the past and that's how we have --

08:12:14PM

08:12:55PM

1 A. Yes.

2 Q. The information, just so I'm clear,  
3 available in the plat books and section maps,  
4 does that tell you where to send the tax bills?

5 A. Well, again, my understanding of the  
6 intent and our job is to send the notice to the  
7 place where the owner of the property and we do  
8 it to the same place the tax records are sent.

9 Q. Okay. So it's -- really your job is  
10 to determine -- is to send it to the place where  
11 the authentic tax records are sent, correct?

12 A. Yes.

13 Q. Okay. Did you cross-check the DuPage  
14 County ArcGIS website with any other records?

15 A. For the properties other than  
16 railroads, no.

17 Q. We'll talk about that -- Okay. Let's  
18 talk about the railroads.

19 What did you do differently for the  
20 railroad parcels?

21 A. So for the railroads, since there was  
22 not an address listed, I actually had staff look

08:14:23PM

08:15:00PM

1 at a number of different sources to try to  
2 determine the most appropriate address.  
3 **Q.** What sources?  
4 **A.** We went to a variety of Internet  
5 sources. We made some phone calls to try to get  
6 confirmation of the most appropriate address to  
7 send those notices.

8 **Q.** Who did you call?

08:15:43PM

9 **A.** We started with corporate offices, for  
10 instance, and I don't recall, as I sit here, but  
11 I know we had conversations and they suggested  
12 that -- they confirmed that that was an  
13 appropriate address.

14 **Q.** I'm sorry. You lost me. Who  
15 confirmed -- Let's be specific.

16 **A.** You sent one to the Union Pacific,  
17 right?

18 **A.** We did.

08:16:03PM

19 **Q.** Who at the Union Pacific confirmed  
20 that was a proper address?

21 **A.** As I sit here, I do not recall.

22 **Q.** Would that be the same answer for the

1 Canadian National you served?

2 **A.** Yes.

3 **Q.** Would that be the same address for the  
4 Chicago specific -- Chicago Central and Pacific  
5 railroads you sited?

08:16:39PM

6 **A.** Yes. That was -- That was, actually,  
7 an attempt to be overconservative. We did not  
8 have any information that indicated that they  
9 have a railroad within the 400-foot setback but  
10 there was information that they had railroads in  
11 DuPage County. So we just wanted to be  
12 conservative and make sure we didn't miss  
13 anybody.

14 **Q.** There are six railroads in DuPage  
15 County, aren't there? Do you know?

16 **A.** As I sit here, I do not.

17 **Q.** Okay. We'll get to that. I promise  
18 you.

08:17:09PM

19 **A.** So you served Chicago Central  
20 because you wanted to be overly inclusive. How  
21 did you determine that the Canadian National  
22 owned -- or that Canadian National was the

1 proper party to serve, specifically, and where  
2 to send that specific notice?  
3 **A.** Again, my recollection is that -- that  
4 that was the owner listed on the website and we  
5 called their offices -- and I would have to go  
6 back and look at notes to see who we talked  
7 to -- and described what we were doing and  
8 received confirmation that that was an  
9 appropriate address.

08:17:55PM

10 **Q.** You said the website, you found  
11 Canadian National on the website. I think we  
12 just decided there are no names on the website  
13 for railroads. I thought you just -- Or did I  
14 mishear you?

15 **A.** My recollection is there was no  
16 addresses.

17 **Q.** Okay. So you -- Your firm and you  
18 made the determination the CN Railroad actually  
19 owned one of the parcels with the railroads next  
20 to the LRS property; is that correct?

08:18:22PM

21 **A.** Yes.

22 **Q.** What address did you serve the CN

1 Railroad at, the Canadian National Railroad at?  
2 You can look --

3 **A.** I apologize. The first binder stops.  
4 So I don't have 2-J in front of me.

5 **Q.** Your counsel handed out copies, so I  
6 think we all have it here. We don't have that  
7 one. Okay. We'll put it on the screen for you.

8 **A.** Would you disagree with me if I  
9 told you that the Chicago National Railway was  
10 served at United Parcel Express -- UPS express  
11 at 935 Rue, R-u-e, De La Gauchetière Quest in  
12 Montreal, Quebec, Canada?

08:20:03PM

13 **A.** If that's the address that's in the  
14 affidavit, that's the address we used.

15 **Q.** For the Central -- Chicago Central and  
16 Pacific Railroad, would you agree or would you  
17 dispute the fact that it was served at the  
18 business development at Real Estate -- or  
19 N. Real Estate at 1 Administration Road,  
20 Concord, Ontario, Canada, via UPS express?

08:20:45PM

21 **A.** Again, if that's the address listed on  
22 that table and on the information that's

1 attached to the affidavit, then that is the  
2 address we used.

3 **Q.** Can you see it from where you are on  
4 the monitor? You can stand up.

5 **A.** I cannot.

6 **Q.** Is that your table from your chart?

7 **A.** It is.

8 **Q.** That's the table of services where you  
9 served, who you served, and what pin number,  
10 correct?

11 **A.** Yes.

12 **Q.** So does that confirm that the Chicago  
13 Central and Pacific Railroad was served at  
14 Business Development North Real Estate, 1  
15 Administration Road in Concord, Ontario, Canada  
16 for you?

17 **A.** Yes. And that should also match the  
18 information that should be in a subsequent  
19 appendix that contains the tracking information.

20 **Q.** Yeah, it does. Look at -- And you  
21 served the CN, Chicago -- the Canadian  
22 National -- That confirms that you served it at

08:21:18PM

08:21:40PM

1 **Q.** But you also didn't serve -- You also  
2 didn't serve the Canadian National Railroad via  
3 registered mail return receipt requested, did  
4 you?

5 **A.** We did not.

6 **Q.** You also didn't serve them via  
7 certified mail return receipt requested, did  
8 you?

9 **A.** No. All of the Canadian -- The two  
10 Canadian addresses were served via personal  
11 service.

12 **Q.** The rest were all served via certified  
13 mail, correct?

14 **A.** Yes.

15 **Q.** You can probably have a seat now, if  
16 you want.

17 **A.** And you served the Canadian Central  
18 the exact same way you served the Canadian  
19 National, correct -- the Chicago Central, the  
20 way you served the Canadian National, correct?

21 **A.** If you're referring to the two  
22 Canadian addresses, that is correct.

08:23:09PM

08:23:35PM

1 935 Rue De La Gauchetière Quest, Montreal,  
2 Quebec, Canada?

3 **A.** Yes.

4 **Q.** Both of those parcels have the same  
5 pin number, correct?

6 **A.** As listed on that table, they do.  
7 Yes.

8 **Q.** That's because you were being overly  
9 inclusive and you served two of them for the  
10 same property, correct?

11 **A.** Yes.

12 **Q.** And that pin, for the record, is  
13 01-32-506-001, correct?

14 **A.** Yes.

15 **Q.** So, for the record, you didn't serve  
16 the CN, Canadian National Railroad, via personal  
17 service, did you?

18 **A.** Well, we described it as personal  
19 service because we used an overnight delivery  
20 service where they bring it in and personally  
21 hand it to the folks. So, in our mind, that was  
22 personal service.

08:22:15PM

08:22:38PM

1 **Q.** Are you aware that the City of West  
2 Chicago annexed both -- annexed the  
3 01-32-506-001 parcel, we just discussed, into  
4 the city back in 2003?

5 **A.** I am aware that the zoning map shows  
6 that both of those -- that the railroads are in  
7 West Chicago.

8 **Q.** Okay. So you wouldn't dispute they  
9 were annexed in 2003 to the City of West  
10 Chicago, would you?

11 **A.** I don't know when they were annexed.

12 **Q.** So you don't disagree with me; you  
13 just don't know?

14 **A.** I don't -- Correct.

15 **Q.** Let me ask you a question. Did you or  
16 anyone in your office go to the DuPage County  
17 Treasurer's Office to check the tax bills and  
18 where they were sent?

19 **A.** No.

20 **Q.** No one in your office called the  
21 treasurer's office and asked that question, did  
22 they?

08:24:12PM

08:24:28PM

1 **A.** I did have help putting that list  
2 together, so I don't -- I don't know if anybody  
3 called.

4 **Q.** Okay. Did you -- You didn't see the  
5 actual railroad tax bills on the DuPage County  
6 Treasurer's website as they related to this pin  
7 number, did you?

8 **A.** I do not believe so but, again, I had  
9 help putting the list together.

08:25:11PM

10 **Q.** Okay. So you don't know whether the  
11 actual tax bill was sent to the EJ&E, do you?

12 **A.** I'm sorry. Could you repeat the  
13 question?

14 **Q.** You don't know whether the actual tax  
15 bill was sent to the EJ&E Railroad for that pin,  
16 do you?

17 **A.** You don't know one way or the  
18 other?

08:25:47PM

19 **A.** Again, the EJ&E Railroad, that was the  
20 extra one we sent; is that what you're referring  
21 to?

22 **Q.** No. You sent it to Chicago Central.

1 The EJ&E did not receive one, at least according  
2 to your list.

3 **A.** We sent notices to the entities on the  
4 list. If it's not on the list, we did not send  
5 a notice.

6 **Q.** My question, though, was: You don't  
7 know whether the actual -- you can't -- You  
8 don't disagree or don't know whether the actual  
9 tax bill was sent to the EJ&E Railroad, do you,

08:26:20PM

10 for this particular pin, 01-32-506-001? You  
11 don't know one way or another?

12 **A.** I don't know where tax bills for the  
13 EJ&E railroad are sent.

14 **Q.** That wasn't my question. My question  
15 was: The tax bill for this parcel,  
16 01-32-506-001, you do not know whether or not  
17 that tax bill was actually sent to the EJ&E and  
18 not the Canadian National, do you?

08:27:04PM

19 **A.** If you did, you would have sent it  
20 to the EJ&E, correct?

21 **A.** Well, again, that's what we  
22 determined, and that's where we sent the

1 bills -- or sent the notices. I'm sorry.

2 **Q.** Okay. So you did not review the  
3 actual bills that were sent by the treasurer's  
4 office, correct, for this particular pin or any  
5 other railroad pin?

6 **A.** Well --

7 **Q.** As you sit here, you don't know who  
8 the actual tax bills were sent to by the  
9 treasurer's office, do you, for this particular  
10 pin?

08:27:54PM

11 **A.** Again, we look for the addresses and  
12 we made the phone calls and that's the  
13 information that we had, so that's where we sent  
14 the notices.

15 **Q.** And you didn't go -- You did not or no  
16 one in your staff physically went to the DuPage  
17 County Clerk's Office either, did you?

18 **A.** I don't recall anybody going  
19 physically to the clerk's office.

08:28:19PM

20 **Q.** You don't recall anyone actually  
21 calling the DuPage County Clerk's Office and  
22 asking what entity was responsible for that

1 particular bill for pin 01-32-506-001, do you?

2 **A.** As I sit here, I do not recall if  
3 someone called or not.

4 **Q.** Okay. You didn't -- No one went to  
5 the local township assessor's office or called  
6 them, did they?

7 **A.** I do not recall that specifically, as  
8 I sit here.

08:28:56PM

9 **Q.** Okay. And you don't -- You did not  
10 call the Illinois State Department of Revenue  
11 and ask who was taxed for pin 01-32-506-001  
12 either, did you?

13 **A.** Again, I don't recall exactly who we  
14 called for each of those.

15 **Q.** You didn't personally go to the  
16 Illinois Department of Revenue. You know that,  
17 correct?

18 **A.** I did not.

08:29:21PM

19 **Q.** You don't recall ever pulling the  
20 certification of assessments of railroad  
21 property for DuPage County from either the state  
22 or DuPage County, do you?

1 A. I do not recall that.

2 Q. Instead, you served the Canadian  
3 National Railroad at an address in Canada via  
4 United Parcel Service for pin 01-32-506-001,  
5 correct?

6 A. We did.

7 Q. And your affidavit does not state that  
8 you actually served the EJ&E Railroad at 17641  
9 South Ashland Avenue, Homewood, Illinois, with  
10 the pre-filing notice, does it?

11 A. It does not.

12 Q. That's because you never served the  
13 EJ&E Railroad at 17641 South Ashland Avenue in  
14 Homewood with the pre-filing notice, did you?

15 A. We did not.

16 MR. LEUTKEHANS: Can I have a moment,  
17 Mr. Hearing Officer?

18 HEARING OFFICER PRICE: Yes.

19 (Discussion off the record.)

20 MR. LEUTKEHANS: Mr. Hearing Officer,  
21 at this point -- at this point, I am going to  
22 serve on counsel and yourself a motion to

08:29:56PM

08:31:00PM

1 going to be here a little while. I promise.

2 HEARING OFFICER PRICE: I don't want to  
3 take the time we have for paper. I'm not going  
4 to decide it right now.

5 MR. LEUTKEHANS: I'm just handing them  
6 out.

7 HEARING OFFICER PRICE: But you're not  
8 asking questions, which you could be doing while  
9 someone does that.

10 BY MR. LEUTKEHANS:

11 Q. To continue, regarding Criterion 1,  
12 you're not saying, are you, that there is not  
13 enough capacity in the proposed service area to  
14 support the amount of waste currently being  
15 generated in the service area, are you?

16 A. I believe that that is correct. If I  
17 understood your question correctly, we do  
18 acknowledge that if you look at the permitted  
19 capacity of the two other transfer stations in  
20 the service area, that they add up to about  
21 4,500 tons per day.

22 Q. Actually -- Okay. The amount of --

08:33:09PM

08:33:42PM

1 dismiss the complaint for lack of pre-filing --  
2 serving proper parties with pre-filing notice,  
3 and attached to that the motion will be  
4 certified copies from the County Clerk's Office,  
5 the DuPage County Treasurer's Office, which are  
6 the authentic tax records of DuPage County,  
7 which is who you have to get the tax records  
8 from, that the proper notice is to go to the  
9 EJ&E Railroad, and that's where the tax bills  
10 go, at 17641 South Ashland Avenue, Homewood,  
11 Illinois.

12 HEARING OFFICER PRICE: I'll take that  
13 under advisement. I'll give the applicant an  
14 opportunity to respond. Meanwhile, we'll  
15 continue with the hearing.

16 MR. LEUTKEHANS: If I could just have a  
17 second to hand them out.

18 HEARING OFFICER PRICE: We're not going  
19 to decide it here in the next few minutes,

20 Mr. Leutkehans.

21 Do you have other questions?

22 MR. LEUTKEHANS: Yeah, we do. We're

08:31:37PM

08:32:09PM

1 Let me ask this question: Have you looked at  
2 the fact that other transfer stations actually  
3 service the service area, other than just those  
4 two?

5 A. We did not look at the permitted  
6 capacities. But, again, we acknowledge that  
7 waste from within the service area is leaving  
8 the service area and going to transfer stations  
9 outside the service area.

10 Q. But there are also transfer stations  
11 that include your service area and part of their  
12 service area, correct, even though they are not  
13 located in it?

14 Let me back up. Service areas  
15 overlap, even if you're not in it, right? I  
16 mean, your service area overlaps with Bluff  
17 City's service area, for example, correct?

18 A. I don't know what Bluff City's service  
19 area is.

20 Q. So you haven't look at that?

21 A. No.

22 Q. You don't know that, approximately,

08:34:23PM

08:35:02PM

1 over 6,500 tons of capacity exist in your  
 2 service area from transfer stations serving your  
 3 service area?  
 4 **A.** We did not add up the capacity of  
 5 transfer stations outside our service area.  
 6 Again, we acknowledge that the waste outside our  
 7 service area is going to those transfer  
 8 stations.  
 9 **Q.** Many of which include DuPage County or  
 10 other parts of your service area as part of  
 11 their service area, correct?  
 12 **A.** They could, sure.  
 13 **Q.** And the Groot facility down the street  
 14 is permitted for 3,000 tons per day of municipal  
 15 solid waste; is that right?  
 16 **A.** Yes.  
 17 **Q.** The report stated the Groot facility  
 18 is only utilizing, approximately, 1,000 of those  
 19 3,000 tons per day capacity; is that correct?  
 20 **A.** Yes.  
 21 **Q.** You're not aware of any overflow of  
 22 waste on the tipping floor at the Groot facility

08:35:37PM

08:36:04PM

1 **A.** No. I don't think we said anything  
 2 about that.  
 3 **Q.** Okay. Your report doesn't mention  
 4 anything of -- about waste transfer stations in  
 5 your service area or serving your service area  
 6 that are operating beyond operational capacity,  
 7 does it?  
 8 **A.** No.  
 9 **Q.** Is your group putting over in your  
 10 needs analysis of about 600 to 650 tons a day a  
 11 proposed cap on the out throughput or is it more  
 12 of a current estimate?  
 13 **A.** It's proposed as a maximum capacity or  
 14 a cap.  
 15 **Q.** Do you present in your application a  
 16 request for a cap of 650 tons per day?  
 17 **A.** Well, I guess I thought it was pretty  
 18 clearly stated that -- you know, the amount  
 19 we're proposing in a breakdown by the type of  
 20 material we're planning to accept.  
 21 **Q.** So you have no problem with West  
 22 Chicago putting that cap on it is what you're

08:37:39PM

08:38:08PM

1 within the operation, are you?  
 2 **A.** I wouldn't know.  
 3 **Q.** You also have never seen the Groot  
 4 facility cutting off trucks waiting in line at  
 5 the end of the day, have you?  
 6 **A.** No. Again, I wouldn't know.  
 7 **Q.** Okay. But you don't have any evidence  
 8 of that, either personally or any -- you don't  
 9 have any anecdotal evidence of that occurring  
 10 either, correct?  
 11 **A.** No, not at the Groot transfer station.  
 12 **Q.** Okay. And you also have never seen  
 13 trucks or been told that trucks at the end of  
 14 the day not being allowed to dump their load  
 15 because the Groot facility was closed, have you?  
 16 **A.** I have not.  
 17 **Q.** In fact, you have submitted no  
 18 evidence whatsoever in your report that the  
 19 Groot facility or any other facility serving  
 20 your proposed service area is proposed to have  
 21 overflow waste on the tipping floor at the  
 22 beginning of the operations, do you?

08:36:34PM

08:37:01PM

1 saying?  
 2 **A.** No.  
 3 **Q.** You were the engineer on the ERGS Will  
 4 County facility that's cited in here, correct?  
 5 **A.** Yes.  
 6 **Q.** The original capacity approved at the  
 7 siting hearing for that ERGS facility was how  
 8 much per day?  
 9 **A.** Could you clarify your question?  
 10 **Q.** Yes. The original daily capacity  
 11 approved at the original siting hearing -- by  
 12 Rockdale, right?  
 13 **A.** It was Rockdale.  
 14 **Q.** What was the capacity approved at that  
 15 siting hearing?  
 16 **A.** I don't recall the exact number as I  
 17 sit here, but my recollection is that there was  
 18 an amount that was approved and then there was  
 19 an additional amount that could be approved at a  
 20 later date by Rockdale.  
 21 **Q.** Would those amounts be 300 tons  
 22 originally approved and 600 tons approved --

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1 that it could be added up to 600 at some later  
 2 date?  
 3 A. I'm not arguing that those numbers are  
 4 incorrect.  
 5 Q. At some point, then, the EPA had  
 6 modified that capacity to 1,080 tons a day a  
 7 couple years later, correct?  
 8 A. I don't know.  
 9 Q. You don't know that it didn't happen.  
 10 Do you recall at all that the EPA, a few years  
 11 later, increased the capacity and the permit for  
 12 that? Were you involved in that?  
 13 A. I was aware of it, but I was not  
 14 involved with it.  
 15 Q. Okay. So you're aware it did happen,  
 16 you just don't know the exact tonnage?  
 17 A. When I say -- You know, the waste  
 18 business is a small industry, and so I did hear  
 19 of it; but I was not involved and didn't see the  
 20 decision or anything like that.  
 21 Q. So you're not aware that both the IEPA  
 22 and ERDS took the position in the siting hearing

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08:40:10PM

1 that it was not necessary, even though the daily  
 2 Groot amount went from 300 or 600 to 1,080 tons  
 3 per day again; you're not aware of that?  
 4 A. Again, I was generally aware but I  
 5 didn't see the numbers and I didn't see the  
 6 decision.  
 7 Q. Okay. And you're aware that the  
 8 public never had the opportunity to have a  
 9 siting hearing from the increase from 600 tons  
 10 per day to 1080, correct?  
 11 A. Again, I wasn't involved with the  
 12 process, so I don't know exactly what occurred  
 13 or didn't occur.  
 14 Q. But you know there was no second  
 15 siting hearing, correct? You remember that?  
 16 A. I do understand that there was not a  
 17 second siting hearing.  
 18 Q. Okay. And without a second siting  
 19 hearing, there's no public hearing to determine  
 20 whether the increased traffic or increased  
 21 pollution is problematic to the public, correct?  
 22 Would you agree with me?

08:40:42PM

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1 A. I don't know what the IEPA considered  
 2 to make their decision.  
 3 Q. Okay. But you know there was no  
 4 siting hearing?  
 5 A. I'm pretty certain I would have heard  
 6 of that if it occurred.  
 7 Q. Okay. One of the things you make a  
 8 point of throughout your report and your  
 9 testimony is that the Groot facility down the  
 10 street is the only transfer waste station in  
 11 DuPage County, correct?  
 12 A. That can accept municipal solid waste?  
 13 Q. Yes.  
 14 A. Then, yes.  
 15 Q. Okay. There are only -- There are two  
 16 current municipal waste -- or MSW transfer  
 17 stations in the service area, correct, you said  
 18 that?  
 19 A. Yes.  
 20 Q. I'm going to show you what we've  
 21 marked as PWC Exhibit 151-A.  
 22 Mr. Hock, do you recognize PWC

08:41:35PM

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1 151-A?  
 2 (PWC Exhibit No. 151-A marked  
 3 for identification.)  
 4 BY THE WITNESS:  
 5 A. Yes.  
 6 Q. And this was -- Just for the record,  
 7 you had presented sections or all of the  
 8 preliminary applications to the city and APTIM  
 9 over the years, correct, before this final  
 10 application?  
 11 A. We did.  
 12 Q. And one of the prior versions of the  
 13 preliminary application used this as the service  
 14 area, correct?  
 15 A. Yes. This was a draft version, as its  
 16 noted on the bottom.  
 17 Q. Yes. And that draft version included  
 18 four additional townships in Kane County,  
 19 correct?  
 20 A. Yes.  
 21 Q. And the -- it included two in Cook  
 22 County that have now been removed, one where the

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1 Bluff City Transfer Station is, correct?  
 2 A. Yes.  
 3 Q. And that report -- Your preliminary  
 4 report you gave to APTIM back in September 2020  
 5 was based on a much larger service area,  
 6 correct?  
 7 A. Yes.  
 8 Q. The four townships in the original  
 9 proposed service area in Kane County also  
 10 included the third waste transfer station, which  
 11 is now the Elburn LRS station, correct?  
 12 A. Yes.  
 13 Q. Your current service area and proposed  
 14 service area goes all the way down to Shorewood  
 15 in Will County, correct?  
 16 A. Well, it includes the two townships in  
 17 Will County.  
 18 Q. If you look at your map, it says  
 19 Shorewood down in the -- farther in the DuPage  
 20 Township? Or do you not know whether Shorewood  
 21 is in DuPage Township?  
 22 A. Shorewood is in Will County and it's

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1 much farther -- it's farther south than the  
 2 township shown on this map.  
 3 Q. Okay. So let's go to DuPage Township.  
 4 The DuPage Township in Will County, do you know  
 5 what the travel time is between your proposed  
 6 facility and that portion of your proposed  
 7 service area?  
 8 A. I'm sorry. Could you ask the question  
 9 again?  
 10 Q. So that proposed -- That township in  
 11 Will County, which is part of your proposed  
 12 service area, which is DuPage Township, do you  
 13 know the travel time between that part of the  
 14 proposed service area and the proposed waste  
 15 transfer station?  
 16 A. Well, I mean, the travel times,  
 17 obviously, are dependent on the time of day and  
 18 a number of factors --  
 19 Q. Would you agree with me that the  
 20 travel time between DuPage Township and the --  
 21 sorry -- my eyesight is awful -- and the  
 22 township where the Bluff City -- the Cook County

08:45:36PM

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1 Township, where the Bluff City Transfer Station  
 2 was, that the Bluff City Transfer Station  
 3 township is much closer to the proposed waste  
 4 transfer station?  
 5 A. If what you're asking is, you know --  
 6 I think it's Hanover Township is closer to the  
 7 proposed facility than DuPage Township in Will  
 8 County, yes, that's obvious.  
 9 Q. Okay. But you cut that township out  
 10 of your service area, correct?  
 11 A. Yes.  
 12 Q. So your original service area had a  
 13 total of four other -- had four other waste  
 14 transfer stations in it, but now you're down to  
 15 two; is that fair to say?  
 16 A. Correct.  
 17 Q. Would you agree with me that a waste  
 18 transfer station does not have to be in your  
 19 proposed service area to actually serve a part  
 20 of that service area?  
 21 A. Yes.  
 22 Q. In fact, there are 21 waste transfer

08:46:44PM

08:47:19PM

1 stations, according to a report, within,  
 2 approximately, 15 miles of the proposed service  
 3 area, correct?  
 4 A. Yes.  
 5 Q. Also, do you know -- Isn't it true  
 6 that there are also 10 waste transfer stations  
 7 that service your proposed service area?  
 8 A. Again, we didn't look at it because we  
 9 didn't consider that relevant to our argument or  
 10 demonstration.  
 11 Q. Would you be surprised if there were  
 12 10 transfer stations that service your service  
 13 area?  
 14 A. No.  
 15 Q. Only two of them are actually in the  
 16 service area, though, correct?  
 17 A. Yes.  
 18 Q. In fact, you believe that the Bluff  
 19 City Transfer Station accepts waste from the  
 20 service area, don't you?  
 21 A. I believe that it does.  
 22 Q. It's just a few miles north of the

08:47:49PM

08:48:19PM

1 DuPage County border, correct?  
 2 A. Yes.  
 3 Q. And it's just a few miles north of  
 4 your proposed service area, correct?  
 5 A. Yes.  
 6 Q. In fact, as you said earlier, 21 waste  
 7 transfer stations are within 15 miles. Those  
 8 are operated by four different companies,  
 9 correct?  
 10 A. Yes.  
 11 Q. Those companies are Waste Management;  
 12 Waste Connections, also known as Groot; Republic  
 13 Services; and LRS?  
 14 A. Yes.  
 15 Q. In fact, LRS operates 3 of those  
 16 21 waste transfer stations in Illinois, correct?  
 17 A. I'm sorry. Can you ask that again?  
 18 Q. LRS operates 3 of those 21 waste  
 19 transfer stations that you list as being located  
 20 within 15 miles of the service area, correct?  
 21 A. Yes.  
 22 Q. That 15 miles was something you

08:48:41PM

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1 and lack of vertical integration; is that fair  
 2 to say?  
 3 A. There's clearly a lack of competition  
 4 and it's a lack of vertical integration by  
 5 companies in the service area, yes.  
 6 Q. And would you disagree with me that  
 7 there are no areas within your proposed service  
 8 area that are not already in the service area  
 9 with at least two separate -- separately owned  
 10 waste transfer stations?  
 11 A. Could you repeat that again?  
 12 Q. Yeah. There's not one area -- not one  
 13 household in your service area, to your  
 14 knowledge, that is not currently served by at  
 15 least two other separately owned waste transfer  
 16 stations?  
 17 A. So certainly Waste Connections and  
 18 Waste Management are both vertically integrated  
 19 within the service area. Whether they serve the  
 20 entirety of that service area or whether those  
 21 transfer stations do, I don't know, but they  
 22 could be serviced by, you know, other transfer

08:50:44PM

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1 determined was important enough to put in your  
 2 application, correct?  
 3 A. We were trying to portray a fair  
 4 depiction of what is around the service area.  
 5 So there's -- I mean, we know that there's some  
 6 that -- We believe that there's some that do not  
 7 serve the service area. We've discussed that in  
 8 the report. So we actually go through the  
 9 report and describe which ones we believe do and  
 10 which ones we believe do not.  
 11 Q. Okay. But that 15 miles you said was  
 12 a fair -- you thought it was a fair estimate of  
 13 ones to look at, correct?  
 14 A. Again, we just wanted to -- it wasn't  
 15 as much based on what serves the service area.  
 16 It's giving a reasonable depiction of the Waste  
 17 Management system proximate to our service area.  
 18 Q. You thought 15 miles was a reasonable  
 19 depiction, correct?  
 20 A. Yes.  
 21 Q. One of the main basis in your  
 22 Criterion 1 analysis is a lack of competition

08:49:47PM

08:50:10PM

1 stations outside. So, yes, I do believe that  
 2 the entire service area that Waste Management  
 3 and Waste Connections are vertically integrated  
 4 in the service area.  
 5 Q. I guess that wasn't my question.  
 6 A. Oh.  
 7 Q. My question is: There is no other --  
 8 no area in your proposed service area who is not  
 9 already served by at least two waste transfer  
 10 stations, correct, to your knowledge?  
 11 A. Not to my knowledge.  
 12 Q. In fact, some of them -- Would you be  
 13 surprised if some of those have five or six  
 14 different waste transfer stations that serve  
 15 those areas?  
 16 A. It's possible. I'd have to look more  
 17 closely at it. That sounds like a large number.  
 18 Q. It be correct, wouldn't it, that no  
 19 single company has any area in your proposed  
 20 service area that does not compete with another  
 21 waster transfer station? You don't know of any  
 22 area, correct, where there is no competition

08:51:53PM

08:52:27PM

1 between waste transfer stations in your service  
 2 area?  
 3 **A.** I am not. Again, our argument is that  
 4 there is --  
 5 **Q.** We have all heard your argument. I  
 6 don't mean to cut you off, but -- Isn't it true  
 7 that -- You're not saying, are you, that the  
 8 large haulers are colluding to setting the  
 9 prices or colluding to ensure that other haulers  
 10 are not able to use their waste transfer station  
 11 or compete? There's no collusion going on, is  
 12 there, to your knowledge?  
 13 **A.** We're not accusing anybody of  
 14 collusion.  
 15 **Q.** In fact, you agree that the federal  
 16 government, in particular the DOJ, keeps an eye  
 17 on the waste hauling industry in this area for  
 18 the purpose of ensuring that no one is obtaining  
 19 an unfair advantage in this industry, correct?  
 20 **A.** I'm aware that collusion is illegal.  
 21 **Q.** And you're aware that the DOJ -- you  
 22 talked about it before -- made Waste Management

08:53:03PM

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1 divest certain assets to make sure that there  
 2 was still competition in the area, correct?  
 3 **A.** After Waste Management and Advanced  
 4 Disposal merged, they did make the combined  
 5 companies divest some of their assets in this  
 6 area.  
 7 **Q.** So the DOJ got involved?  
 8 **A.** Yes.  
 9 **Q.** To ensure competition and ensure --  
 10 ensure there was no monopoly, correct?  
 11 **A.** Well, they were involved. What they  
 12 were able to accomplish is, I guess, another  
 13 question.  
 14 **Q.** But it's clear that that would signify  
 15 the Department of Justice has not ignored the  
 16 waste industry of northern Illinois, has it?  
 17 **A.** I don't know what -- I mean, I know  
 18 the DOJ was involved. Whether it's  
 19 characterized as ignoring or not ignoring, you  
 20 know --  
 21 **Q.** You spent a couple of pages talking  
 22 about the Department of Justice's involvement in

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08:54:30PM

1 your report, correct?  
 2 **A.** We did talk about it.  
 3 **Q.** Yeah. GFL received significant assets  
 4 or some assets, at least, in that divestiture,  
 5 correct?  
 6 **A.** They did.  
 7 **Q.** One of those was Zion; is that  
 8 correct?  
 9 **A.** If you're referring to the Zion  
 10 landfill, that is correct.  
 11 **Q.** And, LRS, do they have an agreement  
 12 with GFL for that landfill to give them so much  
 13 of the capacity on an annual basis, to your  
 14 knowledge?  
 15 **A.** I have a general awareness that there  
 16 is an agreement between the two companies.  
 17 **Q.** Okay. Just -- Let's be clear. LRS  
 18 does have vertical integration, correct, just  
 19 not in your new service area; is that correct?  
 20 **A.** They do have vertical integration in  
 21 other locations.  
 22 **Q.** In fact, LRS has vertical integration

08:55:03PM

08:55:31PM

1 in the original proposed service area that is in  
 2 PWC Exhibit 151-A, correct?  
 3 **A.** They do in Kane County, which is  
 4 honestly why we moved it from the original draft  
 5 because when we -- when we had prepared this  
 6 originally, Lakeshore did not own those transfer  
 7 stations.  
 8 **Q.** My question is: LRS has vertical  
 9 integration in the original proposed service  
 10 area, correct?  
 11 **A.** In portions.  
 12 **Q.** Okay. When you talk about vertical  
 13 integration in DuPage County, Waste Management  
 14 doesn't have vertical integration in DuPage  
 15 County, does it?  
 16 **A.** I think it does.  
 17 **Q.** Do they have a waste transfer station  
 18 in DuPage County?  
 19 **A.** Let me, actually, clarify my  
 20 statement. So they, obviously, have the Batavia  
 21 Transfer Station, which is just outside the  
 22 DuPage County border with Kane County. So they

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1 certainly have some vertical integration in  
2 DuPage County.

3 **Q.** Okay. But they don't have a -- They  
4 don't have a waste transfer station in DuPage  
5 County, correct?

6 **A.** They do not.

7 **Q.** Do you know how much of the DuPage  
8 County waste goes to a Waste Management transfer  
9 station?

08:57:18PM

10 **A.** The best way to estimate it would be  
11 simply to just look at the population of the  
12 communities that they serve and you can come up  
13 with an estimate. But if you're asking -- That  
14 would be a good way to estimate it.

15 **Q.** You don't know that answer as you sit  
16 here?

17 **A.** No.

18 **Q.** In fact, Republic doesn't have  
19 vertical integration in your proposed service

08:57:54PM

20 area, does it?

21 **A.** I would say it definitely does not.

22 **Q.** Despite this lack of vertical

1 integration in DuPage County that LRS is  
2 complaining about in the service area, LRS still  
3 has obtained numerous municipal contracts in the  
4 service area, correct?

5 **A.** They do currently have the contracts  
6 that I listed. So, yes, there are  
7 municipalities that they currently haul in the  
8 service area.

9 **Q.** In fact, they have eight of those  
10 municipalities that they are servicing directly,  
11 correct?

08:58:30PM

12 **A.** I'd have to look it back up and add up  
13 the number.

14 **Q.** Would you disagree that they have  
15 eight?

16 **A.** I don't know. I just simply have to  
17 look back at the same map.

18 **Q.** Well, I counted them up in the  
19 report -- unless I can't count, which is  
20 possible -- and I got eight. It might be seven,  
21 might be nine, I might wrong, but about eight  
22 sounds about right, correct?

08:58:55PM

1 **A.** I'm not disagreeing with you. If  
2 that's what we listed in the report, that's  
3 correct.

4 **Q.** Can you go to Page 1-21 of your  
5 application, the LRS application?

6 **A.** Sorry. What page?

7 **Q.** 1-21. I'm sorry. Tell me when you're  
8 there.

9 **A.** I'm there.

08:59:37PM

10 **Q.** I see about the middle of the second  
11 full paragraph, The active landfills in regions  
12 to and from, 1995 through 2020, are listed on  
13 Table 1-6.

14 Do you see that?

15 **A.** Yes.

16 **Q.** Can you find Table 1-6 for me?

17 **A.** I'm there.

18 **Q.** Where is it, because I couldn't find  
19 it?

09:00:20PM

20 **A.** It's in the tables section.

21 **Q.** Okay. It's not in the actual section  
22 of the report; is that fair to say?

1 **A.** It's not in the narrative portion, no.  
2 It's behind it.

3 **Q.** Okay. Going back to vertical  
4 integration, LRS has three transfer stations  
5 surrounding the proposed service area, correct?

6 **A.** Well, they have the one in Elburn and  
7 then they have others in Cook County.

8 **Q.** Okay. LRS also has -- they also have  
9 two others in Cook County, correct?

09:00:57PM

10 **A.** Are you referring to Forest View and  
11 Maywood?

12 **Q.** I'm referring to the two you  
13 mentioned -- you had in Cook County in the  
14 report. I don't remember the name.

15 **A.** Yeah. They actually -- There's two  
16 others shown on the map in Cook County. There's  
17 one in Northbrook and one in Rolling Meadows.  
18 They don't really -- I mean, they don't -- Those  
19 four don't take substantive waste from the  
20 service area. There is some that goes to  
21 Maywood.

09:01:28PM

22 **Q.** Are you saying there's five waste

1 transfer stations between Cook and Kane County  
2 currently that LRS has?

3 A. Yes.

4 Q. Okay. LRS is not at small player in  
5 this industry -- the municipal waste industry,  
6 are they?

7 A. I described them as a midsized  
8 company. They are, obviously, much smaller than  
9 a large publicly traded company, but they are a  
10 substantial company.

09:02:03PM

11 Q. In fact, they are the largest private  
12 waste company in Illinois, aren't they?

13 A. I wouldn't argue that point.

14 Q. They are amongst the largest private  
15 waste companies in this country; isn't that  
16 correct?

17 A. I would guess they are on the larger  
18 size.

19 Q. Would you disagree with me that during  
20 the several years prior to 2021, LRS companies  
21 have been newly awarded and transitioned more  
22 municipal contracted services than any other

09:02:26PM

1 waste provider throughout the Chicago and  
2 metropolitan area?

3 A. I don't know.

4 Q. As of March 2021, would you disagree  
5 they held franchise agreements with 35  
6 municipalities?

7 A. I wouldn't disagree with that.

8 Q. So even without this fifth waste  
9 transfer station or sixth waste transfer station  
10 in the area, LRS has still been competitive in  
11 the industry, hasn't it? They still get  
12 contracts, right?

09:03:08PM

13 A. They have won contracts.

14 Q. Most of the Lakeshore recycling and  
15 MSW, the municipal solid waste, is now going  
16 to -- at least that serve this area, DuPage  
17 County and Kane, is going to LRS's own facility  
18 in Elburn, isn't it?

19 A. Yes. I think we, actually, described  
20 it in the application. So the communities that  
21 are on the far western extent are going to  
22 Elburn. Give me just a moment to go to the map.

09:03:46PM

1 Wheaton is currently going to  
2 Batavia and Lisle, the first -- The first round  
3 that gets picked up, actually, goes to their  
4 transfer station in Maywood, and then the second  
5 round goes back to the transfer station in  
6 Batavia and for parking again back at the West  
7 DuPage facility.

8 Q. So the determination was made that the  
9 trucking costs, I assume, were higher than the  
10 difference in tipping -- or hauling rate at the  
11 Batavia facility for Wheaton waste, that's why  
12 it goes to Batavia and not Elburn, correct?

09:04:39PM

13 A. I'm sorry. I kind of lost you.

14 Q. That was an awful question, so I  
15 apologize. There's, obviously, a differential  
16 in transportation costs between Wheaton to  
17 Elburn versus Wheaton to Batavia, correct?

18 A. Yes.

19 Q. You have to say yes. She can't take  
20 down a nod.

09:05:09PM

21 LRS isn't in the business of having  
22 to pay more to haul waste and have it collected

1 by someone else or given to someone else.  
2 That's not their goal. Their goal is to do it  
3 as cheaply as possible, correct, it's every  
4 company's goal?

5 A. Sure. Just to be clear, price is  
6 obviously an important factor. There are some  
7 operational considerations that go into that  
8 calculus as to where they send waste and why,  
9 but cost is certainly a major factor.

09:05:47PM

10 Q. Those calculations are nowhere in your  
11 report that you just mentioned?

12 A. Well, they are not because what  
13 happens today may not be the situation tomorrow.

14 Q. Okay. But today -- All we have is  
15 today, right? We have today. We have  
16 yesterday. I agree we don't know tomorrow.

17 But today's calculations of fees  
18 that you have to pay to the transportation -- to  
19 the transfer stations that LRS does not own  
20 versus the transportation costs, that  
21 calculation is nowhere in the report, is it?

09:06:16PM

22 A. No. What we provide is, for instance,

1 an affidavit from a Lakeshore representative  
 2 that confirms that the information in here is  
 3 accurate.  
 4 Q. We don't know the actual -- We have no  
 5 breakdown of the costs there, correct? We can't  
 6 do that calculations with the information we  
 7 have here in front of us, correct?  
 8 A. The calculations aren't in here  
 9 because they are, again, a business decision  
 10 that's based on a lot of different factors;  
 11 although, I agree with you, they are trying to  
 12 do what is most economical. That's the whole  
 13 point of this whole discussion is that the  
 14 pricing that they have received has caused them  
 15 to do things that aren't the most efficient.  
 16 Q. The desire for this transfer station  
 17 is also a business decision, correct?  
 18 A. Yes.  
 19 Q. Okay. So you're not an economist, are  
 20 you?  
 21 A. I am not.  
 22 Q. Nowhere in your report does it

09:06:56PM

09:07:26PM

1 actually provide any data or dollar amounts as  
 2 to what, if any, dollar savings the customer is  
 3 going to obtain by the addition of this new  
 4 waste transfer station down the street from the  
 5 current facility, does it?  
 6 A. When you say "customer," do you mean a  
 7 municipality?  
 8 Q. Either one. Pick one. It's not in  
 9 there for either one, is it?  
 10 A. Again, these are determinations made  
 11 on a number of factors. That's why we provided  
 12 all of the examples of things that have occurred  
 13 and made the point of, yes, they need to be  
 14 fully vertically integrated if they are going to  
 15 be able to be efficient going forward and  
 16 hopefully they continue to provide these  
 17 benefits.  
 18 Q. You have given us a lot of examples.  
 19 No doubt about it. What I don't see in here  
 20 anywhere is data. Am I missing it?  
 21 A. No. That's why we demonstrated what's  
 22 going on today.

09:07:55PM

09:08:28PM

1 Q. Anecdotally. Okay. At no point in  
 2 this entire report does anyone try to do an  
 3 actual economic dollar and cents analysis of the  
 4 effect of this, quote, increased competition,  
 5 does it?  
 6 A. No. You're going into the future,  
 7 which is difficult to predict, other than it  
 8 clearly positions them much better to continue  
 9 to compete. Now, to be able to predict how they  
 10 might bid on a contract or how anybody else  
 11 might bid on a contract, you know, a year or two  
 12 years from now is not -- it's not something that  
 13 can be done.  
 14 Q. Are you telling me Lakeshore Recycling  
 15 hasn't done any projections as to the change in  
 16 costs based on a new waste transfer station,  
 17 they are going to spend all this money and they  
 18 have never done that projection?  
 19 A. The problem is we don't know the  
 20 comparative costs. So they do know what they  
 21 would spend to build this facility and my belief  
 22 is that if they could avoid spending millions of

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1 dollars to do this, they would. But the problem  
 2 is that others have control of major cost items  
 3 that could be driven so high that, again, they  
 4 are not able to compete on a fair level.  
 5 Q. I know. You keep saying that, but I  
 6 still haven't seen any data on this competition.  
 7 That's what I'm trying to get into.  
 8 Is their data -- I assume they had  
 9 projections. They had assumptions, like we all  
 10 do when we do projections. They are not dumb.  
 11 They are smarter than I am. And nowhere in this  
 12 report does it have those assumptions and those  
 13 projections of savings to the consumer, to the  
 14 municipality, does it, correct, in dollars and  
 15 cents?  
 16 MR. MUELLER: Asked and answered.  
 17 HEARING OFFICER PRICE: You can answer.  
 18 BY THE WITNESS:  
 19 A. No. Because I don't think it would be  
 20 reasonably possible to provide.  
 21 Q. Okay. Another thing you talk about in  
 22 your report on Page 1-32, the electronics

09:10:13PM

09:10:37PM

1 products recycling and reuse act.  
 2 Do you recall that? Do you recall  
 3 talking about the fact you're going to have  
 4 electronic recycling?  
 5 A. Yes.  
 6 Q. The page number, I just gave it to  
 7 you. I don't think it matters much.  
 8 Down the street, Groot provides  
 9 free electronic disposal, doesn't it?  
 10 A. I don't what exact services they  
 11 provide for electronic waste.  
 12 Q. Okay. And nothing in your report says  
 13 the Groot facility is somehow at capacity as it  
 14 relates to electronic disposal, does it?  
 15 A. I'm sorry. Could you ask that again.  
 16 Q. Nowhere in your report does it state  
 17 that the Groot facility is somehow at capacity  
 18 as it relates to electronic disposal, does it?  
 19 A. No.  
 20 Q. Let's go to Section 1.71 of your  
 21 report. I think it's titled "Increased  
 22 Competition and Transfer Capacity," Page 1-38.

09:11:09PM

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1 disposal costs caused by a lack of competition.  
 2 Do you recall that?  
 3 A. Yes.  
 4 Q. In fact, however, in his letter,  
 5 Mr. Strom actually says, doesn't he, that,  
 6 quote, The biggest challenge to Greenwood  
 7 Transfer in the longer term would have been the  
 8 reduced options for the competitive price at the  
 9 landfill. Isn't that what he says?  
 10 A. I'm just trying to find where you're  
 11 reading from.  
 12 Q. Do you have the letter?  
 13 A. I do now.  
 14 Q. He said -- I think it's the second  
 15 page, if I remember correct, towards the bottom.  
 16 He says, quote, The biggest  
 17 challenge for Greenwood Transfer in the longer  
 18 term would have been the reduced options for a  
 19 competitive price at the landfill, end quote.  
 20 Do you see that?  
 21 A. Yes.  
 22 Q. Okay. He doesn't say that the biggest

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1 A. I'm sorry. 1-30?  
 2 Q. 38. I'm sorry. That section talks  
 3 about -- Strike that.  
 4 You mentioned it earlier in your  
 5 report, and I think you mentioned earlier for  
 6 George Strom, which is actually attached to  
 7 Appendix 1-B2.  
 8 Do you recall that letter?  
 9 A. Yes.  
 10 Q. In fact, Mr. Strom is now vice  
 11 president of Lakeshore Recycling, correct?  
 12 A. Yes. Again, they sold to Lakeshore,  
 13 and George stayed on.  
 14 Q. In fact, he has been going to  
 15 political fundraisers in DuPage and Kane over  
 16 the last year or so on behalf of LRS, correct?  
 17 A. I don't know what George does day in  
 18 and day out.  
 19 Q. Okay. You state in your report that,  
 20 quote, A key reason Roy Strom sold to LRS is the  
 21 exact reason discussed above: Diminishing  
 22 ability to compete in the market, due to rising

09:12:22PM

09:12:44PM

1 challenge was a lack of independent waste  
 2 transfer stations, does he?  
 3 A. Well, the point is it was the same  
 4 concept. I mean, Strom has a transfer station  
 5 in Maywood. They have control of their own  
 6 pricing there. What they didn't have control of  
 7 was the pricing at the landfills.  
 8 Q. We're not trying to site a landfill.  
 9 We're trying to site a waste transfer station.  
 10 So I'm asking the question: Did he  
 11 say anything in that letter about a problem with  
 12 competition in the waste transfer station  
 13 industry?  
 14 A. Well, in the last sentence he says, To  
 15 be more specific as to why this should be  
 16 approved is it will increase the disposal  
 17 competition in the DuPage County market, which  
 18 will drive disposal prices down and allow for  
 19 lower prices to communities and business and  
 20 bring a lifeline to the few nonnational waste  
 21 haulers that are left.  
 22 Q. That's from the LRS vice president,

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1 correct, that sales pitch?

2 **A.** That's what the letter says.

3 **Q.** Yeah. He's an LRS vice president,

4 correct, when he wrote the letter? It's on LRS

5 letterhead, correct?

6 **A.** Well, he is now, since they sold.

7 **Q.** At the time he writes the letter, he

8 is an LRS vice president, is he not?

9 **A.** He is. And he was writing about why

10 the company sold.

11 **Q.** And the biggest challenge was the

12 competitive pricing of the landfill is what he

13 says, right? That's what he says, the exact

14 words.

15 Let's discuss the letters from

16 municipal governments. Okay. And that's

17 attached to Appendix 1-B4. And you provided, I

18 think, four of them; is that right?

19 Let me know when you're there.

20 There's five.

21 **A.** There are five letters in Appendix

22 1-B4.

09:15:31PM

09:16:13PM

1 Do you see that?

2 **A.** Yes.

3 **Q.** However, this letter never even

4 mentioned the LRS proposed waste station, does

5 it?

6 **A.** The point of this letter was simply

7 that Lisle is a community that we see benefits

8 by, you know, including lower prices from

9 Lakeshore bidding on it and, yeah, this is a

10 letter of support of Lakeshore.

11 **Q.** Of Lakeshore, but not of the transfer

12 station, which is what the report says. It's of

13 Lakeshore, correct?

14 In fact, the words "transfer

15 station proposed" is not anywhere in the letter,

16 is it?

17 **A.** Not this letter.

18 **Q.** Okay. But this is the letter you

19 submitted, so I can only go with that. There's

20 a fifth letter from the Village of Atkinson,

21 which you don't mention in your report, but it's

22 attached in this section, correct?

09:17:58PM

09:18:28PM

1 **Q.** Right. The first is from the City of

2 Wheaton, correct?

3 **A.** Yes.

4 **Q.** That's an LRS customer, correct?

5 **A.** Yes.

6 **Q.** And the next two are from the Village

7 of Forest View and the Village of Hinckley,

8 correct?

9 **A.** Yes.

10 **Q.** And neither Forest View or Hinckley is

11 in the service area, is it?

12 **A.** No.

13 **Q.** In fact Hinckley is in DeKalb, which

14 is on the other side -- which is by the Elburn

15 Transfer Station, correct -- in fact, it's

16 further west, actually, or maybe north -- or

17 south. Sorry.

18 **A.** I'd have to look at a map again.

19 **Q.** Trust me. Hinckley is south. The

20 fourth one you state is a letter of support for

21 approving the local siting and it's a letter

22 from the Village of Lisle.

09:16:37PM

09:17:11PM

1 **A.** It is.

2 **Q.** For the record, Atkinson is where LRS

3 has its landfill, correct?

4 **A.** Yes.

5 **Q.** Does LRS paid host fees to Atkinson?

6 **A.** Yes.

7 **Q.** Atkinson is not anywhere near the

8 service area, correct?

9 **A.** No. As I mentioned, it's the location

10 where the landfill is located.

11 **Q.** It's about 120 to 130 miles from here,

12 correct?

13 **A.** Yeah, it's a long way.

14 **Q.** In fact, this letter from Atkinson

15 doesn't even mention the words "waste transfer

16 station," does it?

17 **A.** No.

18 **Q.** Okay. Let's talk about the letters of

19 support from the waste haulers in Appendix 1B-3.

20 Were these letters drafted initially by the

21 waste haulers or were they provided by you or

22 LRS to the waste haulers?

09:18:56PM

09:18:17PM

1 A. These were obtained by others, so I  
2 don't know the exact process in terms of how --  
3 exactly how this letter was obtained.

4 Q. Do you know that 9 of the 11 letters  
5 say that LRS should be commended for trying to  
6 get this waste transfer station, they used the  
7 word "commended"?

8 A. I do see that word and -- in most of  
9 these.

09:20:26PM

10 Q. For your citizen's correspondence in  
11 Appendix 1B-6, have you heard it said from  
12 anybody at the City of West Chicago or anybody  
13 at LRS that the citizen's letters or e-mails  
14 that went in didn't mean a lot to the City of  
15 West Chicago because they were all form e-mails?  
16 Did you ever hear anybody talk about that?

17 A. Well, it is a form letter.

18 Q. I'm not talking about this letter.  
19 The e-mails -- You heard a bunch of e-mails went

09:20:59PM

20 to the city council at West Chicago regarding  
21 this project, correct?

22 You never heard that?

1 A. We weren't -- We weren't involved with  
2 that.

3 Q. Okay. But you are aware that each one  
4 of these letters is a form letter people just  
5 sign and -- there's nothing different about any  
6 of these 113 letters than the others, other than  
7 the name and address, correct?

8 A. Correct, they are a form letter.

09:21:30PM

9 Q. Okay. Do you know that only three of  
10 these people actually live in the City of West  
11 Chicago of those 113?

12 A. I don't. I don't know that -- I don't  
13 know that it matters, but ...

14 Q. One of them is actually Mesa, Arizona.  
15 Did you see that?

16 A. I'm not arguing that it's not there.  
17 If you point me to it.

18 Q. You're not arguing that it's also part  
19 of your service area, correct, Mesa?

09:22:06PM

20 A. Obviously, it's not.

21 Q. Fair enough. Do you know that eight  
22 of the addresses listed are actually the LRS

1 Powis Road facility?

2 A. Sure. I mean, there's a number of,  
3 you know, people that work who are citizens as  
4 well, and if they want to express their support,  
5 we weren't going to stop them.

6 Q. Okay. But there's more people from  
7 LRS -- I think it's 1665 Powis Road -- signed  
8 letters than residents of West Chicago; is that  
9 fair to say?

09:22:42PM

10 Eight is more than three, right?

11 A. I agree that eight is more than three.

12 Q. Okay. Beginning on Page 1-42 and on  
13 the next page of your report, you mention the  
14 fact that Cook County has a greater waste  
15 transfer station presence, don't you?

16 A. Yes.

17 Q. As part of your presentation?

18 A. Yeah. Again, it's -- We were talking  
19 about suburban Cook County.

09:23:06PM

20 Q. Yeah, suburban Cook County. How many  
21 waste transfer stations are there in the City of  
22 Chicago?

1 A. I don't know exactly.

2 Q. Do you know if you included those from  
3 the City of Chicago, whether Cook County's  
4 dispersion rate or whatever population numbers  
5 would be similar to DuPage County or your  
6 service area, as far as transfer stations --  
7 number of transfer stations per population? You  
8 don't know that calculation, do you?

09:23:45PM

9 A. No. I guess -- We were trying to pick  
10 an area of similar population density. And,  
11 obviously, as you get into the City of Chicago,  
12 it's a different population density and it  
13 becomes -- it becomes different enough because  
14 we were trying to come up with a similar  
15 analogy.

16 Q. Let's be honest, a lot of these  
17 transfer stations serve City of Chicago,  
18 correct? A lot of these suburban transfer  
19 stations, they get waste from the City of  
20 Chicago?

09:24:13PM

21 A. I'm sure some number of them do.

22 Q. In fact, LRS has a contract with the

1 City of Chicago, right?

2 A. They do.

3 Q. Do they take that waste to their own

4 transfer station, do you know?

5 A. I mean, they have multiple facilities

6 in Chicago. So as with the rest of the haulers,

7 I'm sure that their preference is to take it to

8 their own transfer stations.

9 Q. Okay. You don't consider the density

10 in suburban Cook County to be similar to that in

11 Aurora Township, do you?

12 A. Aurora Township -- Which one are you

13 referring to?

14 Q. That's the one in the bottom left of

15 your service area, southwest corner.

16 A. Oh, yeah. Of course there's going to

17 be differences in population density across the

18 township to the service area. Again, the point

19 was to just try and provide a similar analogy

20 that DuPage County is underserved.

21 Q. Even though it's served by at least

22 ten transfer stations. Okay.

09:24:45PM

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1 Q. Your point is competition. That's the

2 ultimate -- I mean, your needs analysis is based

3 on additional competition, correct?

4 A. That is one of the key benefits.

5 Q. Okay. If the public were to come in

6 down the street from you -- The Lakeshore

7 facility is permanent. And you're the Groot

8 facility, and Republic was to come in another

9 quarter of a mile away, they would also be

10 creating competition, would they not?

11 A. They would.

12 Q. Okay.

13 A. Because they backed out of the area

14 when they did an asset swap with Groot a while

15 back.

16 Q. But that would create -- Any new

17 transfer station creates competition; isn't that

18 fair to say?

19 A. It would certainly help. Again, the

20 degree of how much it helps would depend on if

21 and how much that entity is vertically

22 integrated in other factors.

09:27:15PM

09:27:40PM

1 Do any of these suburban towns in

2 Cook County have two waste transfer stations in

3 them?

4 A. I believe that Cook does.

5 Q. Other than in Cook, all these other

6 waste transfer stations, there's only one,

7 correct, in each suburban county?

8 A. Yeah. I mean, the location of the

9 closest of the two are the one you mentioned

10 before, the one in Rockdale that's just down the

11 street from the Waste Management facility.

12 Q. Your report does not provide any

13 actual economic data, as it's shown, that the

14 greater density of waste transfer stations has

15 provided any cost savings to the customer, does

16 it?

17 A. It's not. I'm not sure that that

18 would even be possible to calculate. Again, the

19 simple point was: There's areas of similar

20 population density that have a hole -- a

21 dramatically greater number of transfer

22 stations.

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1 Q. But we don't know the degree that this

2 transfer station economically -- from an

3 economic standpoint is going to create that

4 competition. We have no percentage, no dollar

5 amount, no data whatsoever, do we? We just have

6 your anecdotal statements?

7 A. I think we have more than anecdotal

8 statements. We gave a number of examples of

9 trying to explain our rationale and reasons, but

10 to put a dollar amount to it is, I think,

11 impossible to put together.

12 Q. I think that's what economists do on a

13 daily basis.

14 Your report talks about additional

15 recycling and additional hydro-waste the

16 facility is going to take in, correct?

17 A. Yes.

18 Q. I apologize. I don't know this

19 answer.

20 Can LRS transfer hydro-waste

21 excavation without increasing its municipal

22 waste number?

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1 A. I'm sorry. Can you ask that again.  
 2 Q. Can LRS transfer hydro-waste  
 3 excavation without a siting plan?  
 4 A. No. Let me maybe clarify. To start  
 5 that operation at a facility, we have clarified  
 6 this with the IEPA, but they consider it a  
 7 pollution control facility. So for a facility  
 8 to do it, they would need local siting. Again,  
 9 assuming it's not in the City of Chicago and all  
 10 the rest of the applicable rules.  
 11 Q. But you don't know need hydro-waste  
 12 excavation to do a municipal waste -- MSW  
 13 station, those are two separate things?  
 14 A. They are separate operations.  
 15 Q. And LRS can provide recycling at the  
 16 Powis Road site, even without the need for  
 17 permitting use at the facility, correct, they  
 18 can do that today?  
 19 A. Recyclables, in general, are not  
 20 subject to local siting.  
 21 Q. So they could say we're going to build  
 22 a larger recycling center today without having

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1 to go get a site -- without a siting hearing,  
 2 correct?  
 3 A. They could. For a variety of reasons,  
 4 it wouldn't make economical sense.  
 5 Q. Okay. But they wouldn't need a siting  
 6 hearing, correct?  
 7 A. You are correct, you don't need a  
 8 local siting hearing to receive recyclables.  
 9 Q. On Page 1-48 of your report it says,  
 10 quote, "As evidenced by letters in support of  
 11 multiple other haulers servicing the service  
 12 area, the West DuPage RTS is anticipated to be  
 13 used by other haulers providing services to the  
 14 service area."  
 15 Did I read that correctly?  
 16 A. Yes.  
 17 Q. However, when I look at the letters in  
 18 Appendix 1-B3, none of those waste hauler  
 19 letters actually say they are planning or even  
 20 consider using this facility, do they?  
 21 A. What the letters all talk about is the  
 22 importance of having alternatives in creating

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1 competition, which is what we're talking about,  
 2 that people are looking for alternatives and  
 3 recognizing that they would like options.  
 4 Q. Some of these haulers are nowhere near  
 5 the service area, are they?  
 6 A. Well, again, they might not be today,  
 7 but they might have an opportunity to compete in  
 8 the market tomorrow if there was an option for  
 9 them.  
 10 Q. So the answer is yes. Okay.  
 11 On Page 1-49 of your report, I  
 12 think it says that the LRS waste transfer  
 13 station will reduce the emissions and carbon  
 14 footprint in the area.  
 15 Do you see that?  
 16 A. I'm sorry. What page?  
 17 Q. I think it was 1-49. Let me make sure  
 18 I didn't cite that wrong.  
 19 A. I'm to the section. If you can ask  
 20 the question again.  
 21 Q. I think it's, like, 1-48 to 1-49, if I  
 22 remember correctly. You say -- Yeah. Reduce --

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1 the above -- I'm sorry.  
 2 You say the above reductions --  
 3 It's the last paragraph on 1-48, The above  
 4 reductions in truck miles will save fuel and  
 5 reduce wear on roads.  
 6 Do you see that?  
 7 A. Yes.  
 8 Q. You're not saying that this will  
 9 reduce wear on roads in West Chicago, are you?  
 10 You're saying a more general area?  
 11 A. I believe some would be in West  
 12 Chicago and some would be in other areas, but we  
 13 don't categorize exactly where.  
 14 Q. Okay. Your report does not say that  
 15 it will reduce emissions and the carbon  
 16 footprint in the City of West Chicago, does it?  
 17 A. Well, I mean, emissions don't have  
 18 municipal boundaries. Obviously, they will go  
 19 where they go.  
 20 Again, this is -- This is  
 21 associated with trucks that go around and  
 22 through the area; but exactly where the

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1 reductions would occur is impossible to say.

2 Q. Your report produces no data that  
3 showed the emissions in the City of West Chicago  
4 will not be increased by the LRS waste transfer  
5 station, does it? I don't see any analysis of  
6 emissions before versus after, do I? I didn't  
7 miss that anywhere, did I?

8 A. The specific comparison you're talking  
9 about, no. Again, the point is it would be more  
10 efficient for the trucks going in and out, they  
11 would be driving less miles going around. But,  
12 again, we didn't evaluate exactly where the  
13 reduced miles or reduced emissions would occur.

14 Q. So you didn't do that for West  
15 Chicago, you didn't do it for Batavia, you  
16 didn't do it for St. Charles, correct?

17 A. No, we did not do it for particular  
18 areas.

19 Q. Okay. Including Aurora, correct?

20 A. Again, we didn't do it for any  
21 particular area.

22 Q. How many transfer stations and/or

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1 provided about our draft application, we did  
2 receive one. Again, I'm not sure if that's what  
3 you're referring to.

4 Q. I am. And it's about August of 2021;  
5 would you disagree with that?

6 A. Sounds about right.

7 Q. Did you take his comments as an  
8 attempt of good faith to make the application  
9 stronger?

10 A. Well, in general. I mean, some of  
11 them were constructive and helpful, some we  
12 disagreed with, but --

13 Q. But, I mean, did you think it was an  
14 attempt at good faith to make it a stronger  
15 application, or did you think he was trying to  
16 beat it up or something?

17 I'm trying to understand. Did you  
18 see his role as trying to make the application  
19 stronger?

20 A. Yeah, we took it that way.

21 Q. You responded to that memo in writing,  
22 correct?

1 landfills have you been the principal engineer  
2 on that have been sited in Illinois?

3 A. This is my fourth.

4 Q. How many of those did you present the  
5 needs criteria analysis?

6 A. All of the other ones.

7 Q. In those, did you provide the capacity  
8 before and after the need of -- in a capacity  
9 analysis?

10 A. Well, for each one we did look at the  
11 amount of waste generated in the service area,  
12 again, how it's being managed and -- I'm not  
13 clear on your question, I guess.

14 Q. Did you discuss the shortfall in  
15 capacity?

16 A. Yes.

17 Q. In August of 2020, Devin provided you,  
18 approximately, a 25-page report where he  
19 provided his thoughts about how to make the  
20 facility and your application better, didn't he?

21 A. I don't remember the length, but if  
22 you're referring to a response that APTIM

09:36:04PM

09:38:49PM

09:36:36PM

09:38:12PM

1 A. I don't recall providing a formal  
2 response.

3 Q. Let's hand you what's been marked as  
4 PWC Exhibit 23. Showing you what has been  
5 marked PWC Exhibit 23.

6 Do you recognize this document?

7 (PWC Deposition Exhibit No. 23  
8 marked for identification.)

9 BY THE WITNESS:

10 A. Yes.

11 Q. Would you agree with me that the  
12 things in black were APTIM and the city's  
13 comments about your August 2020 draft  
14 application or -- given to them, approximately,  
15 in that time period?

16 A. Yes.

17 Q. The comments in red, those are -- who  
18 wrote those?

19 A. CEC.

20 Q. So your office?

21 A. Correct.

22 Q. And mostly you, I assume? You kind of

1 oversaw it or responded to Shaw?

2 **A.** Yes.

3 **Q.** Would it be fair to say that you and  
4 LRS's response on some of the issues was to make  
5 changes in the language of the application?

6 **A.** Yes.

7 **Q.** And some of the comments you decided  
8 not to respond to or thought were not worth  
9 responding to, correct?

09:39:42PM 10 **A.** Yes. I mean, we considered some -- We  
11 considered them all, and some we made changes,  
12 and some we did not.

13 **Q.** And a lot of them you disagreed with  
14 the comments or stated they were not applicable;  
15 isn't that correct?

16 **A.** I'm sure those types of comments are  
17 in here.

18 **Q.** To your knowledge, is any engineer in  
19 the State of Illinois ever successfully --

09:40:07PM 20 **THE COURT REPORTER:** Can you repeat  
21 that?

22 **MR. MUELLER:** What's the relevance of

1 that?

2 **MR. LEUTKEHANS:** Let me ask the  
3 question again so she can get it.

4 **BY MR. LEUTKEHANS:**

5 **Q.** To your knowledge, has any engineer in  
6 the State of Illinois ever successfully sited  
7 more pollution control facilities than Mr. Moose?

8 **MR. MUELLER:** Objection; relevance.

9 **MR. LEUTKEHANS:** The relevance is:

09:40:29PM 10 Here is an engineer who sited 50 pollution  
11 control facilities, who has given his advice and  
12 his opinion -- who was hired by the city to give  
13 his opinion, and I want to know whether Mr. Hock  
14 took it or why he didn't?

15 **HEARING OFFICER PRICE:** That question  
16 is allowable. The other question is not. You  
17 can answer the last one.

18 **MR. LEUTKEHANS:** I need the first one  
19 to get to the second one.

09:40:54PM 20 **HEARING OFFICER PRICE:** It doesn't  
21 matter if he knows how many Mr. Moose sited.  
22 You can ask him if he took the advice from the

1 engineer hired by the city or not.

2 **MR. LEUTKEHANS:** I think it's relevant.

3 **HEARING OFFICER PRICE:** Then you can  
4 put Mr. Moose on in your case.

5 **MR. LEUTKEHANS:** I can't do that. I  
6 think it's relevant as to what he knows versus  
7 what he decides. It's different to have someone  
8 like Mr. Moose give a comment than someone like  
9 Phil Leutkehans, who knows close to nothing.

09:41:18PM 10 **HEARING OFFICER PRICE:** Would you say  
11 Mr. Moose was the engineering authority on  
12 giving advice? I don't care how many he cited.

13 **THE WITNESS:** Yes.

14 **HEARING OFFICER PRICE:** Onward.

15 **BY MR. LEUTKEHANS:**

16 **Q.** I apologize. I'm going to jump around  
17 a little. I'm going back to your PowerPoint,  
18 and I had some comments on that. Go to Page 25  
19 of your PowerPoint.

09:42:09PM 20 **HEARING OFFICER PRICE:** Slide 25,  
21 Mr. Leutkehans?

22 **MR. LEUTKEHANS:** Yeah. The only

1 numbers on it is the slide numbers. Sorry.

2 There's only 1s and 2s, but 25 is the only one  
3 identified.

4 **BY THE WITNESS:**

5 **A.** I'm looking at Slide 25.

6 **Q.** That slide talks about landfills and  
7 other landfills in the Chicagoland area,  
8 correct?

9 **A.** It does.

09:42:30PM 10 **Q.** There's also landfills just on the  
11 other side in Newton, Indiana, correct? Do you  
12 have that -- Do you know that?

13 **A.** Yes.

14 **Q.** These are all landfills, correct?

15 **A.** Yes. It actually shows active  
16 landfills and it shows closed landfills.

17 **Q.** We're not asking to site a landfill,  
18 correct?

09:42:57PM 19 **A.** We are not. Again, the point was just  
20 to talk about trends in the industry, and  
21 landfills are an important piece of it.

22 **Q.** Let's go to page -- I'll call it

1 Slide 37, so we're a little clearer. Tell me  
2 when you're there, please.

3 A. I'm there.

4 Q. On the second bullet point you say,  
5 "Based on just the potential development of the  
6 West DuPage RTS, LRS submitted a proposal for  
7 the residential waste," correct?

8 A. Yes.

09:43:44PM

9 Q. Just based on that proposal and on  
10 that -- even with the possibility or the thought  
11 you were going to have a waste transfer station  
12 here, LRS still didn't get the contract,  
13 correct?

14 A. That's correct.

15 Q. Even with the possibility of vertical  
16 integration, correct?

17 A. That's correct.

18 Q. Go to the next slide.

19 A. Just because we're vertically

09:44:06PM

20 integrated doesn't guarantee us winning certain  
21 contracts going forward. It's still a bidding  
22 process.

1 Waste Connections' mind, Groot's mind, when they  
2 put that in there, right?

3 A. I'm not a mind reader of Waste  
4 Connections.

5 Q. Okay. Good. The City of St. Charles,  
6 at least certain parts of the City of  
7 St. Charles, the western edge, is just as close  
8 to the Elburn facility as it is the proposed  
9 West Chicago facility, correct?

09:45:43PM

10 A. Yes.

11 Q. In fact, Atkinson is closer to Elburn  
12 than it is to the West Chicago facility,  
13 correct?

14 A. Well, yes. I mean, Atkinson is west  
15 and Elburn is west. Exact driving distance,  
16 relatively speaking, is probably very similar.

17 Q. Go to Slide 47, please.

18 A. Okay.

19 Q. Where in your report can I find the

09:47:03PM

20 backup for the reduced emissions?

21 A. Are you talking about the reduced

22 emissions column or all of -- Which ones are you

1 Q. Yeah. Vertical integration only does  
2 so much, correct, it doesn't guarantee anything?  
3 So let's go to the next one.

4 Examples of benefits, you said -- On Slide 37  
5 and 38, you talked about Groot was awarded the  
6 new waste hauling contract and you talked about  
7 the fact that the price was lower because of  
8 LRS.

9 Do you recall that?

09:44:37PM

10 A. Yes.

11 Q. And you said -- I think you said, It  
12 appears that that was the reason why the price  
13 went lower.

14 Do you recall that?

15 A. Yeah. I think I used that word  
16 because, you know, Lakeshore participated in the  
17 process. This was the result -- you know, it  
18 seems obvious that their involvement made Waste  
19 Connections sharpen their pencil. But I guess I  
20 used the word "appears" because I'm not a mind  
21 reader.

09:45:06PM

22 Q. Correct. You have no idea what's in

1 referring to?

2 Q. They all kind of -- The point of them  
3 all is to reduce emissions, correct?

4 A. Yeah. It's -- There's, I guess, a  
5 known or a standard amount of emissions for per  
6 gallon of fuel usage.

7 Q. Is that set forth anywhere in your  
8 report?

9 A. I don't remember if we listed it.

09:47:42PM

10 It's the same across. And I think it's 20 -- I  
11 can quickly calculate the numbers for you, but  
12 it's a standard number.

13 Q. Let's go to Slide 51. In the waste  
14 transfer stations you cited in Illinois, did any  
15 of them not have to pay a host fee to the  
16 municipality or the county?

17 A. One did not. One did not.

18 Q. Would you agree with me that it's more  
19 prevalent for waste transfer stations to pay a  
20 host fee than not to pay a host fee?

09:48:40PM

21 A. Yes. Certainly for newer ones.

22 Q. You talked about over \$420,000 per

1 year of revenues to the City of West Chicago.  
 2 That's a gross calculation, not a net  
 3 calculation, correct?  
 4 **A.** That is, again, simply the 600 tons  
 5 times the \$2.45.  
 6 **Q.** It doesn't take into account any  
 7 reduction in tipping fees received by the City  
 8 of West Chicago because the Groot facility is  
 9 taking in even less capacity, correct?  
 10 **A.** Correct.  
 11 **Q.** Let's go to the next slide. You  
 12 mentioned that there are 35 jobs associated with  
 13 this project?  
 14 **A.** That's what we're estimating.  
 15 **Q.** What jobs? I mean, they are not all  
 16 in the waste transfer facility, correct?  
 17 **A.** No. Some would be in the transfer  
 18 facility, some would be spotters and laborers,  
 19 and some would be drivers.  
 20 **Q.** You agree with me that the amount of  
 21 capacity -- the amount of waste coming out of  
 22 DuPage County and that portion of Kane County is

09:49:18PM

09:49:55PM

1 **A.** No. We're not estimating what is  
 2 going on in the rest of the waste hauling world.  
 3 **Q.** Let's go to the next slide, 53. How  
 4 many spotters -- We talked about jobs. How many  
 5 of those jobs are spotters, do you know?  
 6 **A.** The way we have the facility laid out,  
 7 we probably have three spotters out there.  
 8 **Q.** Three spotters throughout the time  
 9 it's open?  
 10 **A.** I'm sorry. Could you say it again?  
 11 **Q.** I'm sorry. Throughout the normal  
 12 business operation hours, three spotters?  
 13 **A.** About there.  
 14 **Q.** What are the normal business operation  
 15 hours?  
 16 **A.** Well, at the West DuPage facility  
 17 currently the C&D operation is open 24 hours. I  
 18 think -- We have it listed in here. I'd have to  
 19 look again, but we have the operating hours  
 20 listed in the application for what's current and  
 21 there are -- again, the operating hours are  
 22 listed in Criterion 2 for the proposed facility.

09:51:45PM

09:52:18PM

1 a closed number, I mean, there's only so much,  
 2 correct?  
 3 **A.** Well, yeah. I mean, there's a current  
 4 amount that's being generated. It's going to  
 5 grow some amount in the future.  
 6 **Q.** The fact that LRS has a transfer  
 7 station isn't going to increase the capacity or  
 8 the amount of waste that comes out of that area,  
 9 correct?  
 10 **A.** The presence of a transfer station  
 11 does not impact the amount of waste being  
 12 generated, if that's what you're asking.  
 13 **Q.** That's a much better way of asking the  
 14 question.  
 15 **A.** Again, you don't know whether this  
 16 is a net job calculation or a gross -- I mean,  
 17 this is a gross calculation of jobs. It doesn't  
 18 take into account how many jobs may be lost due  
 19 to this additional transfer station, correct?  
 20 **A.** We couldn't know that.  
 21 **Q.** Okay. I'm right, though, right? It's  
 22 not a net calculation again?

09:50:25PM

09:51:01PM

1 **Q.** We can talk about that when we get to  
 2 that section. Let's talk about accepting  
 3 certain waste -- on Page 53 -- of DuPage County,  
 4 which is not going to a DuPage County waste  
 5 transfer station; there are lost fees.  
 6 **A.** Do you see that?  
 7 **A.** Yes.  
 8 **Q.** That's 70 percent of the entire DuPage  
 9 County?  
 10 **A.** It is.  
 11 **Q.** So over a third of the population of  
 12 DuPage County is not in your service area,  
 13 correct?  
 14 **A.** You know, certainly it's a significant  
 15 portion. It is -- You know, our service area is  
 16 about two-thirds of it.  
 17 **Q.** Yeah. The eastern portion of the  
 18 county is the most densely populated part of  
 19 DuPage County, isn't it, or don't you know?  
 20 **A.** It would intuitively make sense.  
 21 Certainly the more you get towards Cook County  
 22 and you move east, the density will increase a

09:52:48PM

09:53:16PM

1 bit. Again, the point of it is there's money  
2 that DuPage County is losing because there's  
3 transfer stations in other locations that are  
4 hauling the waste, and there would be some  
5 amount of waste that we believe that's generated  
6 in DuPage County and would stay in DuPage  
7 County.

8 **Q.** Okay. And that \$100,000, again,  
9 that's not a net calculation, correct, that's a  
10 gross? We don't know how much DuPage County is  
11 going to lose because Groot may or may not have  
12 as much waste, correct?

13 **A.** Again, that type of estimate is almost  
14 impossible because you're trying to predict the  
15 future now, who is going to win contracts,  
16 exactly what is going to happen. That's beyond  
17 the point of this slide.

18 **Q.** Let's go to Slide 55. You said, The  
19 West DuPage RTS will increase competition and  
20 will increase the capacity in the service area,  
21 which has been, quote, clearly recognized, end  
22 control, to help control price increases.

09:53:45PM

09:54:16PM

1 here, you know, the letters of support, talking  
2 to the other folks.

3 **Q.** Nothing that's not in your report is  
4 what you're saying?

5 **A.** The only thing that would not be in  
6 the report, again, is my experience of having  
7 done this for many, many years.

8 **MR. LEUTKEHANS:** Okay. Thank you. No  
9 further questions.

09:55:55PM

10 **HEARING OFFICER PRICE:** Anybody have  
11 five minutes' worth of questions?

12 **MR. CALLAGHAN:** Me. Very, very short.

13 **HEARING OFFICER PRICE:** Oh.

14 **Mr. DeLaRosa,** how many minutes -- how long will  
15 your examination be?

16 **MR. DeLaROSA:** I'm going to defer from  
17 further questions, so go right ahead.

18 **HEARING OFFICER PRICE:** Thank you.

09:56:24PM

19 **MR. CALLAGHAN:** My questions are really  
20 clarifications. I think Mr. Leutkehans went  
21 over most of the need issues.  
22

1 What's the study that you have for  
2 that support? Or is it just your anecdotal?

3 **A.** Well, we're referencing, for instance,  
4 back to the solid waste management plans. If  
5 you reference the language from Kane County,  
6 they said exactly that.

7 **Q.** I'm trying to understand. Is there a  
8 study -- any independent study that you can base  
9 that statement on as being "clearly recognized"?

09:54:49PM

10 **A.** Well, it's based on my professional  
11 opinion of years of doing this and the evidence  
12 you know, that we see, including references like  
13 the plan.

14 **Q.** So it's based on your opinion; is that  
15 what you're saying?

16 **A.** Partially my opinion and partially the  
17 references in the information that we reviewed  
18 as part of this evaluation.

09:55:21PM

19 **Q.** Other than the DuKane County Solid  
20 Waste Management Plan, what else goes into this  
21 statement that you reviewed?

22 **A.** Some component of everything that's in

1 **CROSS-EXAMINATION**

2 **BY MR. CALLAGHAN:**

3 **Q.** I just want to make sure, the  
4 operational testimony that you gave on the  
5 operations of the facility, that was just a  
6 summary, you're going to be providing more  
7 detail and subsequent testimony; is that  
8 correct?

09:56:45PM

9 **A.** That is correct. Again, the purpose  
10 of this was just to give an overview to help  
11 understand our need evaluation.

12 **Q.** I also -- You also mention that the  
13 volume caps that are stated in the application,  
14 those being 650 tons per day of MSW, 300 tons  
15 per day of hydro-excavation waste, 250 tons per  
16 day of single stream recyclables are actual caps  
17 that will not be exceeded; is that correct?

18 **A.** Yes.

09:57:22PM

19 **Q.** The company would be willing to accept  
20 a condition with those caps?

21 **A.** Yes.

22 **MR. CALLAGHAN:** We have nothing else.

1 HEARING OFFICER PRICE: All right.  
 2 Anything from Mr. Walsh?  
 3 MR. WALSH: No questions.  
 4 HEARING OFFICER PRICE: No questions  
 5 from Mr. Walsh.  
 6 All right. Well, then with the 2  
 7 minutes and 45 seconds remaining tonight, I'm  
 8 going to call for the conclusion this evening.  
 9 We'll meet back tomorrow at 6:00 with  
 10 Mr. Mueller asking any remaining questions for  
 11 clarification. I have a motion from Protect  
 12 West Chicago.  
 13 Mr. Mueller, how much time would  
 14 you like to respond to that?  
 15 MR. MUELLER: I would like to address  
 16 that next week.  
 17 HEARING OFFICER PRICE: That's fine.  
 18 We'll make use of the time as much as we can.  
 19 Ultimately, it will be a jurisdictional issue  
 20 that's not waivable in any way. Let's make use  
 21 of the time. That's fine. I'd like your  
 22 response on Monday, then, so then on Tuesday,

09:57:56PM

09:58:27PM

STATE OF ILLINOIS )  
 ) ss:  
 COUNTY OF DU PAGE )

I, KRISTI LANDOLINA, Certified Shorthand Reporter, Notary Public in and for the County DuPage, State of Illinois, do hereby certify that previous to the commencement of the examination and testimony of the various witnesses herein, they were duly sworn by me to testify the truth in relation to the matters pertaining hereto; that the testimony given by said witnesses was reduced to writing by means of shorthand and thereafter transcribed into typewritten form; and that the foregoing is a true, correct and complete transcript of my shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my electronic signature this 20th day of January, A.D. 2023.

/s/ Kristi Landolina  
 KRISTI LANDOLINA  
 C.S.R. No. 84-4611  
 Notary Public, DuPage County

1 you can make some progress on the --  
 2 MR. MUELLER: Fair enough, Mr. Price.  
 3 HEARING OFFICER PRICE: Anything else  
 4 from anybody this evening? I understand the  
 5 tables are going to be left this way. To the  
 6 extent you want to leave anything here, you can.  
 7 I don't think they are in school tomorrow;  
 8 otherwise, everybody be back here at  
 9 6:00 o'clock tomorrow.  
 10 Tomorrow will be redirect. And who  
 11 is next, Mr. Mueller?  
 12 MR. MUELLER: We'll call Mr. Kleszynski  
 13 next and then probably Michael Werthmann.  
 14 HEARING OFFICER PRICE: Anything else?  
 15 MR. LEUTKEHANS: That's it. Thank you.  
 16 HEARING OFFICER PRICE: Thank you, all.  
 17 See you all tomorrow at 6:00.  
 18 (WHEREUPON, the proceedings  
 19 were continued until  
 20 January 4th, 2023 at  
 21 6:00 p.m.)  
 22

09:59:16PM

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