

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.)

CONTINUED 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 5th 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

WITNESS

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PUBLIC COMMENT

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Mr. Paul Kubinski 630

E X H I B I T S

PWC EXHIBIT

ID

ADMITTED

No. 651 517

No. 34 535

No. 13-A 538

No. 200 539

No. 205 561

No. 23 567

Nos. 201 and 202 573

No. 16 599

No. 17 601

No. 700 603

No. 10 615

1 after work and give their oral comment. Out of
2 precaution, to make sure we get this done and so
3 the city council has the opportunity not only to
4 get the 30 days of written comment but to
5 deliberate over what it is they want to do and
6 consider the whole record, I have scheduled,
7 with the city's help, those two days at city
8 hall. Just be advised of that.

9 One other change this evening. At
10 the conclusion last night we discussed about how
11 the next bit of criteria would come in and the
12 lawyers conferred, along with the witness, and
13 we're going to do more than one criteria here
14 initially before there's cross-examination, but
15 then the lawyers have all agreed the criteria
16 either don't apply in this case or make logical
17 sense to do together. So there will be a series
18 of criteria Mr. Hock does, cross-examination as
19 usual, and then the last criteria will be 8, and
20 then cross-examination as usual. So that's a
21 little bit of a change. We're going to start
22 with 2, 4, 5, 7, and 9, I think that's right,

1 HEARING OFFICER PRICE: Good evening.
2 The appointed hour of 6:00 is here. A couple
3 preliminary announcements before we get going
4 this evening.

5 First of all, out of caution for
6 time, trying to make sure we have enough time
7 for presentation of the testimony and then also
8 public comment, be advised that we have reserved
9 two days at city hall in case we have to go past
10 next week, that being the 16th from 1:00 to 5:00
11 at city hall. There's a council meeting. And
12 then on the 19th, Thursday, from 1:00 to 5:00 at
13 city hall in the chambers. That might be the
14 opportunity for oral public comment. I'm
15 reluctant to have to do it during the day, but
16 this is what we have come down to in terms of
17 how this is progressing.

18 We have, again, next week, Tuesday
19 night is here, Thursday night is at the high
20 school. And I'm hoping that public comment can
21 happen Thursday night at the high school, and
22 that gives everybody an opportunity to come

1 and then 8.
2 With that, any other preliminary
3 matters?

4 (No response.)
5 All right. We're set. Mr. Hock,
6 I'll remind you, you're still under oath. And
7 with that, Mr. Mueller, the floor is yours.

8 WHEREUPON:
9 JOHN HOCK,
10 called as a witness herein, having been first
11 duly sworn, was examined and testified as
12 follows:

13 DIRECT EXAMINATION
14 BY MR. MUELLER:
15 Q. Mr. Hock, you previously testified on
16 Tuesday, correct?
17 A. Yes.
18 Q. Tonight you are going to testify about
19 some different criteria; is that correct?
20 A. Yes.
21 Q. Again, these reports are all contained
22 in the siting application?

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1 A. Yes.

2 Q. They were prepared under your

3 direction or by you personally; is that correct?

4 A. Yes.

5 Q. Are you the lead engineer on this

6 project?

7 A. Yes, I am.

8 Q. With regard to Criterion 2 why, don't

9 you go ahead and proceed.

10 A. Okay. Everyone can hear me just fine?

11 As George mentioned, my name is

12 John Hock. I'm with Civil and Environmental

13 Consultants, and I'll be stepping through a

14 number of the criteria tonight. Before I jump

15 into it, just a quick reminder that this

16 process, meaning the application for local

17 approval, is just the first step in the process.

18 Assuming we get approval here, we still have to

19 submit an application to the IEPA to develop the

20 facility. Once that approval would be received,

21 we would still then have to apply demonstrating

22 that we, in fact, constructed the facility

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1 threaten -- you know, concerns that threaten or

2 endanger species, and there are no wild or

3 scenic rivers at the site either.

4 The other five that are listed

5 below that we're going to step through one at a

6 time.

7 The first one is the residential

8 setback. In the basic requirement is that we

9 are at least a thousand feet from a

10 residentially zoned property or a dwelling. The

11 nearest residence is actually over 3,000 feet,

12 which is about six-tenths of a mile to the east

13 of us, along Atlantic Drive. So past the

14 railroad tracks, past the agricultural area,

15 even past the large electrical tower easement is

16 where the residence is.

17 In terms of residentially zoned

18 property, what you can see up on the screen is a

19 composite of the zoning map of both West Chicago

20 and unincorporated DuPage County, because there

21 are pieces of both within this area. There's

22 actually a circle around the site. The site is

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1 consistent with our development permit. And

2 only, at that point, would they give us an

3 operating permit. Also, along the way, before

4 we would construct any buildings or other

5 infrastructure-type items at the site, we would

6 still need to get the typical local building

7 permits from West Chicago.

8 So we'll start with Criterion 2,

9 which is that the facility is still designed,

10 located, and proposed to be operated that the

11 public health, safety, and welfare will be

12 protected. The first item we'll be discussing

13 is location standards. And this slide is a

14 general listing of those key criteria.

15 The first three would be

16 archaeological, architectural, and historic

17 pieces, the threatened or endangered species,

18 and the Wild and Scenic River Act. Those --

19 Just in simple summary, there are none at the

20 site. It has a long history of industrial use.

21 So there's no concerns about historic or

22 archaeological-type things. There are no

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1 shown with a darker line, and that perimeter

2 line is the 1,000-foot setback.

3 I'll talk about the railroad tracks

4 to the east for a moment, but in terms of

5 residentially zoned property, it really is about

6 2,000 feet to the east is the yellow hatching

7 that you see up there, again, to the east of the

8 site. And the other would be the green hatching

9 northeast of the site across North Avenue.

10 The two railroad tracks that are

11 located, again, directly east of our site,

12 again, the one is owned by Canadian National

13 Railway and one by Union Pacific. Those have an

14 ER-1 zoning associated with them, which is a

15 Estate Residential. It's really a remnant

16 zoning and -- Well, it's railroad tracks. So

17 the Estate Residential Zoning actually requires

18 they are, approximately, one acre lots. It's

19 used for larger properties that might have

20 horses or things like that. And it should be

21 inherently obvious that it is impossible to

22 construct an estate residential house on those

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1 railroad tracks, so we believe, and West Chicago
2 actually provided a letter also with their
3 determination that the 1,000-foot setback does
4 not apply to those railroad properties.

5 The second location standard, that
6 bullet item, is wetlands. We did perform a
7 study to determine if there were any
8 jurisdictional wetlands on site. There is a
9 small area in the very southeast corner. It's
10 hatched in blue on the aerial photograph that
11 you see. The study we performed was actually
12 submitted to DuPage County and West Chicago as
13 part of a planned use development amendment that
14 we received a couple of years ago and that
15 determination was approved as part of that
16 process. Those wetlands are well-buffered from
17 our operations and there's no building proposed
18 of that area, so those wetlands would be
19 adequately protected.

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20 The third item I wanted to click
21 through is floodplain. And floodplain is
22 inherent to Criterion 4, which states that for a

1 facility other than a sanitary landfill or a
2 waste disposal site, the facility is located
3 outside the boundary of the 100-year floodplain
4 or the site is flood proofed.

5 When normally determining if you
6 are potentially within a floodplain, you go to
7 what's called a flood insurance rate map. Those
8 are based on somewhat historical general
9 information, and that will give you a general
10 idea of whether you may be in a floodplain or
11 not. Up on the screen is an excerpt -- excuse
12 me -- is a portion of the floodplain map for our
13 facility. You can see the rectangular boundary
14 that is our site. This map suggests that that
15 eastern portion of the property may be within
16 the floodplain.

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17 If you are potentially within a
18 floodplain, there are flood insurance studies
19 that may have been conducted. And in this case,
20 there was. A flood insurance study will
21 determine an actual base flood elevation,
22 meaning an elevation below which that portion of

1 the property may flood. If that portion of the
2 property is higher than that elevation, then
3 that's the demonstration that that portion of
4 your property would not flood. When you
5 consider the flood insurance study, there's
6 actually only five one-hundredths of our
7 property that is actually within the 100-year
8 floodplain. It's marked on the map. What you
9 see is a planned view of the eastern portion of
10 the site with the railroad tracks to the right,
11 our large detention pond in the middle, and our
12 paved areas to the south and north of that.

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13 This determination of the
14 floodplain was, again, confirmed as part of our
15 planned use development amendment. It's
16 confirmed by DuPage County with their approval.
17 And, to be clear, our buildings that we're
18 proposing are actually about four feet higher
19 than this base flood elevation. And, again, the
20 base flood elevation is the elevation the water
21 would rise to during a hundred-year storm.

22 So because our activities are well

1 above the 100-year floodplain, it is my
2 professional opinion that the West DuPage
3 Recycling and Transfer Station is located
4 outside the boundary of the 100-year floodplain,
5 or is flood proof.

6 So the next location standard is
7 regulated recharge area, which is really part of
8 Criterion 9, which states that if the facility
9 will be located within a regulated recharge
10 area, any applicable requirements specified by
11 the board for such areas have been met. This is
12 a pretty simple one. Regulated recharge area
13 means a geographic area with geology which
14 renders a potable resource groundwater
15 particularly susceptible to contamination.
16 There's actually only one designated in
17 Illinois. It's down near Peoria, which is
18 obviously over a hundred miles from our
19 facility. So, as such, it is my professional
20 opinion that the West DuPage Recycling and
21 Transfer Station is not located within or near a
22 regulated recharge area.

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1 Then the last bullet item as part
 2 of location standards was airports. DuPage
 3 Airport is, obviously, located directly west of
 4 the site. To be clear, transfer stations are
 5 not prohibited from being located nearby to
 6 airports. There is an advisory circular that
 7 the Federal Aviation Administration put out that
 8 provides guidance on a variety of land uses,
 9 including transfer stations, that have a
 10 potential to attract hazardous wildlife on or
 11 near airports.

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12 For this project we executed an
 13 agreement with the DuPage Airport Authority,
 14 which requires the following: That we will
 15 comply with certain design and operational
 16 features, and those design and operational
 17 features are the same exact items that we'll be
 18 discussing as part of the facility, so we
 19 basically incorporated these same design and
 20 operational requirements into that agreement,
 21 again, if this facility is approved. So we
 22 would do those. And then we would also execute

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1 proposed facility will not pose a threat to safe
 2 operation of the DuPage Airport, that they have
 3 no objection and will not object to the siting
 4 approval of this facility, and they are not
 5 currently aware of any violations of or
 6 contradictions with the guidance set forth by
 7 the Federal Aviation Authority in their advisory
 8 circular.

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9 Next, we're going to talk about the
 10 existing operations. And for those who may have
 11 been here Tuesday, a portion of this will be a
 12 little bit of a review, but we'll talk in more
 13 detail now, since these are part of Criterion 2
 14 now.

15 This is just a reminder of the
 16 existing operations at the facility. Again,
 17 this is an aerial photograph listing the
 18 different operations that are currently
 19 occurring. The areas on the aerial photo are
 20 color coded and hatched to provide a general
 21 indication of where those activities are
 22 occurring.

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1 and grant the DuPage Airport Authority a new
 2 avigation easement. The avigation easement
 3 is -- I'll call it -- a two-dimensional surface
 4 of where the planes basically take off and land.
 5 What they would be interested in -- So there is
 6 an avigation easement over our property right
 7 now, which is basically a height limitation on
 8 how high we can construct, whether it be a
 9 building or a light pole or similar. They would
 10 like us to lower that easement. And right now
 11 there is -- one of our existing buildings that
 12 is slightly into or above that easement
 13 boundary. So we would not only give them a new
 14 easement, but we would reduce the roof height of
 15 this existing building to stay below the
 16 elevations in this new easement.

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17 We would also, then, pay the DuPage
 18 Airport Authority 15 cents for each pound of
 19 municipal solid waste and hydro-excavation waste
 20 that is received.

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21 As part of that the agreement, the
 22 DuPage Airport Authority agreed that our

1 Our main operation is recycling and
 2 transfer of construction and demolition debris,
 3 which is occurring in the majority of the center
 4 portion of the site that is highlighted in light
 5 blue. In front of that, towards Powis Road, the
 6 parking and maintenance of vehicles, again, the
 7 various trucks that LRS is currently using for
 8 hauling operations that are going in and out of
 9 the site. Again, the same type of trucks that
 10 would be coming in and out if we're able to
 11 accept municipal solid waste. Again, they
 12 simply would be bringing the contents of the
 13 waste here, instead of bringing it to a
 14 different transfer station.

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15 On the north and south perimeters
 16 is where the site currently stages and maintains
 17 containers, such as roll-off boxes, extra totes.
 18 Again, totes are the large bins typically on
 19 wheels that we all use at residences to put our
 20 waste and recyclables in and roll out to the
 21 curb.

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22 Lakeshore Recycling is also in the

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1 portable restroom business, so off-season they
 2 will store portable restrooms on the property as
 3 well. There is a dispatch and customer service
 4 center that is performed out of this site. That
 5 is shown in the pink rectangle. So it's,
 6 basically, the office portion of the building
 7 and the employee parking or customer parking as
 8 well right out front. On the west and east
 9 perimeters, it's highlighted or hatched in the
 10 darker blue, there are storm water detention
 11 ponds, on the west there's a berm and fencing
 12 and trees that form a buffer, and on the east
 13 there's the larger, what we call, the east
 14 detention pond, there's the wetland area that I
 15 mentioned before on the southeast, and other
 16 vegetated area to form a buffer along that
 17 perimeter.

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18 I was hearing a mention -- I know
 19 there was a question yesterday about potential
 20 development on the closed landfill to the south.
 21 Again, you can see on this picture the runways
 22 from DuPage Airport to the west. Constructing

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1 For instance, an unused pallet or
 2 unused lumber from new construction is
 3 considered A-wood. It's really an excellent
 4 product. It's sold to wholesalers. So it will
 5 actually end up at Lowe's or places like that in
 6 bags. I have it at my house. It actually has
 7 worked amazingly well. The nice part about it
 8 is it's a dryer material than mulch from trees
 9 or natural wood, so it doesn't have the -- you
 10 don't get the mold kind of growing up and it,
 11 frankly, lasts longer.

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12 This is a slide of the proposed
 13 facility improvements along the west portion of
 14 the site. Again, this is a little bit of a
 15 review for those who may have been here on
 16 Tuesday. It shows the key features that are
 17 proposed to be installed or constructed. The
 18 main item is the municipal solid waste and
 19 single-stream recycle building in the lower
 20 right hand corner. I should note that all the
 21 area you see that's kind of shaded in the gray,
 22 that's basically all paved area -- pavement or

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1 on a closed landfill is very challenging. I'm
 2 familiar with multiple projects where people
 3 have tried. Generally, they have not -- Well,
 4 they have had very limited success or it really
 5 has not gone well.

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6 Regarding the recycling activities
 7 that are currently performed, I just want to
 8 spend a moment. This is a list of the main
 9 materials that are recycled. Again, the
 10 construction and demolition debris is bought in
 11 and through a series of mechanical and manual
 12 means, it's separated into the component parts,
 13 meaning the wood, the shingles, the metal, and
 14 the other materials you see there. And then
 15 those component parts are shipped off to various
 16 sources for recycling.

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17 The one that I wanted to spend just
 18 another moment on is what we call the A-wood.
 19 A-wood is basically clean wood that is, for
 20 instance, not painted, it's not stained with
 21 oil, and that's actually processed into mulch,
 22 so you may see that out there. They color it.

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1 concrete. We would have the additional scale up
 2 front. There is currently one scale already.
 3 With the additional activities, we would put a
 4 second scale in to just facilitate the movement
 5 of vehicles. We would have our resident
 6 drop-off area in front. That would include both
 7 recyclables and electronic waste. To improve
 8 the traffic circulation within the property, we
 9 would open up the northern driveway for vehicles
 10 to exit. Currently all of the vehicles both
 11 enter and exit from the southern driveway. And
 12 opening up the northern one would just create a
 13 better flow of traffic. That driveway is
 14 already there. It's just gated. So we would
 15 make improvements of both driveways, again, to
 16 facility the traffic. And we would construct a
 17 hydro-excavation waste building that I'll talk
 18 more about in a moment. That's a smaller,
 19 shorter building. It would be more right in the
 20 center of the western portion of the property.

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21 This slide is a view of the eastern
 22 portion of the property, which, again, shows the

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1 large detention pond right in the middle and,
2 again, there's the railroad tracks to the right.
3 And it's, really, again, just a paved area on
4 the north and south sides of the pond, and alls
5 we would do is convert a portion of the paved
6 area on the south from material or equipment
7 storage to parking for trucks.

8 So that was a quick summary of the
9 physical improvements. In terms of the
10 operations, again, to be clear, all of the
11 existing operations at the site would continue.
12 So the C&D recycling, parking, customer service
13 all would continue as is. What we would be
14 doing is, again, instead of the same collection
15 vehicles leaving the site, collecting waste from
16 residences and businesses and taking it to a
17 different transfer station, it would simply
18 bring it back here.

19 The hydro-excavation waste would be
20 solidified in the building that I referenced
21 before and then that would be transported off
22 site to a landfill. We would have the

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1 cardboard with the cardboard and paper with the
2 paper and cans with the cans and glass with the
3 glass so that those materials can be sent off to
4 recycle -- for recycling.

5 Again, just a quick reminder about
6 the terminology and materials that we are
7 talking about. Construction and demolition
8 debris is what you would typically think of,
9 it's wood, concrete, shingles, metal, things
10 like that that comes from constructing,
11 remodeling, repairing, or demolishing some sort
12 of structure, utility, or road.

13 Municipal solid waste is what you
14 just generally might think of as garbage, so
15 from households and commercial buildings. It's
16 the things we all throw away every day.

17 The single stream recyclables are
18 just what I described, the paper, the cardboard,
19 the bottles, the cans. And the term "single
20 stream" simply comes from the fact that we all
21 tend to put them in the same container, so it's
22 collected as a single stream. It's mixed

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1 electronic waste drop-off up front that I
2 mentioned where, again, local residents can
3 bring in their e-waste. It would be packaged
4 up, placed into -- the term is a Gaylor box,
5 which is just simply a container, where it's
6 wrapped where it can then be sent off to a
7 facility where portions can be pulled out,
8 recycled, and then the rest processed.

9 Then the recyclables -- We would
10 also pick up recyclables from, again, residents
11 and homes. Just like the waste is picked up
12 like your current hauler does, we do that from
13 various communities. We bring that back to the
14 same building the municipal waste would go into
15 and, again, we consolidate into the larger loads
16 and transport it to a material recovery
17 facility. Lakeshore has one of these facilities
18 in Forest View currently. They are actually
19 just going to be opening a brand new great big
20 beautiful facility in Chicago and what that
21 facility does is it will take the recyclables,
22 again, pull it apart into its components, so the

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1 together and, again, pulled apart later at a
2 recovery facility.
3 And then the hydro-excavation waste
4 I'm going to talk about more in a moment, but
5 that is basically mud. It is -- The material is
6 generated through pressurized water and air and
7 used as part of excavation around critical
8 infrastructure.

9 To clarify, I just told you what we
10 will accept. This is the list of what we will
11 not accept. There's no hazardous waste. That,
12 I'll mention it later, is intrinsic to what is
13 Criterion 7, so no potentially infectious
14 medical waste, no asbestos, no PCPs, no, you
15 know, motor oil, sludges, white goods,
16 batteries, used tires, landscape waste.
17 Landscape waste is somewhat of an important one.
18 That is -- It's banned from landfills. There
19 are transfer stations that do accept landscape
20 waste, but we are not proposing to do that here.

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21 So let's first talk about the
22 construction and demolition activities. Again,

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1 these activities are currently occurring on the
2 property. We are currently permitted to accept
3 up to 1,250 tons per day of construction and
4 demolition debris. The site actually averages
5 more around 300 tons per day. In our peaks we
6 will hit around 750 tons per day. Regardless of
7 what happens with municipal solid waste, we
8 don't expect those tonnages to change. What we
9 are proposing is actually just to reduce the

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10 limit from the 1,250 to the 750, which should
11 accommodate our existing volume, and again
12 provide kind of a contingency for a peak day is
13 what we're seeing right now.
14 In terms of municipal solid waste
15 and recyclables, as I mentioned, Lakeshore is
16 currently hauling and has hauling operations in
17 the area. They haul, approximately, 250 tons
18 per day of municipal solid waste and 90 tons of
19 single stream recyclables from our service area.

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20 The limit we're proposing here is 650 tons per
21 day of municipal solid waste and 250 tons per
22 day of single stream recyclables. The simple

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1 logic is that would accommodate our existing
2 volume, a similar amount of volume from other
3 privately-owned companies that we think would be
4 very excited to use our facility, some growth,
5 and, again, some contingency for a peak day.

6 This slide is, again, one you may
7 have seen before from a previous presentation.
8 This is a rendering of the municipal solid waste
9 and single stream transfer building. This view
10 is looking from the east to the west, so the
11 open grassy area on the left of the photo would
12 be the closed landfill to the south of the
13 property. The entrance to the facility would be
14 in the background. And you can kind of see it
15 between the trees along the roadway. That's
16 Powis Road out beyond the trees. And this
17 building is really tucked right in behind our
18 existing -- existing buildings. The lighter
19 shaded areas you see four -- there are actually

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20 four bay doors, and those are the doors that the
21 collection vehicles would enter and exit the
22 building from. What we have shown is what would

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1 be a condition on a very busy hour where there's
2 trucks waiting to get into the building and what
3 would happen is, as space is available, one of
4 the doors would open, the truck would pull
5 forward and then back into the building. The
6 door would then close. The collection vehicle
7 would discharge its contents out onto a
8 concrete, what we call a tipping floor. The
9 term -- The origin of the term should be pretty
10 obvious. It's simply where the truck tips its
11 back end and discharges the load onto the floor.
12 That takes a few minutes. Once that occurs and
13 the truck is ready to leave the building, the
14 door would open again and the truck would leave.

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15 The tipping floor is where, then,
16 the waste is picked up and consolidated into a
17 larger vehicle. There's the loading areas along
18 the south end of the building. There's actually
19 a little area that sticks out, and you can --

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20 what we depict on the drawing is one of the
21 larger vehicles leaving the building. We have
22 it set up where the larger truck would already

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1 be covered and tarped before it ever exits the
2 building. And that operation works the same way
3 that while a truck is in the loading area
4 waiting to be loaded or in the process of being
5 loaded, the doors will be closed. Once it's
6 filled, it moves forward, and it tarps the back
7 end. Then the door would open and it would
8 drive out and leave the site.

9 A few more details about this
10 building are listed on this slide. It's a
11 substantial building. It's about 20,000 square
12 feet, which is almost half an acre, about
13 40 feet tall. These are pre-engineered metal
14 building, so they have steel columns that rise
15 from the sides that span across the top and has
16 metal siding that form the structure of the
17 building. As I mentioned, the floor is all
18 concrete, at least eight inches thick. It's all
19 sloped to collect any water that may be
20 associated with the waste itself or will be
21 routinely -- we routinely washed down the floor
22 with a pressure washer in there. So you spray

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1 the floor and the walls just to keep it clean.
2 We also put a steel plate, about 12 feet tall,
3 we call a barrier wall around the perimeter of
4 the interior. Really, it's just to protect the
5 building. Primarily -- Again, the term "barrier
6 wall" simply comes from the fact that it's a
7 barrier to prevent any equipment or operations
8 from damaging the building.

9 Those barrier walls also actually
10 facilitate loading and provide temporary
11 storage. As the waste is placed on the floor,
12 maybe picture trying to pick up a load of dirt
13 and debris with a dustpan. If you just scoop at
14 it without anything on the backside trying to
15 help hold those contents in place, it's hard to
16 get all of that material off the floor if you're
17 just kind of scooping at it with a dustpan. So
18 the barrier walls provide that boundary within
19 which a front-end loader can help pick up all of
20 the waste and then get all of it off the floor
21 and load it out. Those walls then also provide
22 some additional temporary storage. As the waste

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1 loading area for the larger truck is actually
2 below floor level so that it just lessens the
3 time it takes to load that larger vehicle.
4 Again, as a reminder, it's usually three to
5 four -- The amount of waste in three to four
6 incoming collection vehicles can be put into one
7 of the larger vehicles that heads farther down
8 the road to the landfill.

9 The doors, as I mentioned, are fast
10 opening and closing doors. So basically it
11 just -- Again, it helps keep the building
12 completely sealed, everything completely
13 indoors, which not only would help control
14 odors, but just helps control litter and keeps
15 everything nice and neat and clean, keeps
16 everything indoors all the time.

17 Then we also would have a
18 ventilation and filtration system installed in
19 the building, which would be state of the art.
20 There's -- The system we're talking about would
21 be significantly better than any similar system
22 at any transfer station that I'm certainly aware

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1 is placed, you just set the waste up against the
2 wall and just add more capacity.
3 So this is a very large building
4 for the proposed operations, and it has -- it's
5 been sized to handle the amount of waste that
6 would be anticipated to be accepted at a peak
7 hour of a maximum volume. So, really, at our
8 busiest time of both municipal solid waste and
9 single streams, we would have more than adequate
10 capacity. Again, the building is set back
11 800 feet from Powis Road, it's 600 feet from the
12 northern property boundary, and 900 feet from
13 the eastern property boundary. So it's well
14 buffered even within the property. And as I
15 mentioned before, it's kind of tucked back
16 behind the other building such that if you're
17 driving down the road, you would not even know
18 that the building is there.

19 Just some additional features, that
20 I have shown on that picture. There's four bay
21 doors. What that just simply allows is for
22 multiple trucks to unload simultaneously. The

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1 of. So it is -- It's unique and very effective.
2 It would include multiple blowers or fans that
3 remove air from the building. There would be a
4 duct system associated with each of those
5 blowers or fans and then we would be using an
6 air treatment system using Ozone within each of
7 those duct systems, which doesn't mask the odor,
8 it actually destroys any odor-causing compounds
9 and eliminates any odor from the air. We have
10 actually been talking with vendors who make this
11 Ozone equipment. It's used -- It's being used
12 more and more.

13 My most recent conversation with a
14 gentleman who was describing a warehouse in New
15 Jersey that accepts spices and he just made a
16 comment that -- and they use it there. That
17 facility is, he said, 50 feet from the nearest
18 residence. He says the odors from that facility
19 are way beyond anything we could imagine, and
20 it's effective at controlling the odors from
21 there. We have all the confidence that this
22 will be an excellent system I can see becoming a

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1 standard in other transfer stations down the
 2 road.
 3 A few more key features. There
 4 would be walls between our C&D transfer and
 5 screening building and the MSW and recyclable
 6 part to basically separate the operations.
 7 Although, we would have an access opening
 8 between the two to basically facilitate the
 9 appropriate movement of materials. As we bring
 10 construction and demolition material in, I
 11 mentioned before, we recycle about 75 percent of
 12 it. Well, that also means 25 percent is not
 13 recyclable. You get -- You'll get some large
 14 bulky items in there. You'll get a couch or
 15 just other things you just can't recycle. That
 16 just facilitates the movement of that from the
 17 C&D part into the municipal solid waste part.
 18 The other thing that may happen is
 19 there may actually be -- We do get loads that
 20 are considered municipal solid waste that are
 21 predominantly recyclable. A large load of
 22 cardboard, for instance, some people will send

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1 the larger vehicles are tarped and we use what's
 2 called an auto tarper, so it's more of a
 3 mechanical means so it's pretty straightforward
 4 to cover that load, and that would happen prior
 5 to exiting the loading ramp.
 6 The site is, again, set far away
 7 from the property boundaries but also surrounded
 8 by fencing, and we do have folks that would
 9 patrol to collect any small amounts of litter
 10 that may get out. And as I also indicated
 11 before, this site has a street sweeping business
 12 that's run out of here, so there are street
 13 sweepers that are parked already. And the site
 14 has agreed, as part of our host agreement with
 15 West Chicago, we would sweep Powis Road as
 16 needed. Those street sweepers would also
 17 actually help keep the site clean. We actually
 18 use them inside the building at the end of the
 19 day to help clean that as well.
 20 In terms of cleaning procedures, so
 21 the waste that's brought into that building is
 22 typically on the concrete floor anywhere from,

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1 that off as waste. So it would allow, in those
 2 instances, for us to actually, you know, move
 3 the material from the MSW side -- That was
 4 actually a bad example. It's more like a rock
 5 or something like that. Something we would send
 6 to the other side where it would be recycled,
 7 maybe there's a bunch of metal in the load, for
 8 instance. So it would actually help us improve
 9 the amount we recycle out there. There would be
 10 a door on that access opening, and that door
 11 would be closed when it's not used.
 12 Some other key features in terms of
 13 the operations, we were very cognizant of
 14 litter control. One of the primary things is
 15 any waste coming into the site is in an enclosed
 16 vehicle, so the collection trucks you see; and
 17 if it's something not enclosed, meaning like a
 18 dump truck, it needs to be tarped so that
 19 there's no material blowing off of those trucks.
 20 As I described all of the
 21 unloading, transferring, and reloading is all
 22 indoors, that the loaded transfer trailers or

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1 say, 15 minutes to 2 hours. The waste business
 2 is transportation logistics, so it is all about
 3 how efficiently and quickly can we get it from
 4 our customer, meaning us, our residences and
 5 businesses, into the transfer station, get that
 6 the truck back out on the road, and get the
 7 contents put into a larger truck so that can --
 8 that truck can head down the road to the
 9 landfill and be disposed. It's all designed to
 10 be as quick and efficient as practical.
 11 We have a requirement that we will
 12 not leave waste on the floor for anything more
 13 than 24 hours. As I mentioned, we would be
 14 cleaning it with one of the mechanical street
 15 sweepers. Those all have water sprays and
 16 vacuum systems. We would be doing that at least
 17 once a day as well. We have the pressure washer
 18 that will be in the building. Again, that's
 19 basically a heavy duty -- well, spray wash. And
 20 we would be using that on the tipping the floor
 21 and barrier walls to remove any residues as
 22 well. We have, at times, put a disinfectant

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1 into that to help cleans things and control any
2 odors. Over time some dust and some dirt can
3 get behind those barrier walls. So those are
4 routinely inspected and we'll clean behind
5 those, and we have it set up where it's,
6 actually, very easy to do. And any of those
7 excess wash water potentially can be drained and
8 that would go through an oil and water separator
9 before going into the sanitary sewer system.

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10 In terms of odor control --
11 because, again, I can't emphasize it enough, all
12 the waste handling activities, the loading,
13 transferring, unloading, all indoors. As I
14 mentioned, that waste is only on site for a
15 short time. It's going to be a
16 first-in/first-out approach, meaning as waste
17 comes in, that's the first waste that goes out.
18 It's not like it really backs up, so it's,
19 again, only there a short time. The cleaning
20 procedures I mentioned are key to controlling
21 odors.

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22 And then, as I mentioned before,

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1 break the pipe. So, then, whether it be natural
2 gas or water or electric or communications,
3 then, you know, everything stops and people are
4 without that service for a period of time in the
5 area while those repairs are made. So this is
6 used for trenching. Potholing is just simply a
7 term for exposing a utility. It's, again, kind
8 of an interesting term. It just means to create
9 a pot or a hole where you can look down and see
10 where the utility actually is. People always
11 believe they know where they are, but sometimes
12 they are a little wrong. You can install
13 utility poles. You can make a very pretty
14 cylindrical hole to put a utility pole in. It's
15 also used to clean out storm sewers. My
16 understanding is that the City of West Chicago
17 has one of these hydrovac trucks. They use it
18 for just that purpose. And I'll show you a
19 picture here in a moment and, hopefully, it will
20 make a little more sense.

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21 The system, what it does is it just
22 cuts through the soils and materials, breaks it

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1 the ventilation and filtration system, the fast
2 opening and closing doors basically keep
3 everything enclosed as much as practical. And
4 then it is important to know -- I think I
5 mentioned -- that these odor-control procedures,
6 including that ventilation and filtration
7 system, all of this information was previously
8 provided to DuPage Airport Authority, and they
9 have agreed with all of these approaches and
10 that these are the features that make us

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11 compatible with the safe airport operations.
12 Turning back to the hydro-
13 excavation waste, again, this is a little bit of
14 review for those who may have been here Tuesday,
15 but this is a material that is created with
16 pressurized water. So it is a technique that
17 was actually developed in Canada. It's use has
18 been growing dramatically here, and it's used
19 primarily around utilities so that the

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20 traditional method of using a small excavator or
21 such happens less and less. Excavator buckets,
22 as they dig, and they hit a pipe, well, they

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1 up, and then there's a suction that lifts it up
2 and puts it in a debris tank where then it's
3 hauled down the road. The storm sewers --
4 Again, these are storm sewers that are up and
5 down all of our streets. You know, debris and
6 silt or sediment, you know, that gets into storm
7 sewers over time, so the jet will just simply
8 break that material up and then the vac will
9 suck that material up into the debris tank.

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10 Here are some pictures. So the
11 picture on the left is a typical hydrovac truck.
12 The thing you see kind of sticking out of the
13 top, the green, there's a Kanaflex hose that's
14 attached to a large tube. That's the vacuum
15 portion of the system. That's connected to what
16 they call a debris tank because it holds debris.
17 It's sucked up in the back of the vehicle.
18 These trucks will typically hold anywhere from,
19 say, 500 to a thousand gallons of water, and it
20 has a generator on it to create the pressure.
21 So there's a narrower wand-looking apparatus
22 that the person would use, so they'll kind of

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1 jet, again, break up the soil and, you know,
 2 have that excavation hose right next to it so as
 3 it's breaking the material up, it's also sucking
 4 it up into the hose so you can keep the
 5 excavation clean and see what you're doing.
 6 Those pictures on the right are
 7 excavations that were created using that
 8 technique. So it's really pretty amazing. You
 9 can make clean vertical walls. You can see that
 10 they have been able to dig down underneath pipes
 11 without damaging them. There's no way you can
 12 do that with the traditional mechanical means.

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13 In terms of the processing of this
 14 material, it would be very similar to what
 15 we're -- what Lakeshore Recycling is currently
 16 doing at their Heartland Recycling Facility in
 17 Forest View. The mud, it's basically, again,
 18 just picture a mixture of water and dirt, and
 19 it's sloppy. It is -- because it's got -- It's
 20 too sloppy to actually go directly to a
 21 landfill. What happens or what needs to happen
 22 is that that excess water needs to be absorbed

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1 what we're getting and it's just, you know, mud
 2 or similar like we talked about, acceptance,
 3 inspection, you know, where we're looking at it
 4 to, again, make sure it's the same thing, and
 5 then recordkeeping so we know who it is what it
 6 is and where it came from.

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7 In terms of the volumes we're
 8 requesting, so right now in our Forest View
 9 facility we accept anywhere from, say, 100 to
 10 400 tons per day of this type of material. We
 11 have talked extensively with our customers, and
 12 they have indicated that there is a significant
 13 percentage that's generated much more
 14 conveniently located to West Chicago than Forest
 15 View and they would love to bring it to a closer
 16 location. Well, why? Because it's closer, so
 17 it would reduce transportation costs. So
 18 instead of driving, they could be working. The
 19 limit we're proposing is 300 tons per day, which
 20 would accommodate the diversion of, say, 100 to
 21 150 tons per day. And, again, some reasonable
 22 growth and a contingency for a busy day.

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1 with some other solid material. What we
 2 typically use is woodchips. You know, woodchips
 3 we actually have at the site through the C&D
 4 recycling operations. That would typically be
 5 the B-wood. So the wood that is painted or
 6 stained or just dilapidated, but we grind it up,
 7 increase the surface area, and absorbs that
 8 excess water very nicely. It's simply mixed
 9 with -- mechanically with, like, a hydraulic
 10 excavator or a wheel loader and just -- I'm an
 11 engineer, so I like math. So it's really two
 12 parts hydro excavation material with one part
 13 woodchips equals your properly solidified
 14 material that can be taken to a landfill.

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15 As I said, there are various
 16 purposes for this technique. The primary one is
 17 digging around utility structures in a sense of
 18 infrastructure but it is used for storm sewer
 19 clean outs and other materials as well.

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20 As I mentioned, we do this at
 21 Forest View, so we have well-established
 22 procedures for preapproval so we know exactly

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1 The building we're talking about is
 2 much smaller, so, again, the other building for
 3 the municipal solid waste and single-stream
 4 recyclables was over 20,000 feet in area -- this
 5 is about 2500 feet. It's about 29 feet tall,
 6 and we would have two areas where we could
 7 unload the material, mix it, and reload it. And
 8 it's -- It's all sloped and designed and made of
 9 concrete so that any -- any liquids would stay
 10 within the area. We actually put a geomembrane
 11 under the concrete. And a geomembrane is a
 12 fancy term for a thick, durable plastic that is
 13 used very commonly for waste containment
 14 throughout the industry. So it's just -- We
 15 haven't had any issues with any material, you
 16 know, with the concrete cracking but the
 17 geomembrane is just a belts-and-suspenders
 18 approach to be extra careful. And, again, the
 19 facility we're talking about is sized more than
 20 adequately for the peak hours at a maximum
 21 volume.

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So this is a very large property.

1 It's about 28 acres, which provides lots of
 2 space, but we are talking about a variety of
 3 operations. So we have a great detailed traffic
 4 plan. The arrows -- I won't go through all of
 5 them for you but some of them reflect the
 6 existing patterns. What we do is we would -- we
 7 have signs, pavement markings. We would also
 8 use site staff, which we call spotters. Again,
 9 the term is fairly obvious. It's spotting the
 10 truck and telling the truck where to go to make
 11 sure they are in the right place and moving in
 12 the right direction.

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13 What we do is this traffic would
 14 predominantly move in a counterclockwise fashion
 15 so that it just makes things simpler, makes
 16 things safer and, again, we have plenty of signs
 17 and pavement markings and folks to facilitate
 18 all of those movements. I mentioned it before
 19 with the buffer areas, where there's a pond on
 20 the west and east portion of the facility. They
 21 are key components of our storm water management
 22 system.

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1 We recently went through -- When I
 2 say "recently," about two years ago, we wanted
 3 to pave additional portions of the property and
 4 add parking spaces and do some things like that.
 5 So we went through what's termed a planned use
 6 amendment development process, and that's the
 7 process I mentioned before where they approved
 8 our evaluation of wetlands and evaluation of the
 9 floodplain because as we pave more areas and
 10 create more impervious surface, storm water is a
 11 concern.

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12 So we went through this process
 13 with West Chicago and DuPage County and we
 14 proposed a number of storm water improvements,
 15 which is primarily involve making the two ponds
 16 larger. Again, that simply comes from as you
 17 create more impervious, the water tends to flow
 18 off the property faster, so you need a slightly
 19 larger pond to contain it -- I shouldn't say
 20 contain -- detain it or slow it down before it
 21 leaves the property. So all of the improvements
 22 we're talking about as part of this proposed

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1 facility were contemplated as part of that
 2 process we went through two years ago.
 3 In fact, on the eastern portion of
 4 the property we have already performed all of
 5 that paving and we have enlarged the pond. So
 6 because all of this has already been
 7 contemplated, there is actually no additional
 8 storm water improvements that are proposed as
 9 part of this siting application.

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10 One of the other things I want to
 11 touch on with our property is wildlife
 12 management. This was another key component of
 13 our discussions and agreement with the DuPage
 14 Airport Authority. And what we have agreed to
 15 do, again, to minimize any potential impact of
 16 wildlife is to create a site-specific wildlife
 17 management plan. We would make sure that all of
 18 our staff are appropriately trained.

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19 And I should say when we're talking
 20 about wildlife, we're really more specifically
 21 talking about birds. For all of the obvious
 22 reasons, being a bird attractant being near an

1 airport are a concern. Again, we have a plan.
 2 We would train our staff. We would have
 3 anti-perching devices on our buildings.
 4 Anti-perching just simply means spikes or other
 5 things that would discourage or prevent a bird
 6 from wanting to land on the building. We would
 7 perform routine wildlife surveys and we would --
 8 When I say "wildlife surveys," we would walk
 9 around and look for are there any birds or water
 10 type -- water fowl, for instance, wanting to use
 11 our ponds.

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12 So as part of that, since we can't
 13 be everywhere at all times, we would use some
 14 game cameras. Again, when I say "game cameras,"
 15 just similar to what people use when they go
 16 hunting. You put a camera out there, and if
 17 there's wildlife that moves in front of it, it
 18 will take a picture, so it will give us a better
 19 sense what's going on with our property with
 20 wildlife. We will have implemented all of those
 21 odor controls. Again, what we're talking about
 22 here, just the odor control, is above and beyond

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1 what I have seen at any other transfer station
 2 of which I am aware.
 3 We would perform improvements
 4 around the pond, portions of which we have
 5 already done. In all honesty, the ponds are
 6 potentially more of a hazard than anything else
 7 we're doing out there. Ponds are like large
 8 open water bodies. So we would be putting
 9 riprap or rock around the edges, we would keep
 10 the grass height low, and we would actually be
 11 putting a grid wire system over the ponds. When
 12 I say "grid wire," so bound 15 feet apart in
 13 multiple directions. We put these wires over
 14 the ponds and, again, the birds will not want to
 15 land in the pond. Then we would have a
 16 communication plan with DuPage Airport
 17 Authority, meaning a feedback, right. Nothing
 18 is ever perfect. You always want to be better.
 19 The idea is that we're implementing these --
 20 these protocols, we're evaluating it, we're
 21 looking at it, we're talking with the airport
 22 authority, and we're sharing information and

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1 will allow for the additional management of
 2 electronic waste with the drop-off area up
 3 front. It will add additional capacity and more
 4 efficient transportation to the management of
 5 the hydro-excavation waste, which is -- has our
 6 clients very excited, customers. And it will
 7 add additional capacity and more efficient
 8 transportation of wastes to a disposal facility,
 9 meaning a landfill.
 10 Again, to be clear, with what we're
 11 talking about here with the variety of
 12 operations and the design. We are proposing,
 13 this will be a premier waste management facility
 14 in Illinois. I am not aware of any other
 15 facility that will have this diversity of
 16 operations, will be this protective, and I'm
 17 very hopeful we can actually do all of this -- I
 18 shouldn't say do it -- to get approval to do all
 19 of this.
 20 So in terms of Criterion 2, it is
 21 my professional opinion that the West DuPage
 22 Recycling and Transfer Station is so designed,

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1 we're making improvements as we go. If they
 2 have suggestions, we would love to implement
 3 them. Again, everything we're talking about
 4 here is -- was part of the agreement with those
 5 folks and, in the end, we'll actually make this
 6 a -- the wildlife hazard potential will be lower
 7 going forward than it even is today. Meaning
 8 with all of these improvements, it will be a
 9 better situation and that is why the DuPage
 10 Airport Authority was supportive of this
 11 project -- or I should say one of the reasons.
 12 So, in summary, our proposed
 13 operations will allow for the improved recycling
 14 of construction and demolition debris. Again,
 15 it will facilitate those operations having more
 16 stuff out there will allow us to make additional
 17 investments in infrastructure to reflect the
 18 construction and demolition debris. It will
 19 allow for more efficient management and
 20 transportation of the recyclables to a material
 21 recovery facility, again, like Lakeshore's one
 22 in Forest View or our new one in Chicago. It

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1 located, and proposed to be operated, that the
 2 public, health, safety and welfare will be
 3 protected.
 4 And going back to the fact that we
 5 are not going to be accepting anything that
 6 resembles hazardous waste, it is my professional
 7 opinion that the West DuPage Recycling and
 8 Transfer Station will not be treating, storing,
 9 or disposing of hazardous waste, so Criterion 7
 10 is just simply not applicable.
 11 Now we're going to move forward and
 12 talk about Criterion 5. Criterion 5 is that the
 13 plan of operations for the facility is designed
 14 to minimize the danger to the surrounding area
 15 from fire, spills, or other operational
 16 accidents.
 17 So what it really boils down to is
 18 an incident prevention and response plan. The
 19 prevention is kind of obvious, that we want to
 20 take actions to prevent fires, spills, and other
 21 operation accidents from ever occurring.
 22 The second piece is, obviously, the

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1 response, that if something does happen, there
 2 is a plan in place. So we have an organized and
 3 coordinated course of action in responding to
 4 any potential fires, spills, or other
 5 operational accidents if they occur.
 6 The first key item is the safety
 7 officer. When responding to any event, you need
 8 somebody in charge. So we will have a
 9 designated person on site at all times. That is
 10 typically the facility manager, but if he is not
 11 there for some reason, there will be a duly
 12 designated operator, typically one of the more
 13 senior, obviously, experienced folks, who is
 14 also well trained. It would be their
 15 responsibility to first implement the procedures
 16 to prevent any incident such as fires, spills,
 17 or other accidents; and then if something does
 18 occur, to coordinate the responses.
 19 In terms of prevention, it's
 20 training. Facilities like this, typically
 21 have -- people are trained as they are hired, so
 22 they will go through a litany of things just to

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1 rover is -- again, a very -- It's a newer
 2 technology that uses foam and thermal
 3 monitoring. It's contained in -- Picture a
 4 large shipping container and it will -- it
 5 monitors for heat within the building. If it
 6 detects heat, it will automatically direct the
 7 nozzle of this foam at the area and put out any
 8 fire. This has been used by Lakeshore at other
 9 facilities with very good success, and we would
 10 continue to maintain the one in the C&D building
 11 and we would add a second one of these, a second
 12 fire rover, for the MSW and single-stream
 13 building.
 14 The other nice thing about this
 15 property is there is a very nice water source.
 16 It's an 8-inch main that actually loops through
 17 the site. So there's seven fire hydrants on the
 18 property. There's one actually just southwest
 19 of where the municipal solid waste and
 20 single-stream transfer building will be located,
 21 so you have a very nice water source there as
 22 well. We have plenty of heavy equipment on the

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1 make sure they are not only skilled in their job
 2 function but they are safe. Not only including
 3 them, but other coworkers and the customers who
 4 are using the facility. There are various
 5 systems and procedures that will be in place to
 6 contain and collect any spilled liquids.
 7 There's really not much, but whether it be from
 8 hydro-excavation waste or maybe just simply a
 9 truck. Trucks do break down. Trucks do leak
 10 oil. So what to do and spill kits and such
 11 associated with that. And then making sure
 12 everybody has and uses personal protective
 13 equipment.
 14 Another big thing with facilities
 15 such as this is fire prevention. You may have
 16 heard stories about things such as, like,
 17 lithium batteries from phones. Those are real.
 18 So we do -- The existing buildings are equipped
 19 with fire suppression systems and all of our new
 20 buildings would have a wet or dry pipe fire
 21 suppression system as well. We have out there
 22 currently what is called a fire rover. A fire

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1 site. We have water trucks and loaders that if
 2 a fire were to occur, they will help extinguish
 3 it. The access plan that I've showed you before
 4 in terms of on-site traffic flows is designed to
 5 accommodate emergency vehicles, including fire
 6 trucks, and it's, again, a simple but important
 7 thing. We put fire extinguishers in all of the
 8 equipment and the scale house and in all the
 9 buildings.
 10 Just based on all this, it is my
 11 professional opinion that the plan of operations
 12 for the West DuPage Recycling and Transfer
 13 Station is designed to minimize danger to the
 14 surrounding area from fire, spills, or other
 15 operational accidents.
 16 HEARING OFFICER PRICE: Mr. Mueller, do
 17 you have any questions at this time?
 18 MR. MUELLER: I think that's all we
 19 have at this point.
 20 HEARING OFFICER PRICE: Okay. Protect
 21 West Chicago, you're up.
 22 MR. MEZA: Can everybody hear me?

07:12:35PM

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1 Okay. Great.
 2 Mr. Hearing Officer, I have a
 3 number of exhibits, so I think I'm going to hand
 4 them all out in packets, if you don't mind.
 5 I'll be using the computer also, on occasion,
 6 but hopefully -- Can the witness see that --
 7 that monitor?

8 THE WITNESS: I should be able to, if I
 9 put my glasses on.

07:14:10PM

CROSS-EXAMINATION

11 BY MR. MEZA:

12 Q. Mr. Hock, we have never met before,
 13 have we?

14 A. Only briefly, I think, maybe at these
 15 meetings. I can't remember if you were at the
 16 prehearing meeting or not.

17 Q. I was. I'm saying before that, at
 18 other --

19 A. No.

07:14:58PM

20 Q. My name is Ricardo Meza, so you know.
 21 Mr. Hock, one of the things you said was that --
 22 Actually, you mentioned in 2.0 of your

1 operations and will be a premier waste
 2 management and recycling facility in the state
 3 of Illinois.

4 Q. Right. You said it's premier because
 5 of its large size, right? Yes or no?

6 A. Well, I think I just clearly said it.
 7 That's one of the factors.

8 Q. Right.

9 A. Sure.

07:16:59PM

10 Q. Large is not one of the nine
 11 criterion, is it, in 39.2?

12 A. Well, being protective of the public
 13 health, safety, and welfare isn't size. You
 14 know, having room on the property to maneuver in
 15 terms of traffic flow and buildings and
 16 structures is helpful. I'll say it that way.

17 Q. Large means more trucks, right?

18 A. When I say "relatively large size," I
 19 was referring to the fact that it's almost a
 20 28-acre property, which I'm not aware of another
 21 transfer station in the Chicagoland area that
 22 has that much property.

07:17:34PM

1 Criterion 2 application, was you indicated that
 2 the West DuPage Recycling and Transfer facility
 3 is a unique facility for LRS; is that correct?
 4 A. Yes. I think it would be -- When I
 5 say "unique," as proposed, it would have a very
 6 diverse set of operations, and it's very large.
 7 So they have a number of similar operations, but
 8 in terms of, like I said, the size and
 9 everything that's going on, yes, I think this is
 10 unique.

07:15:52PM

11 Q. Right. You said it's unique because
 12 of its relatively large size, right?

13 A. That is one of the factors.

14 Q. You said that in your report, though,
 15 right?

16 A. I would have to look back at the
 17 wording. I may have.

18 Q. It's on Page 2.

07:16:32PM

19 A. Right. We say the West DuPage
 20 Recycling and Transfer Station is a unique
 21 facility due to its desirable location,
 22 relatively large size, and diversity of

1 Q. So large means more trucks can come
 2 in, right?

3 A. It certainly accommodates the traffic
 4 that we're proposing to bring in. In terms of
 5 relative to trucks, I mean, you have a transfer
 6 station down the road that's permitted for
 7 3,000 tons per day.

8 Q. I'm not asking about that one.

9 A. I'm just -- it's --

07:18:08PM

10 Q. Large means more trucks and more
 11 garbage, doesn't it?

12 A. That's not what I'm saying.

13 Q. Diversity of operations, doesn't that
 14 mean different trucks with different types of
 15 garbage?

16 A. Diversity of operations does mean
 17 different types of vehicles. I would agree
 18 there.

19 Q. With different types of garbage,
 20 right?

07:18:33PM

21 A. I hate to be -- When you say
 22 "garbage," hydro-excavation waste --

1 MR. MUELLER: Let him answer the
 2 question.
 3 BY THE WITNESS:
 4 A. Hydro-excavation waste is different
 5 than garbage. When I say "garbage," just to
 6 make sure we're on the same page, I'm generally
 7 referring to garbage as municipal solid waste.
 8 Q. So am I, then.
 9 A. Okay. Great.
 10 Q. Different trucks with different
 11 amounts of garbage, right?
 12 A. I'm not sure how to respond to that
 13 question.
 14 Q. Okay. We can go on. So you said, I
 15 believe it was yesterday, that you agree to cap
 16 the amount of waste -- municipal solid waste in
 17 your facility to 650 tons per day; is that
 18 correct?
 19 A. Yes.
 20 Q. And you said you would agree to do
 21 that as a condition for West Chicago to give LRS
 22 this permit; is that correct?

07:18:57PM

07:19:26PM

1 MR. MUELLER: Asked and answered.
 2 HEARING OFFICER PRICE: Overruled.
 3 You can answer.
 4 BY THE WITNESS:
 5 A. To be clear, the other thing that does
 6 occur, even though that agreement would remain
 7 in place, and my understanding of the regulatory
 8 rule is a more stringent requirement in a permit
 9 or approval would govern. So we wouldn't be --
 10 We're not trying to, I don't know, trick or do
 11 any sort of slight of hand. We are fine with
 12 the volumes we're talking about and our -- We're
 13 fine with these volumes. Again, it's just an
 14 initial number created earlier.
 15 Q. So you're fine with 650 at the cap; is
 16 that correct?
 17 A. Yes. --
 18 Q. Yes or no? Otherwise, we can end up
 19 being here for, like, three days.
 20 A. Yes. My only caveat was I don't
 21 remember if the 1500 included any materials
 22 other than municipal solid waste. I just want

07:21:19PM

07:21:48PM

1 A. Yes.
 2 Q. But in your host agreement, you agree
 3 with West Chicago that you can bring up to
 4 1,500 tons; is that correct?
 5 A. So the number you're talking about is
 6 the correct number in the host agreement, but
 7 you have to recognize that the host agreement
 8 was put in place as a precursor to putting the
 9 application together and doing all of the
 10 detailed design and operation and detailed work
 11 that we did. So once we -- Once we performed
 12 that, we decided that we did not need 1,500 tons
 13 a day and we propose the amounts that are shown
 14 in the application. So it wasn't -- It wasn't
 15 intended to be some sort of -- I don't know --
 16 you know, I don't know. It was just a number at
 17 the time based on what we knew. And as we moved
 18 forward, we came up with a more appropriate
 19 number.
 20 Q. But, today, you have an agreement with
 21 West Chicago that you can bring up to 1,500 tons
 22 per day; is that correct?

07:20:07PM

07:20:40PM

1 to be clear, the 650 is for the municipal solid
 2 waste, and then there's the single-stream number
 3 and hydro-excavation and the C&D numbers.
 4 Q. 650 just for the municipal solid
 5 waste, which equals garbage, right?
 6 A. Correct.
 7 Q. You'll agree to that cap; is that
 8 correct?
 9 A. Yes.
 10 Q. I assume you'll also agree that if you
 11 want to increase that cap, you'll agree to go
 12 through another siting hearing, is that correct,
 13 with the city as a condition to get this permit?
 14 MR. MUELLER: I'm going to object.
 15 That's a legal question that the witness is not
 16 qualified to answer.
 17 MR. MEZA: It's not a legal question.
 18 HEARING OFFICER PRICE: Objection is
 19 sustained. The process set forth with a statute
 20 for how you apply a permit once it's issued, if
 21 it's issued.
 22

07:22:14PM

07:22:35PM

1 BY MR. MEZA:

2 Q. You could agree to that, couldn't you,
3 today?

4 MR. MUELLER: Object again.

5 HEARING OFFICER PRICE: Sustained. The
6 process is set forth in the statute, sir.

7 MR. MEZA: I understand.

8 HEARING OFFICER PRICE: It's not this
9 witness' expertise on that statute.

07:22:54PM 10 BY MR. MEZA:

11 Q. So, Mr. Hock, I think it was Tuesday
12 or Wednesday, you made reference to LRS as being
13 a small private company; is that correct?

14 A. I think I probably used the word
15 "midsized."

16 Q. So you didn't --

17 A. I may have used the word "small," but
18 in the waste world, I would consider them as a
19 midsized company.

07:23:24PM 20 Q. So they are a midsized privately held

21 company; is that correct?

22 A. Yes.

1 Q. You testified about vertical
2 integration; is that correct?

3 A. Absolutely.

4 Q. You said that vertical integration is
5 preventing you from competing with the three big
6 waste companies, right?

7 A. The lack of vertical integration in
8 this market by Lakeshore is absolutely a
9 deterrent for us competing long term in this
10 market.

07:24:05PM

11 Q. Vertical integration means that you
12 own the trucks, right?

13 A. That is a component, yes.

14 Q. And you own the waste transfer
15 station, right?

16 A. That is also a component.

17 Q. And that you own --

18 MR. MUELLER: Mr. Price, this was --

19 HEARING OFFICER PRICE: I'm going to

07:24:23PM

20 sustain the objection. Mr. Leutkehans did a
21 very thorough job of going over all of this on

22 Criterion 1, and need was the issue, and that's

1 what we were talking about.

2 Why are we going over this ground
3 again?

4 MR. MEZA: Because we're talking about
5 2.1.2.1, which is the application of the
6 applicant and property owners, and we're talking
7 about the fact that he has testified that as a,
8 now, midsized company, he can not compete with
9 the three large entities.

07:24:49PM

10 HEARING OFFICER PRICE: 2.0 is not
11 about competition. Competition was in the need
12 criteria. Mr. Leutkehans did a very good job.
13 We're not going to go over this and tread this
14 geography again. Let's focus on 2.0 and go from
15 there, please.

16 BY MR. MEZA:

17 Q. Well, 2. -- Let me direct you to
18 Page 2-7, the application of applicant and
19 property owners. That's part of Criterion 2,
20 isn't it, Mr. Hock?

07:25:12PM

21 A. Do you have Section 2.1.2.1 in
22 Criterion 2?

1 Q. Right. You talked about that in
2 Criterion 2, right?

3 HEARING OFFICER PRICE: Is there a
4 dispute as to who the applicant is or the
5 property owner is? Is that the issue? Because
6 if we're going to talk about who LRS is,
7 Mr. Leutkehans did half an hour of what
8 "midsized" versus "large" meant. We're not going
9 to redo that.

07:25:41PM

10 MR. MEZA: I will not take a half an
11 hour.

12 HEARING OFFICER PRICE: I'm not going
13 to give you five minutes to redo what
14 Mr. Leutkehans already did.

15 BY MR. MEZA:

16 Q. You said Macquarie Infrastructure
17 Partners are a major investor; is that correct?

18 A. Yes.

19 Q. Are they the owners of LRS?

07:26:05PM

20 A. Well, the -- The applicant says -- The
21 application says the sole managing member of LRS
22 is LRS Holdings, LLC, and the current major

1 investor of LRS and LRS Holdings is Macquarie
2 Infrastructure Partners.

3 **Q.** Who owns LRS, LRS Holdings?

4 **MR. MUELLER:** Asked and answered.

5 **HEARING OFFICER PRICE:** You can answer,
6 Mr. Hock.

7 Overruled.

8 **BY THE WITNESS:**

9 **A.** The sole owner of Lakeshore Recycling
10 Systems, LLC, is LRS Holdings, LLC.

07:26:38PM

11 **Q.** Do you know who owns LRS Holdings,
12 LLC; yes or no?

13 **A.** I know that the major investor of both
14 is Macquarie Infrastructure Partners.

15 **Q.** So you don't know who owns them; is
16 that correct?

17 **MR. MUELLER:** Objection. He said he
18 knew.

19 **HEARING OFFICER PRICE:** It's been asked
20 and answered. Move on.

07:27:00PM

21 **BY MR. MEZA:**

22 **Q.** So you're saying that the owner is

1 Macquarie Infrastructures; is that correct?

2 **MR. MUELLER:** Argumentative; asked and
3 answered.

4 **HEARING OFFICER PRICE:** You're asking
5 about corporate entities and asking if one

6 shareholder is an owner of a corporation. The
7 application says Macquarie is an investor in the
8 owner. I don't understand why you're messing

9 around and saying things that aren't in the

10 record. Let's focus on Criterion 2. These
11 people want to have their public comment. I'm
12 not going to go over the ground that's not
13 relevant to Criterion 2.

07:27:25PM

14 If you have a question about
15 ownership, focus on who the application says
16 owns the property.

17 **BY MR. MEZA:**

18 **Q.** Who does the application says owns the
19 property?

20 **A.** The property is owned by Oscar
21 Illinois, LLC.

07:27:42PM

22 **Q.** Does it say who owns LRS; yes or no?

1 **A.** Yes. I thought I already said that.

2 LRS is owned by LRS Holdings, LLC.

3 **MR. MEZA:** Judge, I'd like to show the
4 witness Exhibit 650 -- excuse me -- 651.

5 **HEARING OFFICER PRICE:** That's in the
6 package you have in front of you, PWC 651?

7 **MR. MEZA:** Yes. That should be in the
8 packet.

9 (PWC Exhibit No. 651 marked for
10 identification.)

07:28:53PM

11 **BY MR. MEZA:**

12 **Q.** Mr. Hock, do you know what a statement
13 of economic interest is? If you don't, that's
14 fine.

15 **A.** No. I mean, I could guess based on
16 what it sounds like, but ...

17 **MR. MUELLER:** Don't guess.

18 **BY MR. MEZA:**

19 **Q.** LRS was required to give a statement
20 of economic interest to the City of Chicago

07:29:12PM

21 explaining to them who the owners of the company
22 were. That's what 651 is. Can you take a look

1 at that?

2 **A.** Okay.

3 **Q.** Do you see how it shows on Page 1,
4 LRS, LLC, is listed as the party disclosing the
5 information?

6 **A.** I do.

7 **Q.** There's a separate disclosure
8 statement asking who -- LRS, LLC, who owns them.

9 Do you see that? You can look on
10 the screen, too, Mr. Hock. Sorry.

07:29:51PM

11 **A.** I'm confused. You're asking me to
12 look --

13 **Q.** Okay. There's a statement of economic
14 disclosure and affidavit that requires Lakeshore
15 Recycling, LLC, to disclose who their owner is.

16 **MR. MUELLER:** Mr. Price, I want to
17 raise a foundation objection to this exhibit. I
18 don't know who it was prepared by or when it was
19 prepared. The witness seems to be having the

07:30:28PM

20 same trouble. I know that it lists LRS at an
21 address that is obsolete, so that is what caused
22 me concern.

1 HEARING OFFICER PRICE: I would agree.

2 Can you set the foundation for this witness? I

3 don't understand this.

4 MR. MEZA: Sure.

5 BY MR. MEZA:

6 Q. Mr. Hock, did you know that LRS

7 obtained four contracts with the City of

8 Chicago?

9 A. I'm generally aware that they bid on

07:30:58PM

10 that type of work, and I understand that they

11 have had some success, but I don't know the

12 specifics.

13 Q. So you're not aware that they received

14 or were awarded four separate contracts with the

15 City of Chicago?

16 A. Not specifically.

17 Q. You're not aware that they received a

18 \$79-million contract for the blue cart recycling

19 for the City of Chicago?

07:31:24PM

20 A. I was generally aware that they won

21 some contracts for the recyclables, but I was

22 not aware of the amount of the award or anything

1 like that.

2 Q. Would it surprise you to know that

3 they received contracts totaling \$107 million?

4 MR. MUELLER: Mr. Price, I'm going to

5 object, unless he can produce the contract.

6 MR. MEZA: I have the contracts. We

7 can go there. I'm just trying to speed it up.

8 That's all.

9 HEARING OFFICER PRICE: How is it

07:31:55PM

10 relevant? He said that the service area does

11 not include the City of Chicago contract.

12 MR. MEZA: He said Macquarie

13 Infrastructure Partners --

14 HEARING OFFICER PRICE: How is the

15 contracts for Chicago relevant here to this?

16 MR. MEZA: I'm not looking to admit the

17 contracts.

18 HEARING OFFICER PRICE: Let's move on.

19 Ask a question.

07:32:16PM

20 BY MR. MEZA:

21 Q. So the last -- Did you know that the

22 City of Chicago requires LRS to update their

1 statement of economic interest when they change

2 ownerships? Did you know that?

3 A. No.

4 Q. Would that surprise you to know that,

5 or not?

6 MR. MUELLER: What's the relevance.

7 HEARING OFFICER PRICE: Sustained.

8 Next question.

9 BY MR. MEZA:

07:32:39PM

10 Q. Okay. Take a look at Page 4 of 70.

11 This asks for ownership information.

12 Do you see that?

13 A. Again, I apologize. I'm not clear.

14 Q. 4 of 70.

15 HEARING OFFICER PRICE: It's Page 4 of,

16 actually, 598.

17 MR. MEZA: Okay. I didn't copy all 600

18 pages.

19 BY MR. MEZA:

07:33:12PM

20 Q. Can you, please, just take a look at

21 Page 4, or take a look at the screen.

22 A. I'm looking at Page 4.

1 Q. Does that say "ownership information"?

2 A. I do see at the top of the page

3 there's a No. 2 with the words "ownership" and

4 "information" after it.

5 Q. It requires applicant, the person

6 disclosing, to identify anybody who has an

7 interest in excess of 7.5 percent; is that

8 right?

9 MR. MUELLER: Relevance of what the

07:33:42PM

10 City of Chicago requires. They are not the ones

11 who are here.

12 HEARING OFFICER PRICE: Sustained.

13 MR. MEZA: This is about ownership.

14 HEARING OFFICER PRICE: What's your

15 question about ownership? Does he know that LRS

16 Holdings has a controlling interest in it? He

17 has already said that.

18 MR. MEZA: Yes.

19 HEARING OFFICER PRICE: Next question.

07:33:59PM

20 BY MR. MEZA:

21 Q. Do you know LRS Holdings is owned by

22 MIP V as an intermediate? Did you know that?

1 If you don't, that's fine.

2 **A.** No.

3 **Q.** Did you know that MIP V owned the
4 parent LLC is owned -- owns MIP V as an
5 intermediate?

6 **HEARING OFFICER PRICE:** Let's ask a
7 question. Do you know who owned LRS Holdings
8 after this, Mr. Hock? As opposed to looking at
9 an exhibit you have never seen before that's
10 been objected for foundation, let's just ask the
11 question.

12 Do you know who has the controlling
13 interest in LRS Holdings, LLC?

14 **THE WITNESS:** No. Alls I know is that
15 Macquarie Infrastructure Partners, which has the
16 initials MIP, is a major investor.

17 **BY MR. MEZA:**

18 **Q.** All right. Take a look at Page 58 of
19 70, or you can take a look at the screen. That
20 lists Macquarie Infrastructure Partners, doesn't
21 it?

22 **MR. MUELLER:** Mr. Price, while the

07:34:33PM

07:34:55PM

1 **BY MR. MEZA:**

2 **Q.** Do you see Macquarie is listed on this
3 disclosure statement?

4 **HEARING OFFICER PRICE:** The objection
5 is sustained.

6 Next question.

7 **BY MR. MEZA:**

8 **Q.** Can you take a look at Page 69 of 70.
9 Macquarie Infrastructure lists the what
10 investment vehicles that are available for them.
11 Can you read that number?

12 **MR. MUELLER:** Objection.

13 **HEARING OFFICER PRICE:** Sustained.
14 This document is not something this witness is
15 familiar with. If you have someone who has
16 prepared it and you want to put them on to say
17 this is how it is as of today, fine; but this
18 witness doesn't know.

19 **MR. MEZA:** Sir Hearing Officer, he
20 testified that -- Okay.

21 **BY MR. MEZA:**

22 **Q.** Did you testify that you were unable

07:36:36PM

07:37:05PM

1 witness is looking, again, I'd like some
2 foundation as to the date of this exhibit
3 because we think it's stale.

4 **HEARING OFFICER PRICE:** I'm not going
5 to be bullied by an exhibit either. The
6 question is fine. The question is -- There's a
7 page about Macquarie Infrastructure Partners. I
8 guess you're going to find out what Mr. Hock
9 knows about Macquarie Infrastructure Partners.

10 Where is this headed? Is this
11 about the ability of the owner and that
12 Macquarie is -- Is that what you're going to
13 question?

14 **MR. MEZA:** Yeah. He said he didn't
15 know who the owner was.

16 **BY MR. MEZA:**

17 **Q.** The major investor is Macquarie
18 Infrastructure, is that correct, sir?

19 **HEARING OFFICER PRICE:** That's been
20 asked and answered. What do you want to know
21 about Macquarie from this witness?
22

07:35:53PM

07:36:09PM

1 to capitalize, raise capital? Didn't you
2 testify to that?

3 **A.** Again --

4 **MR. MUELLER:** Objection. That was
5 Criterion 1.

6 **HEARING OFFICER PRICE:** I'm going to
7 give you a little leeway here. Go ahead.
8 Capital would reflect on the ability to have a
9 safe operation, so I'll give you a little
10 leeway.

11 Go ahead and answer.

12 **BY THE WITNESS:**

13 **A.** I think what you're referring to --
14 What you're trying to do is mischaracterize what
15 I said. What I'm saying is if you're not fully
16 vertically integrated, it lends an unknown to
17 your pricing structure as you go to bid on
18 municipal contracts, for instance. The more
19 unknowns you have in any process, the harder it
20 is to make decisions of investing, make
21 decisions about, you know, raising money to do
22 such things. So, yes, that is true.

07:37:30PM

07:37:55PM

1 Q. Raising money to have a safe facility;
2 is that correct?

3 A. That's not what I said.

4 Q. Is that why you want to raise money?

5 A. So if you -- let me -- as --

6 MR. MUELLER: I'm going to object. The
7 question is argumentative.

8 HEARING OFFICER PRICE: I'm going to
9 allow a little bit more room here. So
10 overruled. Try to tie this up.

07:38:35PM

11 BY THE WITNESS:

12 A. My point was you go to bid on
13 contracts, for instance, people don't have
14 garbage trucks just sitting there waiting and
15 doing nothing. So if you win more work, you
16 need to buy things. You need to buy containers.
17 You need to buy trucks. You need to invest.
18 And you need money to do those things.

19 So my simple point was if there are
20 unknowns in your cost structure and you're
21 trying to make business decisions, if you have
22 unknowns in the process like your disposal

07:39:04PM

1 costs, which are a significant piece of the cost
2 you have to build into one of these things, it's
3 much harder to do. That is another key reason
4 why vertical integration is so important so
5 people can make investments with good
6 information. Even if somebody has the money.
7 If you have a bunch of unknowns it doesn't mean
8 they are going to want to use it. Again, that's
9 the importance of having this transfer station
10 and allowing Lakeshore Recycling to become
11 vertically integrated in this market.

07:39:44PM

12 Q. The fact that the Macquarie
13 Infrastructure Investments, who you listed in
14 Criterion 2, has 17 billion in pooled assets,
15 that has nothing to do with your operation; is
16 that correct?

17 A. It's not what I said and it's a
18 mischaracterization.

19 Q. Okay. Let's go to 2.1.4, which is
20 location standards. I think you have one slide
21 on that; is that right? Slide 5. It's
22 Page 2-10 of your application.

07:40:12PM

1 A. Would you like me to go to the slide
2 or the application?

3 Q. No. I just want you to go to the
4 application so I can ask you some questions.

5 So this is the -- This is the
6 application that deals with the location
7 standards, which is 22.14(a) of the act; is that
8 correct?

07:41:06PM

9 A. I don't remember the citation, but
10 that's probably one of them.

11 Q. What's on Page 2-10?

12 A. 22.14(a) is the location standards for
13 residential properties.

14 Q. The location standard that you're
15 referring to, 22.14(a), that's a state statute
16 of the Illinois Environmental Protection Act,
17 correct?

18 A. Yes. I think we just said that.

19 Q. The Environmental Protection Act has
20 come up with a standard in which a company like
21 LRS can site or not site a facility; is that
22 correct?

07:41:39PM

1 A. Well, I'm struggling to figure out how
2 to answer your question.

3 HEARING OFFICER PRICE: The statute
4 applies.

5 THE WITNESS: Thank you.

6 BY MR. MEZA:

7 Q. So it's a yes; is that right?

8 A. I understand what the statute says. I
9 can read 22.14(a), if you'd like.

07:42:24PM

10 Q. No. There's no need to read it. My
11 question is: The IEPA has said, for a company
12 like LRS, if they want to build a pollution
13 facility, like a waste transfer station, they
14 have to comply with this section, don't they?

15 A. It is a requirement in the act that's
16 applicable, which is why it's listed and
17 referenced and discussed in our application.

18 Q. Right. Because the IEPA has said if
19 it's closer -- if it's this thousand feet issue,
20 you can't site it there; is that correct?

07:42:58PM

21 MR. MUELLER: It says what it says.

22 MR. MEZA: I understand, Mr. Mueller.

1 HEARING OFFICER PRICE: Objection is
2 overruled.

3 BY MR. MEZA:

4 Q. It's very specific. It says it cannot
5 be sited if it's within 1,000 feet from the
6 nearest property zoned for primarily residential
7 uses; isn't that correct?

8 A. That is part of the language in that
9 section of the act.

07:43:39PM 10 Q. Well, it's not just language. That's
11 state law, isn't it?

12 MR. MUELLER: Calls for a legal
13 conclusion.

14 HEARING OFFICER PRICE: I'm going to
15 overrule the objection. He testified under this
16 section. He talked about the West Chicago --

17 BY THE WITNESS:

18 A. I'm sorry. Can you repeat the
19 question?

07:44:03PM 20 Q. The statute, it's not just what it
21 says; it's the law, isn't it?

22 A. I have already agreed that the statute

1 applies, which is why it's discussed in the
2 application and why I put it on the slide. If
3 you're equating statute to the law, then that's
4 fine.

5 Q. Maybe you're --

6 A. I guess I'm confused by your language
7 or your wording.

8 Q. A statute is the a law.

9 A. Okay.

07:44:37PM 10 Q. So I'll just use law.

11 A. Okay.

12 Q. Can LRS circumvent the law?

13 A. I believe that the location of this
14 facility meets all of the applicable laws and
15 statutes.

16 Q. The question is: Is LRS allowed to
17 circumvent the law; yes or no? 22.14(a).

18 MR. MUELLER: Mr. Price, I'm going to
19 object, that's argumentative. And Counsel is
07:45:04PM 20 aware that there has been a Pollution Control
21 Board ruling and Appellate Court ruling that
22 have carved out an exception to the setback

1 standard.

2 MR. MEZA: We disagree with that.

3 HEARING OFFICER PRICE: Right. That's
4 for another place, not for this witness. Let's
5 move on.

6 BY MR. MEZA:

7 Q. Now, in your application and in your
8 presentation tonight you admitted that there was
9 property that is zoned ER-1 within a thousand
10 feet; isn't that correct?

11 A. Yes.

12 Q. And that is a property that is zoned
13 primarily for residential, isn't it?

14 A. As I mentioned in the presentation, as
15 discussed in the application, we do not believe
16 that this criteria or this law applies to this
17 property.

18 Q. You're relying on the City of West
19 Chicago; is that correct?

07:46:14PM 20 A. I think we're relying on common sense,
21 the letter is also very helpful, and we believe
22 it does not apply.

1 Q. Right. On Page 2-11, you say -- you
2 describe the parameters for ER-1 and then you
3 say, quote, This conclusion is supported by a
4 letter from West Chicago provided in 2-E1; is
5 that correct?

6 A. Yes. Again, that's because my opinion
7 is that -- is that that requirement does not
8 apply to this property for the reasons set
9 forth, that it is -- you know, that that is
07:46:59PM 10 about being set back from residences and it is,
11 obviously, impossible to ever put a one-acre
12 sized lot with hundred foot setbacks on active
13 railroad property that's been an active railroad
14 for 75 years. It can't possibly fit within the
15 structure -- in the context of what they are
16 saying and the West Chicago letter, I thought,
17 was very helpful in pointing out it's just an
18 anomaly from how it was originally annexed in.
19 You know, they use it also for forest preserve
07:47:11PM 20 that will also never be a residence. That's why
21 we disagree that it is property that's primarily
22 zoned for residential use because it's not going

1 to ever be used for residential use, so it
2 doesn't apply.

3 Q. So you included a letter from West
4 Chicago in the appendix, correct?

5 A. Yes, we did.

6 Q. And that's -- Let me direct your
7 attention -- You can either look at it in your
8 application or I have it on the screen. It's
9 PWC 34.

07:48:10PM

10 Do you see that?
11 (PWC Exhibit No. 34 marked for
12 identification.)

13 BY THE WITNESS:

14 A. It's easier for me to look at in the
15 application.

16 Q. Okay.

17 A. I'll just go to it.

18 MR. MUELLER: Mr. Price, while he's
19 looking at it, to speed this up, the applicant
20 would stipulate that there is ER-zoned property
21 within 1,000 feet of the facility boundary. I
22 have a full legal memorandum on this issue

07:48:22PM

1 HEARING OFFICER PRICE: And asking for
2 a legal conclusion from a nonlawyer.

3 BY MR. MEZA:

4 Q. I'm asking if a decision of a city
5 council, do you know whether they can overrule
6 state law?

7 A. They can certainly have an opinion. I
8 think their opinion is in the letter.

9 Q. Mr. Hock, you're aware, are you not,
10 that a number of documents and draft
11 applications were obtained by a citizen as a
12 result of at FOIA, Freedom of Information Act,
13 request; you're aware of that, right?

14 A. Yes.

15 Q. So the drafts of your application and
16 the draft exhibits for Draft No. 1, 2 and 3 of
17 various criteria were produced. You understand
18 that, right?

19 A. Okay.

20 Q. Is that a yes or no? Do you know?

21 A. I do not -- I do not know what was
22 obtained through the FOIA request.

07:50:15PM

07:50:44PM

1 prepared and ready for the city council at the
2 appropriate time.

3 HEARING OFFICER PRICE: Does that save
4 you any time?

5 MR. MEZA: Only if they will stipulate
6 there's actually two City of West Chicago
7 positions with regard to the setback.

8 MR. MUELLER: Well, he's asking about
9 the letters. He's entitled to ask those.

07:48:57PM

10 HEARING OFFICER PRICE: Okay. Onward.
11 BY MR. MEZA:

12 Q. So this letter states that it's
13 physically impossible and that the City of West
14 Chicago concludes that this statute doesn't
15 apply; is that correct?

16 A. That's the wording in the letter.

17 Q. But the City of West Chicago and the
18 mayor of West Chicago, they can't overrule or
19 trump state law, can they?

07:49:26PM

20 MR. MUELLER: Argumentative.

21 MR. MEZA: It's a question. How is
22 that --

1 Q. Okay. Did you know that -- Did you
2 prepare Criterion 2, Draft 1?

3 A. Yes.

4 Q. And preparing Criterion 2, Draft 1,
5 you obtained a copy of the letter from the City
6 of West Chicago, didn't you, regarding the
7 setback?

8 A. Yes. If there was a letter in there,
9 then, yes, we obtained it.

10 Q. You may have to look at Exhibit 13-A,
11 which is on the screen, but it's also in your
12 folder. If you can take a look at that.

13 THE COURT: 13-A?

14 MR. MEZA: A. There should be a 13-A
15 there.

16 (PWC Exhibit No. 13-A marked
17 for identification.)

18 HEARING OFFICER PRICE: My packet has
19 not a 34, nor 13-A.

20 MR. CALLAGHAN: I don't have it either.

21 HEARING OFFICER PRICE: Mr. Meza, my
22 packet doesn't have 34 and it doesn't have 13-A.

07:51:24PM

07:51:57PM

1 MR. MEZA: It's actually in two
2 locations. So let me direct the hearing officer
3 and everyone to --
4 HEARING OFFICER PRICE: I'm going to
5 need 34 eventually, depending on whether you
6 move these in.
7 MR. MEZA: Mr. Hearing Officer, there's
8 also a copy of the letter in Exhibit 200.
9 HEARING OFFICER PRICE: All right.
10 Thank you.

07:52:37PM

11 BY MR. MEZA:
12 Q. Mr. Hock, maybe just take a look at
13 Exhibit 200 on the screen?
14 HEARING OFFICER PRICE: What page in
15 200?
16 (PWC Exhibit No. 200 marked for
17 identification.)

18 BY THE WITNESS:

19 A. I think I found it. It's the
20 October 15th, 2019 letter.

07:53:00PM

21 Q. So that letter was drafted a couple of
22 years earlier than the one in the final

1 about this. Go ahead. I'll overrule it.

2 BY THE WITNESS:

3 A. I'm sorry. Can you repeat the
4 question?

5 Q. Yes. Isn't the first letter the
6 position -- true position of the City of West
7 Chicago?

8 A. I don't believe so. We took the most
9 recent letter and that's what we put in the
10 application.

07:54:42PM

11 Q. Where did you get the most recent
12 letter from?

13 A. I always mispronounce his name. So,
14 Tom, if you're out there, I apologize. Tom
15 Dabareiner.

16 Q. Do you know who asked Tom to change
17 that letter?

18 A. I asked Tom to change the letter.

19 Q. You asked him to change it from
20 "believes" to "concludes"?

07:55:05PM

21 A. Well, if you'd like a little more
22 insight, I'd be happy to give it to you.

1 application; is that correct?

2 A. Yes.

3 Q. It's drafted by the exact same person
4 who wrote the first -- the second letter, right?

5 A. Yes.

6 Q. But this letter doesn't include the
7 words "physically impossible," does it?

8 A. No.

9 Q. In fact, it doesn't even include the
10 word "concludes." It says, The city believes

07:53:38PM

11 Section 22.14(a) is inapplicable, doesn't it?

12 A. Are you referring to the last
13 sentence?

14 Q. Yes.

15 A. It says, "As such, the city believes
16 Section 22.14(a), 1,000-foot setback
17 requirement, is not applicable."

18 Q. So isn't this the official position of
19 the City of West Chicago?

07:54:11PM

20 MR. MUELLER: Calls for him to read the
21 mind of the city.

22 HEARING OFFICER PRICE: He's testified

1 Q. I just want to know if you asked him?

2 A. If you look at the first letter, it
3 talks about the Union Pacific.

4 Q. I'm not asking about the Union
5 Pacific, sir. I'm asking you about the words
6 that got changed from "believes" to "concludes."
7 Did you ask him to change that?

8 A. I'm trying to be as clear as I can to
9 answer your question.

07:55:48PM

10 MR. MUELLER: It calls for a yes or no,
11 John.

12 BY THE WITNESS:

13 A. I asked him to change it.

14 Q. You asked him to change, and he
15 changed it for you?

16 A. We asked him to update the letter, and
17 he updated the letter.

18 Q. You asked him to change "I believe" to
19 "I conclude," didn't you?

07:56:10PM

20 A. When we asked them to change the
21 letter to include both railroads, instead of
22 just the one, which we did because we had

1 updated information, we did suggest language to
2 include in the letter and this is what we have
3 as a result.

4 **Q.** So since you're changing the railroad
5 to add Canadian National to show that they own
6 it, not EJ&E, go ahead and change believes to
7 concludes, right?

8 **A.** Well, you just mischaracterized what I
9 said again. The reason we asked him to change
10 the letter is that the original information we
11 had when we put the draft together back in 2019
12 suggested that the Canadian National Railway was
13 part of -- well -- I'm sorry. I want to make
14 sure I get it straight.

15 One of the railroads was actually
16 in unincorporated DuPage County and was zoned
17 light industrial. As we moved forward to
18 finalize the application, we saw an updated
19 zoning map from DuPage County, and it showed
20 that both were, in fact, in West Chicago. So,
21 as such, we wanted to update the letter.

22 **Q.** Which included changing "believes" to

07:56:52PM

07:57:33PM

1 **A.** Well, they are sitting right there.
2 I'm assuming they were hired by West Chicago.

3 **Q.** So you never saw the contract?

4 **A.** No.

5 **Q.** So you just assume they were hired by
6 West Chicago to help them?

7 **A.** It's --

8 **Q.** You knew West Chicago hired them,
9 didn't you, sir?

07:58:53PM

10 **A.** How do I say this? I wasn't presented
11 with the contract, but it is customary for a
12 community to hire a consultant to help them
13 review this; and when they called and said they
14 were, I took them at their word for that.

15 **Q.** Right. It's a customary practice,
16 right?

17 **A.** Yes.

18 **Q.** When they showed up, you said, Hey,
19 you were the guys that West Chicago hired to
20 review my application, right?

07:59:19PM

21 **A.** Well, Michael Guttman also, I think --
22 I'm sure he indicated either to -- I can't

1 "concludes," right?

2 **A.** It does include that change.

3 **Q.** Thank you.

4 Now, let's talk about APTIM. You
5 know who APTIM is, don't you?

6 **A.** I see two representatives of them
7 sitting right here.

8 **Q.** Mr. Devin Moose and Walter Willis; is
9 that correct?

07:58:05PM

10 **A.** No. I don't think Walter --
11 THE WITNESS: Walter, you're not with
12 APTIM, are you?

13 BY MR. MEZA:

14 **Q.** Marty Fallon.

15 HEARING OFFICER PRICE: For the record,
16 Mr. Willis is not with APTIM.

17 BY MR. MEZA:

18 **Q.** Now, the City of West Chicago hired
19 APTIM to help them review the application; is
20 that correct?

07:58:27PM

21 **A.** That is my understanding.

22 **Q.** Well, you know that, don't you?

1 remember -- either myself or someone else on the
2 team that that's what they were going to do.
3 Yeah, I didn't see the contract but that's what
4 we were told.

5 **Q.** So you were actually told that?

6 **A.** I don't know. I don't recall exactly.

7 **Q.** And the LRS representative on this
8 matter is a person named K.J. Loerop; is that
9 correct?

07:59:52PM

10 **A.** K.J. Loerop, yes, has been involved in
11 this project as a representative of Lakeshore
12 Recycling since the beginning.

13 **Q.** He's the one sitting right behind you,
14 right?

15 **A.** Yes.

16 **Q.** He knew that APTIM was hired by West
17 Chicago also, didn't he?

18 **A.** Well, K.J. is sitting here.

19 **Q.** Do you know; yes or no? If you don't
20 know, that's fine. If you don't know that the

08:00:29PM

21 he knew that APTIM had been hired by West

22 Chicago, that's fine.

1 A. I believe that K.J. understands that
2 APTIM has been hired by West Chicago.

3 Q. And after West Chicago hired APTIM,
4 K.J. asks APTIM if they would be willing to work
5 and manage the wildlife plan that they
6 developed, didn't he?

7 A. I'm not aware of that.

8 Q. Do you know if LRS has an agreement
9 with APTIM to hire them for the wildlife plan
10 that you did?

08:01:09PM

11 A. I don't understand your -- there's --
12 what -- I'm not clear on wildlife.

13 Q. If you don't know, that's fine, sir.

14 A. I don't know what you're talking
15 about.

16 Q. You did at least three drafts of the
17 application; is that correct? Maybe more; is
18 that correct?

19 A. It's been a work in process since --
20 well, since 2019. So it depends how you count
21 them, yes.

08:01:35PM

22 Q. How many would you count? Would it be

1 more than five or less than five drafts?

2 A. Well, we have been working on it
3 consistently or off and on. Different sections
4 have gone through a different number of
5 revisions. I guess, again, I'm not --

6 Q. They have gone through revisions
7 because Mr. Moose and APTIM had made comments on
8 Application Draft 1, Draft 2, and Draft 3; isn't
9 that correct?

08:02:13PM

10 A. We did provide a draft that points
11 along the way to APTIM, and it points along the
12 way they did provide comments. Yeah, certain
13 revisions were made. I shouldn't say in
14 response -- Their comments were taken into
15 consideration and, yes, we made certain changes
16 considering those comments. Absolutely.

17 Q. Because you knew the City of West
18 Chicago was going to be relying on APTIM for
19 their expertise, right?

08:02:45PM

20 A. Sure. That's part of it. If they
21 made suggestions and comments then, you know,
22 their opinion is going to matter to West

1 Chicago. It only makes sense that we would try
2 to accommodate or consider those comments.

3 Yeah, of course. That's normal course.

4 Q. You did consider them, right?

5 A. We did.

6 Q. And you did accept some, right?

7 A. We made -- We made changes considering
8 some of those comments, yes.

08:03:23PM

9 Q. You accepted some of his comments,
10 yes?

11 A. We did make changes considering some
12 of their comments.

13 Q. You rejected some of their comments?

14 A. When you say "reject," yeah, there
15 were certain comments they made that we did not
16 change the application, based on our
17 consideration. There were things they were
18 suggesting that, yeah, we did not -- we didn't
19 agree with or -- you know, other things changed,

08:03:55PM

20 too. It's not -- There's a variety of
21 considerations that go into the final product
22 like any doctor. Certainly their comments were

1 a consideration.

2 Q. You said you were an engineer, so
3 you're a math right, correct?

4 A. I am an engineer. I am definitely a
5 math guy.

6 Q. Good. I'm not a math guy. Anyways,
7 let's talk about Page 2-43 of your application.

8 HEARING OFFICER PRICE: Mr. Meza, you
9 have done a nice job for laying a foundation for
10 what I'm sure will be some specific questions
11 about some specific things in the application
12 and review, but we need to take a break. I have
13 to give the court reporter a couple minutes here
14 and the rest of the congregation an opportunity
15 for a break.

08:04:28PM

16 Let's take ten minutes. We'll
17 resume at 8:15, please.

18 (A short break was had.)

19 HEARING OFFICER PRICE: Back to you,
20 Mr. Meza.

08:17:21PM

21 BY MR. MEZA:

22 Q. Mr. Hock, you said you're an engineer,

1 you're a numbers guy. Let me ask you this: At
 2 650 tons per day, how many packer trucks is
 3 that?
 4 **A.** It's about 80.
 5 **Q.** So that's 80 packer trucks coming in
 6 with MSW, trash, and 80 going out per day max,
 7 right?
 8 **A.** Yes.
 9 **Q.** How many transfer trailers does that
 10 come out to?
 11 **A.** About 26.
 12 **Q.** The transfer trailers are simply the
 13 larger trucks that fit, like you said, two or
 14 three packer trucks. The trash gets put into
 15 the tipping floor, which is basically just the
 16 concrete floor, gets scooped up by these
 17 caterpillars, and gets put into transfer
 18 trailers; is that correct?
 19 **A.** Well, there's some miswording in what
 20 you just said, but I think the -- I don't know
 21 how to answer that. I mean --
 22 **Q.** The packer trucks tip their garbage on

08:18:01PM

08:18:46PM

1 stay at the facility at the end of the night?
 2 **A.** It depends.
 3 **Q.** It depends on what?
 4 **A.** They own a certain number of trucks
 5 now. To get to 650, they would likely have to
 6 buy more trucks and a certain amount of that
 7 volume would be third party volume. So it would
 8 be -- it would be other folks. So there's -- So
 9 it depends.
 10 **Q.** Well, you said that the trucks, by
 11 staying at that facility, is going to be better
 12 for the community, didn't you?
 13 **A.** They would be better from the context
 14 that the miles that they would drive on the road
 15 for the wear and tear and vehicle emissions and
 16 all that stuff would be less.
 17 **Q.** Right. So how many trucks is that, if
 18 you know?
 19 **MR. MUELLER:** Is this a Criterion 1
 20 question.
 21 **MR. MEZA:** It's safety.
 22 **HEARING OFFICER PRICE:** The objection

08:20:48PM

08:21:24PM

1 the tipping floor, right?
 2 **A.** They do.
 3 **Q.** And then the garbage gets picked up by
 4 a tractor or some machine and gets put into
 5 transfer trailers, right?
 6 **A.** It does get picked up by a front-end
 7 loader and transferred into the transfer
 8 trailers.
 9 **Q.** Then the transfer trailers get tarped
 10 and then they leave, right?
 11 **A.** Yes.
 12 **Q.** So there's 80 packer trucks coming in.
 13 Do they all stay in the facility at night?
 14 **A.** Not all of them would. Not all.
 15 **Q.** How many of them would stay? How many
 16 of the 80 packer trucks would stay at that
 17 facility?
 18 **A.** It depends on a variety of factors.
 19 **Q.** What are some of those factors?
 20 **A.** How many of them Lakeshore owns.
 21 **Q.** How many -- Do you have an estimate of
 22 how many Lakeshore Recycling packer trucks might

08:19:26PM

08:19:58PM

1 is overruled.
 2 **You may answer.**
 3 **BY THE WITNESS:**
 4 **A.** I'm sorry. Could you ask the question
 5 again?
 6 **Q.** Is it not important to know how many
 7 trucks are going to stay at the facility at
 8 night; yes or no?
 9 **A.** Yes.
 10 **Q.** Right. Because those trucks could
 11 have a part in what is referred as the storm
 12 water prevention plan and storm water pollution
 13 prevention plan; is that correct?
 14 **A.** No.
 15 **Q.** No. Okay. Then all of the transfer
 16 trailer trucks are going to stay at the
 17 facility, correct?
 18 **A.** No.
 19 **Q.** You have 17 spots, though, don't you?
 20 **A.** Yes.
 21 **Q.** Okay. So up to 17 can stay there
 22 overnight, right?

08:21:52PM

08:22:23PM

1 A. Yes.
 2 Q. Now, as far as operating this waste
 3 transfer station, isn't it important for you to
 4 know the peak hours of the waste transfer
 5 station?
 6 A. Yes.
 7 Q. How did you determine what the peak
 8 hours for this waste transfer station were going
 9 to be before it's built? How did you make that
 10 determination?

08:23:05PM

11 MR. MUELLER: That question should have
 12 been asked to Mr. Werthmann.

13 MR. MEZA: It's Criterion 2.

14 HEARING OFFICER PRICE: This is an
 15 operation question. The question is overruled.

16 You can answer.

17 BY THE WITNESS:

18 A. Would you clarify which of the waste
 19 materials you're talking about?

08:23:23PM

20 Q. Sure. Let's look at Page 2-43 of your
 21 final application.

22 A. Uh-huh.

1 10:00 to noon for MSW and SSR, that's the --
 2 let's see -- sixth bullet down.
 3 Do you see that, 10:00 -- excuse
 4 me -- 11:00 to noon? No. The first peak hour
 5 occurs at 10:00 a.m. and noon, so 10:00 to noon,
 6 right?

7 A. Yes.

8 Q. And then the second peak goes from
 9 3:00 to 6:00. The afternoon peak starts after
 10 3:00 and it goes until about 6:00 p.m. right?

08:25:11PM

11 A. Yes.

12 Q. So how did you determine that those
 13 were going to be the peak hours?

14 A. Because Lakeshore already has hauling
 15 operations in that area where they are going out
 16 and doing collections. So they provided a
 17 breakdown of the times by truck of when they
 18 left when they came back. Basically their route
 19 times of using the Batavia Transfer Station. So
 20 with some -- so we relied on that data.

08:25:53PM

21 Q. So you relied on -- you relied on that
 22 data to come up with these peak times, right?

1 Q. The top of the page states that the
 2 MSW and SSR recycling are accepted into and
 3 loaded out at the same buildings so are
 4 evaluated together.

5 Do you see that at the top of
 6 Page 2-43?

7 A. Yes.

8 Q. That's part of the evaluation of
 9 maximum amount of MSW, SSR, and C&D; is that
 10 correct?

08:24:06PM

11 A. Yes.

12 Q. It's important to know whether or not
 13 this facility can accept all of the waste that
 14 it's going to be sited for, isn't it?

15 A. Yes.

16 Q. So you want to know what are the peak
 17 hours of operation to make sure that whatever
 18 those hours are, there's going to be enough room
 19 in the facility to unload, leave, and then load
 20 the transfer trailer trucks, right?

08:24:34PM

21 A. Yes.

22 Q. And you said that the peak hours were

1 A. Yes.

2 Q. 10:00 to noon and 3:00 to 6:00. Based
 3 on those numbers, you created tables that told
 4 you about how many trucks would come in at 10:00
 5 and 11:00 and between 11:00 and noon and then
 6 3:00 to 4:00, 4:00 to 5:00, and 5:00 to 6:00; is
 7 that correct?

8 A. Yes, we did.

9 Q. And then you totaled those numbers up
 10 and then figured out you could run the
 11 operations at the peak hours, right?

08:26:24PM

12 A. Yes.

13 Q. Now, we talked about the draft
 14 application. Remember, you had, like, a couple
 15 drafts -- I don't think you remembered the exact
 16 number, but it was more than one, right?

17 I have at least three. So maybe
 18 there's more, but at least three?

19 A. Okay.

20 Q. Would you agree; yes or no?

08:26:55PM

21 A. No.

22 Q. Okay. Let's look at the draft

1 application you did in November of 2019. That's
2 Exhibit 200, Mr. Hearing Officer and everyone
3 else. Go ahead and take a look at that,
4 Mr. Hock.

5 A. I'm sorry. Which exhibit?

6 Q. Exhibit 200.

7 HEARING OFFICER PRICE: PWC 200.

8 BY THE WITNESS:

9 A. I found it.

08:28:07PM

10 Q. Now, in PWC 200, that was a draft, and
11 you have it in the lower right for
12 November 2019.

13 Do you see that?

14 Can you go to -- I didn't copy the
15 whole thing. Can you go to Page 2-29?

16 A. Okay.

17 Q. Can you tell me what the peak hours
18 were that you listed in this draft on Page 2-29?

19 A. Peak hours of MSW and SSR acceptance

08:28:44PM

20 will be between 10:00 a.m. and 12:00 p.m. and
21 then again between 2:00 p.m. and 4:00 p.m.

22 Q. So the peak hours went from 2:00 to

1 C&D, and hydro evacuation; is that correct?

2 A. No.

3 Q. Don't you have four separate tables?

4 A. We do. They are separate tables.

5 They are not all on 2-3. They are separate
6 tables.

7 Q. Okay. So the first one is 2-1. What
8 is that?

9 A. That's the construction and demolition
10 debris.

08:30:58PM

11 Q. 2-2?

12 A. It's the single-stream recyclables.

13 Q. 2-3?

14 A. MSW.

15 Q. And 2-4?

16 A. Is hydro-excavation waste.

17 Q. Let's focus on 2-3, MSW. Let me
18 direct your attention to Exhibit 205 in the
19 folder.

08:31:25PM

20 (PWC Exhibit No. 205 marked for
21 identification.)

22

1 4:00 to 3:00 to 6:00; is that correct?

2 A. Yes.

3 Q. What caused the peak hours to change
4 for this facility that hasn't been built yet?

5 A. I don't remember.

6 Q. In fact, do you remember the Excels
7 you created where you were moving columns around
8 with truck numbers?

9 A. I'm not -- I don't know what you're
10 talking about.

08:29:27PM

11 Q. Did you or anybody under your
12 direction create Excel documents to create the
13 tables reflecting the trucks coming in and
14 trucks leaving at different hours?

15 A. Can you clarify what tables you're
16 talking about?

17 Q. Table 2.3 on Criterion 2. 2-3.

18 Excuse me. Not 2.3, 2-3.

19 A. I don't recall what a draft from two
20 years ago would have said or not said.

08:30:17PM

21 Q. 2-3 is the table that outlines LRS's
22 calculations for the peak hours for MSW, SSR,

1 BY THE WITNESS:

2 A. I'm there.

3 Q. Now, you're the chief project manager
4 of this; is that correct?

5 A. Yes.

6 Q. So you had different people working
7 for you at CEC that were helping you prepare
8 this application; is that correct?

9 A. Yes.

08:32:16PM

10 Q. That included people who helped
11 prepare the Table 2-3, correct? Yes or no?

12 A. I don't recall exactly who created it
13 at this time, but I'm sure they worked for me.

14 Q. Do you recall that Table 2-3 was
15 created off of an Excel that had various tabs on
16 the bottom indicating move 1 percent, move 2
17 percent, move 5 percent, move 1 outgoing, move 2
18 outgoing, move 3 outgoing.

19 Do you remember that?

08:32:59PM

20 A. I don't understand your question.

21 Q. Do you remember anybody working on an
22 Excel where they were changing the number of

1 trucks in different columns?
 2 **A.** Well, this is a draft from I don't
 3 know when.
 4 **Q.** Mr. Hock, remember we obtained
 5 documents via the Freedom of Information Act
 6 requests?
 7 **A.** Okay.
 8 **Q.** This is one of the documents that was
 9 produced. It was an Excel that showed the MSW
 10 with tabs reflecting changes in numbers based on
 11 truck numbers being moved from one column to
 12 another.
 13 **A.** Were you aware that that was being
 14 done?
 15 **A.** I'm just not clear what you're
 16 referring to.
 17 **Q.** Okay. You created Table 2-3, right?
 18 **A.** Yes. 2-3 in the application.
 19 **Q.** And that shows trucks coming in at
 20 different times and different number of trucks
 21 coming in at different times, right?
 22 **A.** Yes.

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1 **Q.** And you want to have that information
 2 because you have to make sure and show that your
 3 operation can safely accept trucks during the
 4 peak hours and then move them out; is that
 5 correct?
 6 **A.** Yes, which the facility can.
 7 **Q.** So did you know that somebody on your
 8 staff was moving numbers around? If you don't
 9 know, you don't know.
 10 **A.** We -- Analyzing and evaluating data is
 11 part of what we do.
 12 **Q.** And the data here is: How many trucks
 13 do we think is going to come between 10:00 and
 14 2:00 and 2:00 and 4:00 or 3:00 and 6:00, right?
 15 **A.** Yes. We made estimates of how much is
 16 going to come between these hours based on the
 17 data.
 18 **Q.** This data isn't just data. It's very
 19 important information, isn't it?
 20 **A.** It's data that we used.
 21 **Q.** It's data that you're asking the city
 22 council to rely on that is accurate, right?

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1 **A.** Well, the data that we used, I can
 2 assure you, is accurate.
 3 **Q.** So you know today how many trucks are
 4 going to come between 3:00 and 6:00 in two years
 5 exactly, right?
 6 **A.** That's not what I said.
 7 **Q.** Now, let's talk about stock- --
 8 tipping floor and stockpiling capacity. You
 9 have heard those terms before, right?
 10 **A.** Yes.
 11 **Q.** Tipping floor is the floor in the
 12 waste transfer station that you described as
 13 eight inches of cement when the trucks tip and
 14 drop their trash; is that correct?
 15 **A.** The concrete floor is at least eight
 16 inches thick.
 17 **Q.** And then stockpiling -- Let me see.
 18 Stockpiling is a term to describe just putting
 19 all the waste in a pile because you don't have
 20 enough time to put it in the transfer truck, so
 21 you have to stockpile it so that maybe when
 22 there's less traffic you can pick it up and put

1 it in the trash -- tractor-trailer; is that
 2 correct?
 3 **A.** Generally, yes. That's common at all
 4 transfer stations.
 5 **Q.** Because at the end of the night you
 6 have to wash that tipping floor clean, right, so
 7 there's nothing that's going to be on there at
 8 the end of the night, right?
 9 **A.** And we will.
 10 **Q.** So stockpiling is important, isn't it?
 11 **A.** It's -- It occurs every day at all
 12 transfer stations.
 13 **Q.** Now, APTIM had a lot of questions
 14 about your stockpiling information in your
 15 application, didn't he? Do you remember those
 16 questions?
 17 **A.** I do remember some questions.
 18 **Q.** Do you remember that he said at one
 19 time that the wheel loaders, these caterpillars,
 20 were depicted in a figure that were not drawn to
 21 scale?
 22 **A.** Do you remember that comment?

1 A. No.
2 (PWC Exhibit No. 23 marked for
3 identification.)

4 BY MR. MEZA:

5 Q. Okay. Let's look at PWC 23. I think
6 we took that back from you. Let me -- We'll
7 hand it out. Let me put it on the screen. So
8 PWC 23, if you recall, was an August 27th, 2020,
9 memo from APTIM that you redlined. It's not in
10 that packet, Mr. Hock. I'll get you a copy.

11 Do you remember that memo?

12 A. Oh, yes. I handed this out the other
13 day.

14 Q. Right. That was the memo that has
15 your redline responses; is that correct?

16 A. Yes.

17 Q. But you didn't respond to every
18 comment from Mr. Hock; is that correct -- I'm
19 sorry -- Mr. Moose?

20 A. No. It wasn't necessary to.

21 Q. Let me direct your attention to page
22 PWC, Page 12 -- 23, Page 12. Just tell me when

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1 A. It does.

2 Q. And doesn't it say, The wheel loaders
3 that are depicted in Figure 2-3 are drawn at a
4 smaller scale than actual size?

5 A. That's what it says.

6 Q. Isn't that about whether or not wheel
7 loaders are able to move around in that
8 facility, inside the enclosed facility?

9 A. It's not a safety issue. It's an
10 operational issue. In the end, if you look at
11 the figures that we have in the application,
12 they are all drawn to scale.

13 Q. But the question is: That deals with
14 not just operations, but you have to make sure
15 you have enough room to move these wheel loaders
16 around so people don't get hurt or for safety
17 reasons, don't you?

18 A. This was a comment that the wheel
19 loaders were not to scale.

20 Q. Right.

21 A. We drew it to scale.

22 Q. Because the way you had drawn it, it

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1 you get there.

2 A. I'm there.

3 Q. Now, take a look at that. That
4 section is a section titled tipping floor
5 capacity and operations; is that correct?

6 A. Yes.

7 Q. On Pages 12 through 14, Mr. Moose or
8 APTIM is providing you comments on his
9 observations with regard to the safety and
10 information you provided as it relates to the
11 tipping floor capacity in the operations; is
12 that correct?

13 A. No.

14 Q. He's not?

15 A. No. It doesn't discuss the safety.
16 It's just his comments on how he evaluated the
17 capacity.

18 Q. Page 12 of 20? Are we looking at the
19 same page?

20 A. Uh-huh.

21 Q. Doesn't it say, Tipping floor capacity
22 and operation?

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1 made it seem like you had more room than you
2 actually did, right?

3 A. No. I disagree with your -- You're
4 mischaracterizing the comment. I disagree with
5 what you're insinuating.

6 Q. Well, I didn't insinuate. Didn't
7 Mr. Moose say, Are you going to use Model 850
8 Caterpillar or Model 650 so that he knew whether
9 or not he could provide West Chicago an opinion
10 as to whether or not those would be operated
11 safely within your operations? Didn't he say
12 that?

13 A. Can you repeat that?

14 Q. Sure. Didn't he say the smaller --
15 the smallest loader recommended by Caterpillar
16 for use in a transfer station transfers is
17 1,300 tons per day is a Model 666 with an -- 966
18 with an 8.5-yard bucket? Do you remember
19 reading that, or not?

20 A. This is a memo from two years ago. I
21 don't remember the specific language in this
22 memo.

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1 Q. Okay. Tell us what size tractors
 2 you're going to have inside the facility to
 3 allow it to operate safely?
 4 A. It's on the figure in the application.
 5 If you'll give me a moment, I'll be glad to tell
 6 you. We show two different types of loaders.
 7 We have a larger one that is a Cat® 950K, and we
 8 have dimensions shown and, again, the loader is
 9 drawn to scale, and then there's a second-size
 10 loader that's also shown and that is a Cat®
 11 950M, and the dimensions of that are also
 12 provided.
 13 Q. Turning your attention back to
 14 Exhibit 200. That was your first draft. Can
 15 you take a look at 200 and take a look at
 16 Section 2.4.17.5. Exhibit 200.
 17 MR. MUELLER: What page, Counsel.
 18 MR. MEZA: The bottom of the page
 19 should say 2-31. This was a 500-page section,
 20 so I just took out portions of it. Not
 21 Exhibit 23, Counsel. Exhibit 200. Exhibit 200,
 22 which is the first draft of your application.

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1 1,333 cubic yards paren or, approximately,
 2 335 tons, assuming a waste density of 500 pounds
 3 per cubic yard, close paren.
 4 Q. The first sentence of that section
 5 said that the approximate square footage was
 6 17,100; is that correct? The very first
 7 sentence right underneath the heading.
 8 A. 17,100 square feet.
 9 Q. Okay. And that's tipping floor size
 10 and stockpiling capacity. Let's take a look at
 11 Exhibit 201.
 12 (PWC Exhibit Nos. 201 and 202
 13 marked for identification.)
 14 HEARING OFFICER PRICE: Are we done
 15 with 200?
 16 MR. MEZA: Yes. For now. If you see
 17 Exhibit 202, that's going to be next. Here's an
 18 extra copy of 201 and 202.
 19 THE WITNESS: I just found 201.
 20 BY MR. MEZA:
 21 Q. So 201 is the second draft of
 22 Criterion 2. Let me direct your attention to

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1 BY MR. MEZA:
 2 Q. If you just focus on Page 2-31, the
 3 tipping floor size and stockpiling capacity.
 4 Do you see that?
 5 A. Yes.
 6 Q. So in your first draft, you calculated
 7 not just the tipping floor but the stockpiling
 8 capacity, correct?
 9 A. Yes. And there's a stockpiling
 10 capacity in the current application as well.
 11 Q. On Draft 1 you stated there was
 12 1,333 cubic yards of stockpiling capacity for
 13 17,100 square feet; is that correct? Isn't that
 14 what you wrote?
 15 A. I think you may have misread it. It
 16 says assuming a 10-foot average height --
 17 THE COURT REPORTER: I'm sorry. Can
 18 you start that over?
 19 BY THE WITNESS:
 20 A. Assuming a 10-foot average height and
 21 0.8 slope loss factor, the waste storage
 22 capacity in this area is, approximately,

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1 Section 2.4.18.5.
 2 Can you read the title of that
 3 section that's on Page 2-34?
 4 A. "Tipping Floor Size and Stockpile
 5 Capacity."
 6 Q. How many -- How many square feet does
 7 it describe in the first sentence?
 8 A. 17,100 square feet.
 9 Q. Is that the same for the first
 10 application?
 11 A. I believe it was.
 12 Q. What's your stockpiling capacity now?
 13 A. It says, Assuming a 12-foot average
 14 height and 0.8 slope loss factor, the waste
 15 storage capacity in this area is, approximately,
 16 1,410 cubic yards.
 17 Q. So you went from 1,333 at 10-foot to
 18 1,410 at 12 feet, right?
 19 A. I don't recall if we changed anything
 20 else in the calculation, but that would seem
 21 to -- that would seem to reflect the difference.
 22 Q. Same square footage?

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1 A. Same square footage.
 2 Q. Just bigger piles, right? 10-foot to
 3 12-foot, right?
 4 MR. MUELLER: Objection. He's also got
 5 different waste density in there, so you're
 6 misleading him.
 7 HEARING OFFICER PRICE: Overruled.
 8 Mr. Hock can answer.
 9 BY THE WITNESS:
 10 A. I would have to look and double-check
 11 we're using the same floor area. When we're
 12 calculating these stockpile capacities, we're
 13 not using the entire floor. We're using
 14 portions.
 15 Q. Okay.
 16 A. I'd have to look back and do the math.
 17 Q. Take a look at 202 -- PWC 202. Let me
 18 direct your attention to 2.4.19.5. So it was
 19 .17, .18, now it's .19.5. That's on Page 2-77.
 20 A. I see it.
 21 Q. Now, what's the title of this section?
 22 A. "Tipping Floor Size and Stockpiling

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1 is that correct?
 2 If you can see it.
 3 A. I can't see it from here.
 4 Q. Would you take my word that I read it
 5 correctly, though?
 6 A. I'm not going to argue with you.
 7 Q. That's good enough, I guess.
 8 Okay. Can you take a look at your
 9 final application and take a look at the section
 10 that talks about tipping floor and stockpiling
 11 capacity?
 12 HEARING OFFICER PRICE: What was the
 13 cubic yards that you just read, Mr. Meza?
 14 MR. MEZA: Sure. 1,422 cubic yards.
 15 HEARING OFFICER PRICE: Thank you.
 16 MR. MEZA: It should be Page 2-42.
 17 BY MR. MEZA:
 18 Q. Can you read the number before the
 19 words "tipping floor size"?
 20 A. I'm not -- I'm not sure where you want
 21 me to read.
 22 Q. Sure. It says, This is

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1 Capacity."
 2 Q. Is the square footage the same still,
 3 17,100?
 4 A. Yes.
 5 Q. What's the stockpiling capacity this
 6 time?
 7 A. I don't see it here.
 8 HEARING OFFICER PRICE: We're
 9 missing -- For the record, it goes from 237 to
 10 239.
 11 BY MR. MEZA:
 12 Q. Okay. Can you take a look at the
 13 screen? Mr. Hock, it's on the screen. I must
 14 have not copied that last page.
 15 MR. MEZA: I can replace that, Hearing
 16 Officer.
 17 BY MR. MEZA:
 18 Q. If you can take a look at the screen,
 19 let me just read it to you. It says, Assuming a
 20 12-foot average height and .8 slope loss factor,
 21 the waste storage capacity in this area is
 22 1,422 cubic yards or, approximately, 284 tons;

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08:52:20PM

1 Section 2.4.20.5. The other ones were .17 --
 2 no -- 18 -- 17, 18, and 19. Do you remember
 3 that in 20, 21, 200, 201, 202?
 4 A. Yeah.
 5 Q. Now, what's the name of this section?
 6 A. Tipping floor size.
 7 Q. What happened to the words "and
 8 stockpiling capacity"?
 9 A. We deleted them.
 10 Q. What else did you delete in that
 11 section?
 12 A. Obviously, I don't know. I would have
 13 to compare these drafts. There were many things
 14 that changed between those original drafts and
 15 these.
 16 Q. What is the stockpiling capacity now
 17 in your final application? Let me ask you that.
 18 A. There is still stockpiling capacity in
 19 here. It's not like it's gone.
 20 Q. Can you tell me where that is in your
 21 application?
 22 A. Give me just a moment. So if you look

08:54:42PM

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1 at the Figure 2-4 that we show stockpile volumes
2 there, and those are -- those are relatively
3 large areas. What we show and discuss in here
4 is that --

5 **Q.** Hold it. What are you looking at,
6 Table 2-4?

7 **A.** Look at Figure 2-4.

8 **Q.** Oh. Figure 2-4?

9 **A.** Uh-huh.

08:56:44PM 10 **Q.** Is that in the initial?

11 **A.** I'm talking about the application.

12 **Q.** Okay. Got it. Go ahead, sir.

13 **A.** Sure. So on Figure 2-4, we show
14 stockpile volumes on the figure. If you notice
15 that up in the -- Are you there yet?

16 **Q.** Go ahead. I'm listening.

17 **A.** So for the single-stream recyclables
18 the plan is to stage them in the upper left
19 corner. Again, to be clear, the staging of

08:57:21PM 20 stockpiling occurs as waste or materials are

21 coming in. If it does come in faster than we

22 can load it out, then we end up with a volume on

1 converting the stockpile capacity from a volume
2 to a mass. The thing that maybe would help that
3 fundamentally changed is we lowered all of the
4 acceptance volumes, which means the capacity
5 volumes. So what that did is it changed the
6 number of incoming vehicles at the same hours,
7 reduced any of the needed stockpile capacities
8 to very modest levels and what we were just
9 simply showing is that we have more than ample
10 storage space on the floor, again, during a
11 peak-hour high-capacity day.

08:59:26PM 10 storage space on the floor, again, during a

12 **Q.** 2:00 to 4:00 or 3:00 to 6:00?

13 **A.** It's by hour.

14 **Q.** So what's that final number? Because
15 before you said it was 1,333 cubic yards, then
16 it was 1,410, then it was, I think, 1,444.

17 What is it now?

18 You're a math guy, aren't you?

19 Mr. Hock, didn't you just take that

09:00:05PM 20 section out because you got tired of responding

21 to Mr. Moose's questions about that?

22 **MR. MUELLER:** That's argumentative.

1 the floor. What we do do is we look at the
2 maximum capacity in the peak hours throughout
3 the day. And the other tables that we were
4 referring to calculate how much storage we would
5 need using a number of conservative scenarios
6 under these -- under the conditions. So what
7 we'll do is compare the amount required for the
8 floor storage based on everything we know, the
9 available capacity, and what you'll see is that

08:58:05PM 10 we have about -- the stockpiles shown here are

11 about double the size of what's needed at a peak

12 hour of a maximum capacity day and --

13 **Q.** What is the stockpiling capacity?

14 What is that number?

15 **A.** So what we show on the figure for
16 single-stream recyclables is 60 tons, for
17 municipal solid waste we show 85 tons in another
18 area, and in another area we show another
19 40 tons.

08:58:42PM 20 **Q.** That's tons of garbage, isn't it, or

21 trash or MSW?

22 **A.** It is. Which is -- It's just

1 **BY MR. MEZA:**

2 **Q.** Let me direct your attention back to
3 Exhibit 23, Mr. Hock. This is, again, the
4 exhibit -- the August 27th memo from APTIM to
5 you that's redlined.

6 Did you do those redlines or not?

7 Did you type that stuff or was it somebody else?

8 **A.** I don't recall.

9 **Q.** Do you recall doing -- Do you recall

09:01:00PM 10 reading this memo, or not?

11 **A.** I just read it again the other day,
12 which refreshed my memory.

13 **Q.** So is that a yes?

14 **A.** What was your question again?

15 **Q.** Do you recall reading this memo; yes
16 or no?

17 **A.** Yes.

18 **Q.** Do you recall typing in red responses
19 in this memo?

09:01:36PM 20 **A.** No.

21 **Q.** Are these your responses or are they
22 somebody else's responses?

1 A. I don't recall exactly.
 2 Q. Do you recall if you made any of the
 3 responses?
 4 A. I don't recall which ones I may have
 5 done or which one others may have done.
 6 Q. Do you recall personally making any of
 7 the responses; yes or no?
 8 A. No.
 9 Q. But you have a recollection of
 10 reading -- at least reading what Mr. Moose said
 11 about your application draft, didn't you?
 12 A. Yes.
 13 Q. You said earlier some of the comments
 14 he made you accepted and some you didn't,
 15 correct?
 16 A. Yes.
 17 Q. Some of the comments in this document,
 18 Exhibit 23, you responded -- somebody responded
 19 in red; is that correct?
 20 I can give you an example. Do you
 21 want an example? Let's go to Page 14.
 22 A. There are comments and responses.

09:02:39PM

09:03:10PM

1 1,200 cubic yards of SSR material as proposed.
 2 Do you see that?
 3 A. I do.
 4 Q. No response, right?
 5 A. Nope.
 6 Q. Next paragraph you said, The
 7 applicant -- it says, The applicant also used
 8 average pile heights of 12 feet; however, with
 9 such narrow stockpiles, it will not be possible
 10 to store above the height of the push wall.
 11 Do you see that?
 12 A. Yes.
 13 Q. You didn't respond to that either,
 14 right? There's no red after that, right? How
 15 about that?
 16 A. There's no red after it, but our --
 17 Q. Okay. The next section says, Figure 2
 18 illustrates --
 19 MR. MUELLER: He didn't finish his
 20 answer.
 21 MR. MEZA: I'm sorry. Go ahead.
 22 Sorry.

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09:05:06PM

1 Q. Excuse me?
 2 A. Yes, there's responses there.
 3 Q. And those responses are in red, right?
 4 They are in caps, in red?
 5 A. They are.
 6 Q. Now, if you scroll down to Page 14
 7 where it says, Further, the applicant
 8 incorrectly claims there's, approximately,
 9 2,500 cubic yards.
 10 Do you see that?
 11 A. I'm sorry. What page?
 12 Q. It's on Page 14. The paragraph that
 13 starts, Further, comma, the applicant
 14 incorrectly claims there's, approximately,
 15 2,500 cubic yards?
 16 A. I see that language.
 17 Q. There's no response after those
 18 comments, right?
 19 A. There's nothing in red after those.
 20 Q. Mr. Moose is saying you should -- we
 21 believe the use of a more realistic density per
 22 cubic yards results in a need to store

09:03:39PM

09:04:07PM

1 BY THE WITNESS:
 2 A. I was going to say there's so many
 3 things that changed since this draft was written
 4 that these comments -- Well, again, it's a
 5 mischaracterization. This was not -- I'll stop.
 6 Q. Thank you. Was there any response in
 7 red to those comments and observations of the
 8 expert that the City of West Chicago hired?
 9 A. There's no words on this piece of
 10 paper after those paragraphs. It doesn't mean
 11 we didn't consider them.
 12 Q. There's no response was the question.
 13 Was there a response or not? Did you give a
 14 response in red here, or not?
 15 A. Not on this piece of paper.
 16 Q. Okay. The next paragraph talks about,
 17 Figure 2 also illustrates, as previously
 18 mentioned. He's talking about the SSR and the
 19 loader again. There's no response after that,
 20 correct?
 21 A. Correct.
 22 Q. He says that the waste will not be

09:05:48PM

09:06:16PM

1 routinely consolidated. Okay. And he's talking
2 about how much space is needed, not to mention
3 the inability to close the bay doors and the
4 inherent increased likelihood for litter
5 tracking in unwanted wildlife.

6 Do you see that?

7 A. As I'm looking at this, as I read it
8 again, where it says, See updated throughput
9 evaluation in Figure 2-3, that would likely have
10 responded to all of these down below.

09:06:50PM

11 Q. Okay. So you didn't respond to his
12 question about inherent increased likelihood for
13 litter tracking, correct? There's nothing in
14 red, right?

15 A. No. I think -- To be honest, I'm
16 reading this again. It looks like what we did
17 is we provided some comments after certain
18 paragraphs that addresses other -- other
19 paragraphs. There was -- Again, as I read this,
20 there was not an intent to put words after every
21 paragraph because it wasn't necessary or
22 appropriate.

09:07:17PM

1 A. Yes.

2 Q. You did comment about that, though,
3 didn't you?

4 A. Because that's specific -- you know,
5 specific to that phrase. If you notice, it's
6 after the clause versus after the paragraph.

7 So, again, as I'm reading this again -- So,
8 yeah, we provided responses to whether it be
9 clauses or paragraphs or in some we refer to
10 other comments and some it was just more
11 general, so ...

09:08:57PM

12 Q. He said they were 10-feet wide, you
13 said, Hey, they are only 8.5-feet wide. You
14 corrected him. He was wrong, wasn't he?

15 A. We're just clarifying with the legal
16 vehicle within Illinois.

17 Oh, I see why we did it now.

18 Q. Why did you do it?

19 A. He was talking about lack of distance
20 between doors and things and he was using a
21 wider width for the trucks, which would create a
22 shorter distance. So we were just clarifying

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1 Q. The next paragraph starts with, In
2 addition, Figure 3 shows the collection vehicle.

3 Do you see that?

4 A. Yes.

5 Q. There's no response after that
6 paragraph, correct?

7 A. No. I think what he was referring to
8 is Figure 2-3, which is what's referenced above.
9 So it appears that, again, that general comment

09:07:44PM

10 was referring them to a whole throughput
11 evaluation and updated figure. We just didn't
12 waste the time with putting words after every
13 single paragraph.

14 Q. And throughput just is a fancy word
15 for the amount of trash coming in and coming
16 out, right?

17 A. Yes.

18 Q. Now, go on to Page 15. Mr. Moose then
19 starts commenting on the width of the 10-foot
20 truck. He says, Assuming a width of 10 feet for
21 each truck.

09:08:20PM

22 Do you see that?

1 that it was an overly-conservative assumption.

2 Q. He was off by a foot and a half,
3 right?

4 A. Yes.

5 Q. Now, in that same paragraph, he talks
6 about the time it takes to -- for a packer truck
7 to unload.

8 Do you see that?

9 A. Yes.

09:10:16PM

10 Q. Now, it's important to know how long
11 it takes a packer truck to unload because you
12 need to know whether you can process throughput
13 from these trucks during the peak hours; is that
14 correct?

15 A. The loading time is an important
16 assumption in our throughput evaluation. I
17 agree with that.

18 Q. Right. Because this is supposed to be
19 a fully enclosed trash transfer facility,
20 correct?

09:10:54PM

21 A. It is a fully-enclosed trash transfer
22 stations.

1 **Q.** But in order to enter this facility,
 2 you have to open the doors, right?
 3 **A.** They can't magically get in any other
 4 way.
 5 **Q.** Well, are they automatic doors?
 6 **A.** Yes.
 7 **Q.** So they are going to be automatic
 8 doors that are going to automatically open?
 9 **A.** Our plan is to have a spotter that
 10 will open and close them. When you say
 11 "automatic," they are mechanical. You can press
 12 a button and they will go up and down.
 13 **Q.** Somebody has to press a button for it
 14 to come up and go down?
 15 **A.** Yes.
 16 **Q.** And there's four bay doors, correct?
 17 **A.** Yes.
 18 **Q.** And you're going to have three
 19 spotters?
 20 **A.** The plan is to have people helping
 21 direct traffic and managing the flow, so, yes,
 22 we'll have people that will be available and be

09:11:24PM

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1 there to open and close the doors as needed to
 2 let trucks in and out.
 3 **Q.** Didn't you testify that there was
 4 going to be three spotters the other day? If
 5 you don't remember, that's fine.
 6 **A.** I don't recall is exactly what I said.
 7 **Q.** How many spotters are there going to
 8 be then?
 9 **A.** Well, what we have -- maybe this is
 10 what I meant -- is that there's three general
 11 spotting locations that we have planned for the
 12 facility. So one would be at the MSW and SSR
 13 building, which is what we're talking about
 14 here; we have another over by the C&D building;
 15 and then one up at the entrance, if needed.
 16 **Q.** Okay. What about where the transfer
 17 trailers come in, are those automatic doors?
 18 **A.** Yeah.
 19 **Q.** So there's three sets of doors, right?
 20 **A.** There's four bay doors.
 21 **Q.** I'm saying sets of doors. There's the
 22 MSW doors. There's four of those, right?

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1 **A.** Yes.
 2 **Q.** There's the C&D doors. There's two of
 3 those, right?
 4 **A.** Yes.
 5 **Q.** Then there's a door where the trash
 6 transfer truck has to drive in to get loaded,
 7 right?
 8 **A.** Yes.
 9 **Q.** Then there's a door for the truck to
 10 exit, right? The trash transfer trailer truck,
 11 it goes in, it gets loaded, and then it leaves,
 12 right?
 13 **A.** Yes.
 14 **Q.** So there's --
 15 **A.** There's two doors for that.
 16 **Q.** Are those automatic doors?
 17 **A.** Those would likely be automatic,
 18 depending on -- but we could have manual. Those
 19 trucks come in every ten minutes or so. It's a
 20 different operation. You could actually have
 21 the drivers operate those doors.
 22 **Q.** So those doors, a driver would have to

09:13:20PM

09:13:58PM

1 get out of his truck, push the button, open that
 2 door, and then wait until the other truck
 3 leaves, right?
 4 **A.** He wouldn't have to get out of his
 5 truck.
 6 **Q.** How does he open the door then?
 7 **A.** These things are a lot of times set up
 8 with lights, so you have kind of green light/red
 9 light so he knows if someone is there or not.
 10 So there's a button outside that he would push
 11 to open the door.
 12 **Q.** There's going to be a button where he
 13 pulls up, he can push, and drive a transfer
 14 trailer inside, right?
 15 **A.** There's a variety of means to do this.
 16 What I just gave you is an example. That level
 17 of detail, we would -- we would make an exact
 18 determination at a later time when we're
 19 actually building the facility. What you're
 20 talking about is very standard stuff that's done
 21 every day. And, like I said, there's different
 22 ways to do it.

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1 **Q.** Well, it's not standard because it's
 2 close to an airport, and doesn't it have to be
 3 fully enclosed?
 4 **A.** Not what I said.
 5 **Q.** I understand that. My question is:
 6 It's not a standard municipal waste transfer
 7 station because it's located near an airport;
 8 isn't that correct?
 9 **A.** The location is unique being close to
 10 an airport. The things we're talking about here
 11 are very standard.
 12 **Q.** Right. But what you need is that it
 13 has to be fully enclosed, doesn't it?
 14 **A.** And it is.
 15 **Q.** Right. So what is the plan that you
 16 have to keep it fully enclosed right now?
 17 **A.** We have fast opening and closing doors
 18 that will open before a truck enters and close
 19 after -- sorry -- it will open before it enters
 20 and it will close while it's in the building,
 21 and then it will open before it leaves and close
 22 after it departs.

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09:15:59PM

1 turn around and dump; it backs in, doesn't it?
 2 **A.** It does.
 3 **Q.** So it has to be open and the driver
 4 has to drive and back himself up through that
 5 door, three drivers, right -- up to three
 6 drivers, correct?
 7 **A.** Again, I think you're
 8 mischaracterizing or misunderstanding.
 9 **Q.** I understand. Don't the trucks have
 10 to back into the spaces, into the garage doors;
 11 yes or no?
 12 **A.** Yes.
 13 **Q.** And during peak hours, there can be as
 14 many as three garage doors open; is that
 15 correct?
 16 **A.** There could be up to three garage
 17 doors in use.
 18 **Q.** Right. In use. So one could open and
 19 one could be closed and then another one could
 20 open and another could be closed. So,
 21 technically, one door could be open at all
 22 times, then, right?

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1 **Q.** The same thing is going to happen with
 2 the municipal solid waste doors during peak
 3 hours, correct?
 4 **A.** Yes.
 5 **Q.** In fact, you estimated that there were
 6 going to be about three of those bay doors that
 7 would have to open and close every five minutes,
 8 correct?
 9 **A.** You wouldn't need all three during the
 10 peak hours, but you could need up to three at
 11 times.
 12 **Q.** And they are going to open up all the
 13 way up, all the way down, every five minutes
 14 from 3:00 to 6:00; is that correct?
 15 **A.** That's how they work.
 16 **Q.** So for those periods of time, when the
 17 door is open and the truck is -- it has to back
 18 in, correct?
 19 **A.** Yes. It has to -- It can't magically
 20 get in the building. It has to go through the
 21 doorway.
 22 **Q.** Right. But it doesn't drive in and

09:16:27PM

09:16:55PM

1 **A.** No.
 2 **Q.** They are all going to be closed or
 3 open at the same time?
 4 **A.** No.
 5 **Q.** So some of them might be open while
 6 the others are closed, right?
 7 **A.** I think you're getting it.
 8 **Q.** Right. So it's not going to be fully
 9 enclosed, then, right?
 10 **A.** It will be fully enclosed.
 11 **Q.** You estimated five minutes for the
 12 truck to back into the tipping floor and unload,
 13 correct?
 14 **A.** Five minutes to back in, discharge the
 15 load, and leave and clear the doorway so another
 16 truck could do the same thing.
 17 **Q.** Right. That's what you estimated,
 18 correct?
 19 **A.** Yes.
 20 **Q.** Mr. Moose said he estimated loading
 21 times to be four to nine minutes on average --
 22 Exhibit 23 -- didn't he? But you said we're

09:18:16PM

09:18:49PM

1 using five minutes, and we believe this is an
2 appropriate average; is that correct?
3 **A.** Yes. It's the same we have used in
4 other situations. All the information we have
5 seen and my standing out watching these things
6 over time, says five minutes is a good number.

7 **Q.** In fact, you went to the California
8 MSW or facility that LRS owns to come up with
9 approximate times, didn't you?

09:19:34PM 10 **A.** Not for this.

11 **Q.** You didn't for this?

12 **A.** Not for the five minutes.

13 **Q.** Let me direct your attention to
14 Exhibit 16. This is an e-mail from Lee Chastity
15 to Marty Fallon of which you were copied.

16 Do you see that?

17 **A.** Yes.

18 (PWC Exhibit No. 16 marked for
19 identification.)

09:20:30PM 20 **BY MR. MEZA:**

21 **Q.** So I was wrong. CEC didn't go to do
22 the times; APTIM went and did the times,

1 PWC 17. Can you tell us what that is?

2 (PWC Exhibit No. 17 marked for
3 identification.)

4 **BY THE WITNESS:**

5 **A.** My apologies. I knocked the mic off.

6 **Q.** Take your time.

7 **A.** I'm sorry. Where are we at?

8 **HEARING OFFICER PRICE:** PWC 17.

9 **BY MR. MEZA:**

09:22:23PM 10 **Q.** 17. Can you take a look at that?

11 **A.** Yes.

12 **Q.** Tell us what that is.

13 **A.** It's a spreadsheet of load times at
14 their California Avenue facility. What it shows
15 is -- So it's basically load times by different
16 trucks.

17 **Q.** So what you were doing was going to
18 the California facility to try to come up with
19 some data about how long it would take you to

09:23:04PM 20 unload a truck, correct?

21 **A.** No.

22 **Q.** What were you doing, then? What are

1 correct --

2 **A.** No.

3 **Q.** -- to the California facility?

4 **A.** No. We were both there. In fact, I
5 was there that day, too.

6 **Q.** I was right, then, you did go?

7 **A.** Yes.

8 **Q.** And, in fact, you then -- Is the
9 California facility one of the state of the art

09:20:58PM 10 facilities for LRS?

11 **A.** Yes.

12 **Q.** Do they clean the floor every day like
13 they are going to do here in West Chicago?

14 **A.** I know they clean the floor routinely.
15 Exactly what they do every day, I can't say.

16 It's a -- It's a flagship facility. It's very
17 busy. It takes a lot of tonnage. They recycle
18 a lot of C&D. It's a -- Yeah, it's a premier
19 facility.

09:21:35PM 20 **Q.** Topnotch facility?

21 **A.** Yeah.

22 **Q.** Take a look at the next exhibit,

1 these tables for, then?

2 **A.** This is how long it takes to load a
3 transfer trailer.

4 **Q.** Oh, okay. Load a transfer trailer.
5 I'm sorry.

6 Did you do any -- Did you do any
7 calculations at the California facility to
8 determine how long it takes to unload a packer
9 truck?

09:23:25PM 10 **A.** No.

11 **Q.** Why not?

12 **A.** It wasn't needed.

13 **Q.** Why wasn't it needed?

14 **A.** Because we were good with five minutes
15 and, you know, if you stand out there and watch,
16 you can see -- especially at that facility, they
17 get in and out of there faster than five
18 minutes, so we didn't need to do it.

09:23:57PM 19 **Q.** But the California facility is not
20 like this facility, is it?

21 **A.** There's similarities and differences.

22 **Q.** Right. It's not an enclosed facility,

1 right?

2 **A.** Correct.

3 **Q.** It's an open facility, right?

4 **A.** So there's an open side to the

5 buildings.

6 **Q.** Okay. So do you think it would take

7 more or less time to unload a packer at that

8 facility than at this proposed new facility?

9 **A.** It depends.

09:24:37PM 10 **Q.** On what?

11 **A.** Depends how much space is available,

12 depends on cueing time.

13 **MR. MEZA:** Okay. Mr. Hearing Officer,

14 I would like to show an exhibit, but it's a

15 video. It's Exhibit No. 700. I'll mark it. It

16 will be on the screen here, and it will be here.

17 (PWC Exhibit No. 700 marked for

18 identification.)

19 **BY MR. MEZA:**

09:25:46PM 20 **Q.** Do you recognize this location?

21 **A.** That looks like an aerial view above

22 the 3152 California facility looking from east

1 to west.

2 **Q.** So this is the premier facility of LRS

3 also; is that right?

4 **A.** They do a lot of recycling. The

5 recycling operation is topnotch. They have

6 actually done a number of other things to

7 process organics and different things like that.

8 It's a nice facility.

9 **Q.** Thank you. Do you see the time

09:26:30PM 10 marker, it's two seconds? Do you see that?

11 Would you take my word?

12 **A.** I'll take your word.

13 **Q.** Do you see a little blue truck there.

14 Is that an LRS truck?

15 **A.** I would have to look closer.

16 **Q.** Come on in. Look closer.

17 **MR. MUELLER:** Mr. Price, if we're going

18 to ask questions about a video and show a video,

19 we need foundation.

09:27:01PM 20 **HEARING OFFICER PRICE:** Overruled. You

21 can show anybody a photograph if they recognize

22 the photograph. So far all he said is he

1 recognizes this to be the California station.

2 We'll see what the next questions are.

3 **So overruled.**

4 **BY THE WITNESS:**

5 **A.** It could be. It's a little tough to

6 see the logo.

7 **Q.** Okay. That's fine. Let me hit play.

8 It's 4 seconds, 5 seconds. Can you tell, from

9 looking at the video, what this truck that may

10 or may not be LRS is doing?

09:27:33PM 11 **MR. MUELLER:** I'm going to object based

12 on foundation.

13 **HEARING OFFICER PRICE:** Overruled. He

14 asked him if he could tell what the truck is

15 doing. We haven't heard an answer.

16 **BY THE WITNESS:**

17 **A.** I don't see the truck anymore.

18 **Q.** The timer is at 44 seconds.

19 **Do you see that, Mr. Hock?**

09:28:10PM 20 **A.** Yes.

21 **Q.** Do you see the truck now?

22 **A.** Yes.

1 **Q.** I have paused it at 54 seconds.

2 **Do you see that?**

3 **A.** I'm sorry. I turned my mic off.

4 **Q.** That's all right.

5 **A.** Yes.

6 **Q.** Can you tell if that's an LRS truck

7 now?

8 **A.** It appears so.

9 **Q.** All right. So we're at 54 seconds.

09:28:41PM 10 We'll watch the video and then I'll ask some

11 questions about it. We're at 3 minutes and

12 11 seconds.

13 **Do you see that?**

14 **A.** Yes.

15 **Q.** So we're at 5:30, but he didn't arrive

16 until about 54 seconds, is that right, Mr. Hock,

17 if you remember?

18 **A.** Yes. It was about the one-minute

19 mark.

09:33:25PM 20 **Q.** Right. It looks like he's getting

21 back in his truck. The time is 6:48; is that

22 correct?

1 A. Yes.
 2 Q. He drove off at about 7 minutes; is
 3 that correct?
 4 A. Yes.
 5 Q. So that would be about 6 minutes; is
 6 that correct?
 7 A. Yes.
 8 Q. Now, did the time that it took this
 9 driver about the same amount of time it's going
 10 to take to pull into this proposed facility, or
 11 not?

09:35:10PM

12 MR. MUELLER: Mr. Price, I'm going to
 13 object and move to strike this entire line of
 14 questioning because it's an apples-and-oranges
 15 comparison. We don't know what the
 16 circumstances were of that truck unloading.

17 HEARING OFFICER PRICE: Overruled. The
 18 question is simply whether this is an accurate
 19 representation of what we can expect at the
 20 proposed facility. That question is of minimal
 21 probative value, but nevertheless appropriate.

09:35:39PM

22 You can answer.

1 BY THE WITNESS:

2 A. The answer is not necessarily. It
 3 doesn't change anything. Because one of the
 4 main things you may have noticed is there was
 5 not another truck coming in behind him. It's
 6 like any task. If you have extra time, you can
 7 probably take extra time. So him taking an
 8 extra minute because he had extra time seems
 9 complete -- he actually moved out of there
 10 pretty quick given the time he had. It depends
 11 on a lot of things. It does nothing, nothing at
 12 all, to discount the five minutes that we're
 13 using.

09:36:15PM

14 Q. How many minutes did you calculate to
 15 load a transfer trailer?

16 A. So Lakeshore routinely does it in less
 17 than 8 minutes.

18 Q. Didn't Mr. Moose tell you that the
 19 average time he found was 13 minutes and
 20 26 seconds?

09:36:49PM

21 Do you remember that?

22 A. No.

1 Q. Take a look at PWC 13 again, Page 4.
 2 You might not have seen that before. This is
 3 the first memo that Mr. Moose issued, wasn't it?
 4 HEARING OFFICER PRICE: Do you have it,
 5 Mr. Hock?

6 THE WITNESS: I do.

7 BY THE WITNESS:

8 A. You're referring to the January 20,
 9 2020 memo.

09:37:34PM

10 Q. Right.

11 A. Second paragraph on Page 4 of 7?

12 Q. Right. Take a look at Page 4.

13 A. Uh-huh. It says, APTIM conducted
 14 vehicle processing times at the transfer station
 15 with the above average times: Process a
 16 transfer trailer is 13 minutes and 26 seconds.

17 Q. So it takes somebody else 5 minutes
 18 longer to load a transfer trailer than it takes
 19 LRS, right?

09:38:08PM

20 A. Yeah. You should look back at PWC 16,
 21 which is the one that says -- the tables include
 22 the details for each trailer loaded. In

1 summary, it took 6 to 8 minutes to load a
 2 trailer, similar to our observations from the
 3 July 24, 2020 visit.

4 So, yeah, the time it takes to load
 5 a transfer trailer depends on a number of
 6 things. It all just confirms all of the
 7 assumptions we're using, that they are all
 8 accurate.

9 Q. Now, Mr. Hock, one of the things you
 10 mentioned was a -- I believe it was a 2019 PUD,
 11 a planned unit development.

09:38:51PM

12 Do you remember that?

13 A. Yes.

14 Q. So that was -- So correct me if I'm
 15 wrong. In 2015, LRS obtained a planned unit
 16 development to build the C&D site on Powis; is
 17 that correct?

18 A. I don't remember the year. I think
 19 it's in the application. I can double check it
 20 if you want.

09:39:32PM

21 Q. If you think I'm incorrect, go ahead

22 and check.

- 1 A. I just don't remember.
 2 You're correct. The original PUD
 3 was approved on May 8, 2015.
 4 Q. The PUD is so LRS would obtain
 5 permission to build the C&D facility on Powis
 6 Road; is that correct?
 7 A. Generally, yes. There's some other
 8 things it allowed, too; but yes.
 9 Q. Okay. Then in 2019, CEC submitted an
 10 amended PUD; is that correct?
 11 A. Yes.
 12 Q. But that was for the C&D facility,
 13 wasn't it?
 14 A. It was to make a variety of
 15 improvements to the property.
 16 Q. Right. To the C&D facility?
 17 A. Oh, yes.
 18 Q. Right?
 19 A. Well, to the existing facility and its
 20 various operations.
 21 Q. Right. The various operations were
 22 the C&D operations, right?

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09:41:11PM

- 1 pre-engineered metal; is that correct?
 2 A. Yes.
 3 Q. That's the building that you want to
 4 use the waste transfer station for, isn't it?
 5 A. It's the same size building in the
 6 exact same location.
 7 Q. Right. But that's the building that
 8 you intend -- That's where you intend to place
 9 the waste transfer station building, correct?
 10 A. Yes.
 11 Q. The exact same place?
 12 A. Yes.
 13 Q. But you didn't indicate that you were
 14 going to place a waste transfer station there in
 15 this PUD, you just said you were expanding your
 16 C&D facility, right?
 17 A. Absolutely.
 18 Q. Right?
 19 A. Yeah. We couldn't -- The PUD
 20 amendment process was not about a municipal
 21 solid waste transfer station. It's not the --
 22 It's not the appropriate process.

09:43:05PM

09:43:28PM

- 1 A. No.
 2 Q. It wasn't the C&D operations?
 3 A. It involved the other operations as
 4 well.
 5 Q. Right. So it was C&D and others,
 6 right?
 7 A. Yes.
 8 Q. Okay. So you were looking to expand
 9 the C&D facility, weren't you?
 10 Do you remember, Mr. Hock, or not?
 11 A. Yes, that is part of it.
 12 Q. In fact, you mentioned it in
 13 Criterion 2, on Page 2-5, didn't you? You said
 14 that it was an amendment to the planned unit
 15 development and site development permit; is that
 16 correct?
 17 A. Yes.
 18 Q. Can you flip to Page 2-6?
 19 A. Yes.
 20 Q. The last paragraph says, The C&D
 21 expansion building is designed to be
 22 approximately 22,500-square foot rectangular

09:42:03PM

09:42:33PM

- 1 Q. You told the City of West Chicago that
 2 you were going to build a C&D expansion
 3 building, presumably to expand your C&D
 4 facilities, right?
 5 A. Yes. So we have the approval to do
 6 that if we'd like.
 7 Q. Didn't you also say that you have a
 8 permit for 1,200 tons of C&D?
 9 A. 1,250, that's correct, that's the
 10 permitted limit as of today.
 11 Q. But you guys don't even hit that
 12 number, do you? What's your average now, 750?
 13 A. As I said before, the average is
 14 around 300 tons per day right now with peaks
 15 getting up to around 750 tons per day.
 16 Q. So you want to file an amended PUD to
 17 expand a building for C&D, despite the fact that
 18 you already have 1,250, but you only take in
 19 750, right?
 20 A. The building expansion was put in,
 21 along with other improvements, so that the storm
 22 water design that we were doing for that would

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1 be the exact same as we're talking about for the
 2 municipal solid waste transfer station. We
 3 didn't want to have any additional impervious.
 4 We wanted the layout to be exactly the same
 5 because we didn't want to have to go through a
 6 storm water design and other such things twice.
 7 So that is why, as I pointed out before, the
 8 storm water has been approved for exactly the
 9 configuration that's out there and that's why
 10 there's no other storm water approved. So that
 11 was the logic behind --

09:45:33PM

12 Q. Sure. Take a look at Exhibit 10. I
 13 have it on the screen also. It should have been
 14 the one handed out just now. I'm sorry.

15 Can you take a look at the second
 16 page?

17 Does that have your signature, John
 18 Hock, P.E.?

19 (PWC Exhibit No. 10 marked for
 20 identification.)

09:46:36PM

21 BY THE WITNESS:

22 A. That is me.

1 Q. This was submitted June 20, 2019?

2 A. Yes.

3 Q. Can you flip to the fourth page that
 4 provides the information about the application
 5 for the private planned unit development?

6 Do you see that?

7 A. Yes.

8 Q. Now, the next page talks about the
 9 property information, doesn't it?

09:46:58PM

10 A. Where are you looking?

11 Q. The following page, where it says,
 12 Property information, 1655 Powis Road.

13 Do you see that?

14 A. Yes.

15 Q. Then go ahead and go down. It says,
 16 Current use of the property.

17 Do you see that? Could you tell?

18 A. Yes.

19 Q. Could you read that?

09:47:19PM

20 A. Construction and demolition debris
 21 recycling facility.

22 Q. Because that's what it's used for,

1 right?

2 A. Yes.

3 Q. And proposed use of the property?

4 A. It says, Improvements to construction
 5 and demolition recycling facility.

6 Q. Right. It doesn't say MSW waste
 7 transfer station, does it?

8 A. No.

9 Q. So this is for the expansion building
 10 of the C&D, right?

09:47:45PM

11 A. Among other things, right.

12 Q. In here, you included Attachment 7.1.
 13 Go ahead and flip to 7.1.

14 A. Okay.

15 Q. This is the Storm Water Pollution
 16 Prevention Plan; is that correct?

17 A. Yes.

18 Q. That's different than just a storm
 19 water plan; is that correct?

09:48:14PM

20 A. I don't understand your question.

21 Q. Don't you have to explain how you're
 22 going to deal with storm water runoff and then

1 also have to explain your storm water pollution
 2 prevention plan?

3 A. If you're referring to -- So there's a
 4 storm water design. And this is not -- The
 5 storm water pollution prevention plan is not a
 6 design. It's just how you're going to, just as
 7 it says, maintain the facility, best management
 8 practices, inspections and such to manage the
 9 design of the storm water system that's in
 10 place.

09:49:06PM

11 Q. Right. This is for the C&D building,
 12 right? This was attached to your application.

13 A. Yeah. This would be for the existing
 14 operations as of September 2018.

15 Q. On Page 6 of that plan, CEC has a
 16 section called, Pollutant source identification
 17 and evaluation.

18 Do you see that?

19 A. Yes.

09:49:47PM

20 Q. That's where they are talking about
 21 what's going to happen with the water if it
 22 rains and it falls onto trucks and it's got

1 grease, where is that water going to go, right?

2 **A.** No.

3 **Q.** Well, isn't that why it's called a

4 storm water pollution prevention plan?

5 **A.** The term comes from IEPA regulations.

6 It's the term they use.

7 **Q.** So you don't use the storm water

8 pollution prevention term?

9 **A.** Oh, yes, we do.

10 **Q.** Right. Because that's part of your

11 application, isn't it?

12 **A.** It's part of this application.

13 **Q.** It was part of -- That's right. It

14 was part of this application, right?

15 **A.** Yes.

16 **Q.** In fact, let me direct your attention

17 to Page 2-22 of Criterion 2, your final

18 application.

19 HEARING OFFICER PRICE: I'm going to

20 stop soon.

21 MR. MEZA: It's going to be tough. I

22 can -- I can just ask him.

09:50:38PM

09:52:36PM

09:51:00PM

09:53:10PM

1 amendments?

2 HEARING OFFICER PRICE: Page 20 of this

3 exhibit, John.

4 MR. MEZA: 10.

5 HEARING OFFICER PRICE: Exhibit 10, the

6 last page.

7 BY THE WITNESS:

8 **A.** I'm sorry. I was looking in the wrong

9 place.

10 **Q.** That's all right.

11 **A.** Yes, I see what you're talking about.

12 **Q.** You have no storm water prevention

13 pollution plan for the municipal solid waste

14 transfer station that you're looking to get

15 sited in the City of West Chicago, do you?

16 **A.** No. Because we don't need it today.

17 You only need it once something is actually

18 changed. Once the facility gets approved and we

19 build it, before we start to operate it, we will

20 absolutely have an updated storm water pollution

21 prevention plan. What we have today is a design

22 and we have the same features. So you don't

1 BY MR. MEZA:

2 **Q.** This storm water pollution plan was

3 for the C&D. You don't have a plan for this

4 application, do you?

5 **A.** We don't need one today. What this

6 talks about is the management controls that are

7 in place today. I'm just reading it again to

8 refresh my memory. Yeah. So it talks about all

9 of the things we already have, the settling

10 basins and erosion controls and the training and

11 inspections and the monitoring we do.

12 **Q.** Go to Page 20 of that Exhibit 10,

13 which is the pollution prevention plan. Doesn't

14 it also say that the designated representative

15 will amend this SW -- storm water pollution

16 prevention plan, other than is described,

17 whenever, A, Procedure that is described in this

18 plan has changed a control measure described in

19 this plan is modified.

20 Do you see that?

21 **A.** I'm sorry. Where were you reading?

22 **Q.** Page 20, where it says, 12.0 plan

09:51:41PM

09:52:14PM

09:53:43PM

09:54:28PM

1 change the -- You don't change the plan in

2 anticipation of things because the plan talks

3 about things we're going to do. You don't do

4 things for operations or something that's not

5 yet a reality, so it's not applicable.

6 MR. MEZA: This will be the last

7 question.

8 BY MR. MEZA:

9 **Q.** Go to 2.3.2 of your final application.

10 Don't you write, Discharge is associated with

11 the operation of West DuPage RTS, Regional

12 Transfer Station, are managed through controls

13 and procedures as detailed in the site's storm

14 water pollution plan?

15 **A.** Yes, we have a plan. We actually are

16 referring to an earlier draft of it. Of course

17 we have a plan.

18 MR. MEZA: This is a good time,

19 Mr. Hearing Officer.

20 HEARING OFFICER PRICE: Thank you,

21 Mr. Meza. I appreciate you making an

22 accommodation.

1 As I said before, we have two
2 public participants who will be unable to be
3 here for the public oral comment, so we will
4 take those two people right now. I'll ask you
5 to come down here to the microphone. We'll,
6 start with Noreen Ligino-Kubinski and Paul
7 Kubinski.

8 While they are coming forward, this
9 is public comment, not testimony. They are not
10 being cross-examined on this. It's just public
11 comment.

12 MS. LIGINO-KUBINSKI: First of all,
13 thank you for allowing my husband and I to
14 provide a public comment tonight. As indicated,
15 my name is Noreen Ligino-Kubinski. I reside in
16 the Reserve Cornerstone Lakes subdivision in
17 West Chicago. I have lived in the Reserve
18 Cornerstone Lakes for 23 years. I have 40 years
19 of business experience in corporate business,
20 government, and community affairs. I currently
21 serve and have served on a multitude of DuPage
22 County and West Chicago boards for the

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1 work, have a business, and grow a business.

2 As stated, I live in the Reserve
3 Cornerstone Lakes subdivision, which is,
4 approximately, 2.5 miles away from Lakeshore.

5 Groot Waste Connections is actually
6 closer to our subdivision. I have taken the
7 time to learn about LRS, their staff, the
8 facility, and what the facility upgrades will
9 mean for our community. There is truly a lot of
10 misinformation about the plans for this upgrade
11 and the impact on the community, so I'm here
12 tonight to set the record straight based on my
13 research.

14 Tonight I am speaking as a citizen
15 of this great city of West Chicago. The LRS
16 facility is located on 28 acres in the
17 manufacturing industrial area directly across
18 from the DuPage Airport. We currently do not
19 and will not see traffic in our Cornerstone
20 Lakes neighborhood from the daily facilities and
21 activities of operation.

22 In fact, as we heard, LRS is

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1 betterment of DuPage County and the City of West
2 Chicago.

3 I am an active long-time corporate
4 member for the DuPage Mayors and Managers
5 Council of Government. I'm an active long-time
6 board of director for Choose DuPage Economic
7 Development Alliance and on the public policy
8 board committee. I'm very proud to serve on
9 this board for many years of the development
10 that has come into West Chicago and our business
11 park.

12 I am a former West Chicago City
13 Council Alderman for Ward 7, former West Chicago
14 Fire Protection District Board Trustee, and
15 former Western DuPage Chamber of Commerce
16 Member.

17 I'm very passionate about the
18 community and ensure the best opportunities for
19 economic development, environment, cost of
20 living, education, and employment. I am also
21 committed to making DuPage County and West
22 Chicago a great place to live, raise a family,

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1 committed to improving the traffic safety on
2 Powis Road. Powis Road is a DuPage County road.
3 And upon approval of this request, they will
4 cover the cost of over, approximately, \$645,000
5 to widen Powis Road, adding one more turn lane
6 making it even safer for the traffic on Powis
7 Road. The majority of traffic on Powis Road is
8 industrial traffic, and it's the heart of the
9 manufacturing district, far away from our
10 residential homes. LRS is also committed to
11 ensuring truck traffic will use the safest
12 transportation routes. They will not travel
13 through West Chicago and the City of St. Charles
14 neighborhoods.

15 LRS currently uses their street
16 sweepers to clean Powis Road and have committed
17 to continue to do this. The upgraded LRS
18 facility, which we have heard, will have a
19 state-of-the-art building with doors that will
20 open and close behind the trucks before they
21 empty and load of materials, and they do not
22 escape. The upgraded transfer station building

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1 will have a modern air filtration system that
2 treats the air before it's recirculated into the
3 atmosphere. There will be no odor or traffic in
4 our residential neighborhoods or anywhere in
5 West Chicago from the LRS transfer station. The
6 LRS facility and site area are more modern and
7 equipped to manage materials, minimize odor, and
8 improve traffic flow.

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9 Another safety benefit will be that
10 the upgraded facility, as we heard, will have a
11 lower building. This is a safety feature for
12 all of the air traffic arriving and departing
13 from DuPage Airport.

09:59:24PM

14 Residents should know that LRS
15 present is not new to West Chicago. It already
16 operates the construction and demolition debris
17 transfer station there now and also stores
18 trucks and containers overnight. LRS is
19 committed to accepting electronic waste for no
20 charge at their facility during all hours of
21 operation, not just on Saturday mornings like
22 the Groot facility.

629

1 know that a competitor of Ken Hoving worked with
2 the local community in 2003 to fund an
3 opposition campaign to thwart at siting effort.
4 Is this the competitor that started the
5 misinformation campaign Protect West Chicago
6 directed at LRS? How else can a
7 grassroots-based initiative so quickly fund
8 advertisements, websites with wrong information,
9 drop mail letters, yard signs, experts,
10 lobbyists, and lawyers? Who is funding the drop
11 mail letters that have gone out one -- That's
12 what I brought today -- Another one came out
13 today from a marketing Oak Brook address that
14 came out today that went to West Chicago
15 residents, Carol Stream, St. Charles, and Wayne.
16 How wrong is this? Who is funding the
17 opposition effort? Please be transparent. Show
18 us the documentation. People have a right to
19 know the truth. It is evident and clear LRS
20 will support continued competition, which we all
21 need, and we already have proven this in DuPage
22 and West Chicago for citizens and businesses.

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628

1 In addition to the need for the
2 facility, West Chicago, DuPage County, and the
3 DuPage Airport Authority will benefit
4 financially from the materials that are brought
5 into this facility. It is true that excess
6 capacity already exists at Groot, Waste
7 Management, and other transfer stations. It
8 would appear that this excess capacity is due to
9 high prices. There needs to be another
10 competitive priced option. Groot may never use
11 its full capacity, but so what? Let them
12 compete for the business. In today's economy,
13 every dollar counts.

09:59:56PM

14 I have heard misinformation about
15 property values being impacted and environmental
16 racism. This could not be the furthest thing
17 from the truth. Do not be fooled or misled. It
18 is very sad and infuriating to me to see this
19 occur in the City of West Chicago, who is very
20 inclusive. Many residents that I have spoken
21 with do not fear that West Chicago will become
22 the garbage capital of the western suburbs. I

10:00:27PM

630

1 LRS has proven to be an excellent neighbor.
2 They are good corporate citizens currently in
3 our community. They will continue to be an
4 excellent neighbor once this application is
5 approved.

10:02:17PM

6 It is my understanding it is the
7 city council's responsibility to determine if
8 LRS meets the nine criteria the state has
9 established for this type of facility. If they
10 have met the criteria, it means this is
11 necessary for the entire community, as it is
12 good economic development. Based on everything
13 I have heard, read, and seen, West Chicago
14 aldermen would be foolish not to approve this
15 facility. This facility and LRS only stands to
16 benefit the citizens and the businesses of
17 DuPage County and West Chicago, and I thank you.

10:02:58PM

18 MR. KUBINSKI: Good evening. My name
19 is Paul Kubinski. I live in West Chicago in
20 Reserve Cornerstone Lakes subdivision, just a
21 few miles north and west of the proposed LRS
22 waste transfer station. My wife and I built our

631

1 house in 2000 and have lived there ever since.
2 I'm just a retired IT guy. Her career makes me
3 look like a real underachiever.

4 Based upon my research and
5 testimony presented here over the past few days,
6 I would like you to know for the record that I
7 agree that this new waste transfer station is
8 needed at the existing LRS site on Powis Road in
9 West Chicago. Lakeshore Recycling has been a
10 good corporate neighbor for several years now.
11 I personally toured their existing Powis Road
12 operation when they opened several years ago. I
13 was impressed with the state-of-the-art design
14 and cleanliness of the facility. It's difficult
15 to see the LRS site as one drives down Powis
16 Road. An earthy berm and nice landscaping
17 shield it from casual view. I would encourage
18 all those who are interested in this proposed
19 waste transfer station to come out and see the
20 site for themselves.

10:03:31PM

10:03:57PM

21 The proposed waste transfer station
22 will not be a nuisance to the residents of the

633

1 waste transfer station status quo. Currently
2 there's no real competition, which would lead to
3 lower garbage and recycling service prices and
4 better services for the residents of West
5 Chicago.

6 In conclusion, I think that the
7 proposed LRS waste transfer station is a win-win
8 for the residents of DuPage -- West Chicago,
9 DuPage County, and DuPage Airport Authority. I
10 would urge the West Chicago City Council vote
11 for their approval of this project. Thank you
12 for listening.

10:05:25PM

10:05:53PM

13 HEARING OFFICER PRICE: Thank you,
14 both, for the public comment. So that concludes
15 our work here this evening and for this week.
16 We are here next on Tuesday evening at 6:00 p.m.
17 And then next Thursday we will be at West
18 Chicago High School.

19 Do we know which room that is
20 specifically, Dennis?

21 MR. WALSH: No.

22 HEARING OFFICER PRICE: Pay attention,

632

1 two Cornerstone Lakes subdivisions. You won't
2 see it, as its tucked away up in the existing
3 LRS site. You won't smell it, as the waste
4 transfer is done indoors with an odor-
5 eliminating air filtration system. And you
6 won't hear it, as truck traffic will be confined
7 to Illinois state roads and DuPage County roads.
8 Basically no waste transfer truck traffic will
9 be on residential streets in West Chicago or
10 St. Charles.

10:04:30PM

11 The proposed waste transfer station
12 will not negatively affect the property values
13 in the two Cornerstone Lakes subdivisions. The
14 main driver of property values in these
15 subdivision is St. Charles School District 303.
16 These highly regarded 303 schools are why young
17 families and families want to live here. A
18 waste transfer station that is not seen,
19 smelled, or heard will not negatively affect
20 your property values.

10:04:56PM

21 The main opposition to the LRS
22 proposal seems intent on the keeping the current

634

1 and there will be signage at the high school.
2 We'll have further information on Tuesday, if
3 you're here, to know specifically where that is.
4 Again, I'll remind you, we have reserved the
5 16th and the 19th during the day at 1:00 to 5:00
6 at city hall if we need it for either testimony
7 or public comment.

10:06:25PM

8 With that, is there anything else
9 for this evening from anybody?

10 (No response).

11 If not, we will pick this up on
12 Tuesday evening here at 6:00 p.m.

13 Mr. Meza, you will still have the
14 floor. Thank you everybody. Have a good weekend.
15 (WHEREUPON, the above-entitled
16 cause was continued to
17 January 10, 2023 at 6:00 p.m.)

18
19
20
21
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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 affix 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

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