                    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 10th 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. ROBERT A. WEINSTOCK, Attorney for
                    People Opposing DuPage Environmental
                    Racism (PODER);

                MS. JULIETA ALCÁNTAR-GARCIA,
                    Representative for People Opposing
                    DuPage Environmental Racism (PODER);

                MR. GEORGE MUELLER, Attorney for
                    Lakeshore Recycling Systems, LLC.

I N D E X
(Continued.)

1   HEARING OFFICER PRICE: Good evening.

2 This is the appointed hour for the resumption

3 for the hearing on the transfer station

4 application. One preliminary matter concerning

5 Thursday night. This is our last hearing at

6 this location. The next session is Thursday

7 night at 6:00 p.m. in the high school cafeteria

8 at West Chicago High School. The entrance is H,

9 as in hotel. It's on the south side of the

06:00:35PM 10 building. This information has been added to

11 the city's website. Again, Thursday night we

12 are at the high school in the cafeteria,

13 Entrance H, as in hotel.

14   With that, Mr. Meza, you still have

15 the floor in the middle of your examination of

16 Mr. Hock. Mr. Hock, you're still under oath.

17   And unless there are any other

18 preliminary matters, Mr. Meza, the floor is

19 yours.

06:01:02PM 20   MR. MEZA: Mr. Hock, just to make

21 things go a little bit faster, I wanted to give

22 the parties the order of exhibits that I hope to

1 go through so they can write it down and

2 maybe -- I gave it to Mr. Hock already. 23,

3 Exhibit 9 -- PWC 9, Exhibit 45, 46, and 47. And

4 then Exhibit 38, Exhibit 43, 44, Exhibit 39,

5 Exhibit 49, Exhibit 405, Exhibit 40, and

6 Exhibit 701. May I start?

7   HEARING OFFICER PRICE: Yes.

8   CROSS-EXAMINATION

               (Continued.)

9 BY MR. MEZA:

06:01:58PM 10   Q.   Mr. Hock, last week we ended talking

11 about the Stormwater Pollution Prevention Plan.

12 I wanted to now talk about Page 2-36 of your

13 application, which you have titled Wildlife

14 Hazard Mitigation. If you could take a second

15 to just turn to that page. It's on Page 2-36.

16   THE WITNESS: Can you hear me okay?

17   HEARING OFFICER PRICE: Yep.

18   THE WITNESS: Great.

19 BY MR. MEZA:

06:02:50PM 20   Q.   So the next series of questions I'll

21 be asking you is going to relate the wildlife

22 hazard mitigation plan you have. So just to

1 remind some of the folks at the hearing,

2 there's, actually, two ponds at the proposed

3 facility; is that correct?

4   **A.**   Yes.

5   **Q.**   There's the west pond, which is in the

6 front of the building, it's a smaller pond; is

7 that correct?

8   **A.**   It's just off of Powis Road, actually,

9 just inside the fence, so it is to the west of

06:03:21PM 10 the buildings.

11   **Q.**   Okay. As you enter the facility, the

12 pond is kind of between what's going to be the

13 entrance and the exit; is that correct?

14   **A.**   Yes.

15   **Q.**   And then you have a pond on the east

16 side of the facility, right?

17   **A.**   Yes.

18   **Q.**   That's a bigger pond, and it's kind of

19 in the back of the facility, right?

06:03:41PM 20   **A.**   Yes.

21   **Q.**   Okay. Now, can you tell us how many

22 miles there are between the closest point of the

1 DuPage Airport Authority and the west pond of

2 your facility, how many miles is it, if you

3 know?

4   **A.**   I'm sorry. Can you repeat what

5 measuring points you wanted me to use from the

6 airport.

7   **Q.**   Sure. The DuPage Airport -- So you

8 know there's an airport across the street,

9 right?

06:04:15PM 10   **A.**   Yes.

11   **Q.**   It's called the DuPage Airport

12 Authority, correct?

13   **A.**   Yes.

14   **Q.**   Do you know where the operations area

15 of that airport is?

16   **A.**   I'm not clear what you mean by

17 "operations area."

18   **Q.**   Where, like, the main building is or

19 where the tower is?

06:04:32PM 20   **A.**   I would have to look on a map. I

21 mean, it's set back in from their eastern

22 property boundary quite a ways.

1   **Q.**   Did you -- Did you try to calculate

2 how many miles there was from the west pond, or

3 the front of the facility, to either of those

4 two locations?

5   **A.**   When you say "either of those two

6 locations," again, I'm not -- Do you mean from

7 the tower or from -- from where?

8   **Q.**   There's a tower, right?

9   **A.**   Yes.

06:04:58PM 10   **Q.**   Did you try to -- Did you try to

11 determine how many miles there was from the west

12 pond to the tower?

13   **A.**   No.

14   **Q.**   Okay. There's another building that

15 houses offices on the facility; is that correct?

16 If you know.

17   **A.**   I know that there's offices on the

18 property where we've met with the DuPage Airport

19 Authority.

06:05:20PM 20   **Q.**   Okay. From those offices to the west

21 pond, did you figure out how many miles there

22 was?

1   **A.**   No.

2   **Q.**   Did you figure out how many miles

3 there was at all from the west pond to any area

4 at the DuPage Airport Authority?

5   **A.**   Like you said, it's right across the

6 street. So did we calculate a distance, no.

7   **Q.**   Now, let me direct your attention to

8 PWC 23. That's the August 27th, 2020, memo that

9 APTIM provided you and that you provided

06:06:00PM 10 responses to. Okay. I want to direct your

11 attention to Page 20 and 21 where Mr. Moose and

12 APTIM are talking about the issue of tarping and

13 the issue of proximity to airport and

14 inconsistency with the circular.

15   If I could direct you to those two

16 areas and if you can tell me when you're there.

17   (PWC Exhibit No. 23 marked for

18   identification.)

19 BY THE WITNESS:

06:06:25PM 20   **A.**   I'm there.

21   **Q.**   Now, Mr. Moose and APTIM, they had

22 some questions about the proximity of this

1 facility to the airport, didn't they?

2 A. They did raise some questions,

3 correct.

4 Q. In fact, they raised a number of

5 questions, didn't they?

6 A. There's a variety of items listed

7 here, so, yeah, I'll agree with that.

8 Q. And then directing your attention to

9 Page 21, in fact, after identifying all of these

10 issues, APTIM actually made another statement

11 with regard to -- where it starts with, "These

12 conditions," he states, "These conditions may

13 provide a hazardous wildlife attractant."

14 Do you see that?

15 MR. MUELLER: I'm going to object,

16 Mr. Hearing Officer. He's asking questions

17 about a far previous draft of the application.

18 Let him ask questions about what's in the

19 application now.

20 HEARING OFFICER PRICE: In general, I

21 agree with Mr. Mueller that -- You are going to

22 tie this up, right?

1 MR. MEZA: Yes.

2 HEARING OFFICER PRICE: I have to say

3 that in the last session I was disappointed that

4 you didn't tie more up. You did tie up some of

5 it. But it is the application, not the drafts,

6 that are important. With the recognition that

7 you've got to do that, it has to be about the

8 application, not early drafts, I'll let you go a

9 little farther.

10 Overruled for now.

11 BY MR. MEZA:

12 Q. Mr. Hock, in your application you

13 talked about issues relating to wildlife hazard

14 mitigation; is that correct?

15 A. Yes. It's, actually, 2.4.18.

16 Q. In fact, prior to submitting your

17 application or prior to LRS submitting their

18 application, they took steps to determine what

19 sort of hazard mitigation was necessary to avoid

20 wildlife; is that correct?

21 A. Yeah. We did evaluate the issue and

22 you misstated it a bit. We came up with steps,

1 yeah, to minimize any potential hazards.

2 Q. When we're talking about hazards and

3 when you talk about the hazards in the

4 application, you're talking about, like, birds

5 that will fly up and might fly into planes; is

6 that correct?

7 A. Predominantly, yes.

8 Q. Right. And it could cause damage to

9 the plane and cause the plane to fail; is that

10 correct?

11 A. Well, that's the concern that's

12 expressed by the airport. I'm not an expert on

13 exactly what damage they could do but,

14 obviously, any damage is significant.

15 Q. It's your concern also, isn't it?

16 Isn't it LRS's concern?

17 A. Sure, yeah.

18 Q. Because didn't LRS hire a company --

19 A. I'm sorry. I was trying to finish

20 answering your question.

21 Q. Go ahead.

22 A. So, no, you're correct. So we did

1 come up with a very robust mitigation plan that

2 we believe actually will make the site better,

3 safer from the wildlife hazard mitigation than

4 it even is today. The final items are all in

5 the application. And as what you mentioned --

6 What you're referring to on a draft that's two

7 and a half years old is somewhat irrelevant to

8 me, but I'll continue to do my best to answer

9 your questions.

10 Q. The foundation of that mitigation plan

11 came from an expert that LRS hired, didn't it?

12 A. Pieces -- Pieces definitely did, yes.

13 Q. And that expert is a company called

14 Loomacres; isn't that correct?

15 A. Yeah, we did hire a company called

16 Loomacres to help us with our evaluation.

17 Absolutely.

18 Q. Because they are experts in

19 identifying wildlife hazard -- hazards and

20 helping you come up with mitigation; is that

21 correct?

22 A. Yes.

Q. Loomacres came up highly recommended

to you; is that correct?

A. They were recommended. I don't

remember exactly from who, but it did come

through a referral, if my memory is correct.

Q. In fact, after Loomacres -- So

Loomacres came to the proposed site, correct?

A. They did.

Q. And they did a survey of the site,

correct?

A. They did.

Q. After they did a survey of the site,

they came up with a report, correct?

A. They did.

Q. And you included -- LRS included that

report in its initial application, didn't it?

A. It's not in the application. We did

provide it to APTIM early in the process and

then a number of things changed and the report

really became outdated from a number of aspects

so we no longer included it in the report

because it just wasn't necessary. What we did

is we just took the important pieces, which is

what we were going to do going forward, and

that's exactly what's in the application and

that's exactly what we provided to the DuPage

Airport Authority, so it's the exact same

information that's in our agreement with them.

Q. But you didn't provide all of the

information that the expert that you hired found

on your site, did you?

A. I don't understand the question.

Q. Well, didn't your expert find on

Page 3 of Exhibit 9 that rock pigeons were

already inside the sorting building?

(PWC Exhibit No. 9 marked for

identification.)

BY THE WITNESS:

A. Of course there were some -- some

birds already on the property. That's the whole

point, is to understand what's there and come up

with measures to minimize any -- any wildlife

hazards going forward, so that's what we did.

Q. That expert also found that already at

that site there were birds that were loafing

around in the rafters; is that correct? That's

on Page 3 of Exhibit 9.

A. Uh-huh. Yeah. After the report was

written, I, actually, followed up on a number of

items in here. There's actually one that's

already referenced. It kind of pained my soul,

but they recommended taking down a couple large

trees. I'm a big fan of trees, but -- So we

already took it down.

There's a number of things in here

that we already did, like the tree. So if what

you're trying to do is compare this report to

our application, again, conditions changed. You

know, we did all of the improvements on the east

side of the property. Again, we took the

relevant important pieces of the report and put

it in the application, which is what everybody

agreed to, because it will work.

Q. Loomacres found various survey points

in their review of your site, didn't they?

A. I think what you're referring to is

they went to different locations and did -- and

observed the conditions to see if there were any

wildlife present and they, actually, went to

some off-site locations to do the same thing as

well. So, yeah, they did a nice -- I thought

they did a nice, thorough job.

Q. In fact, they found that Survey

Point 1 was the small pond that we were just

talking about on the west side, wasn't it?

That's on Page 8.

In fact, they have at photo of it,

don't they?

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

object again. He continues to harp on a 2019

report that comments on conditions which are no

longer in existence.

HEARING OFFICER PRICE: Well, that's

what we need to establish. So I'm going to

overrule it for now. Loomacres was previewed in

their opening statement about the omission of

information. So if, in fact, you're correct,

Mr. Mueller, that will be the testimony, but we

1   need to establish that by an actual witness.
2   Overruled.
3   BY MR. MEZA:
4   Q.   Mr. Hock, didn't the expert that LRS
5   hired found -- find that Survey .1, which was
6   the small pond, there were small perching birds,
7   blackbirds?
8   A.   They did. They also found that
9   employees placed devices designed to scare
10 wildlife around the pond. There's decoys out
11 there. So -- We have continued to -- to monitor
12 and manage it. Again, the point of all of this
13 is if the facility is approved, we're actually
14 going to do additional things as well.
15   Q.   They found that blackbirds can pose a
16 significant hazard to aircrafts due to their
17 tendencies to form moderate-to-large-sized
18 flocks, didn't they?
19   A.   I don't see where you're reading, but
20 I'm trusting that you're just reading a --
21   Q.   Let me direct your attention to
22 Page 10.

1   A.   -- that you're just cherry picking
2   phrases out of the report.
3   Q.   Let me direct your attention to
4   Page 10. Do you see that little image of the
5   west pond?
6   A.   I don't see any images on Page 10.
7   HEARING OFFICER PRICE: Do you mean
8   Figure 10?
9   BY MR. MEZA:
10   Q.   Yes. It was right below Figure 11
11 where it says "Survey Points."
12   Do you see that?
13   HEARING OFFICER PRICE: That's on
14 Page 8.
15   MR. MEZA: Yes, Page 8. I apologize.
16 BY MR. MEZA:
17   Q.   Do you see where he identifies Survey
18 Point 1 being the west pond?
19   A.   Yes.
20   Q.   You told APTIM that you were not --
21 LRS was not going to include the Loomacres
22 report in the final application; is that

1   correct?
2   A.   I don't recall what I told them, but
3   it's not in the report for the reasons I just
4   mentioned.
5   Q.   Let me direct your attention to
6   Exhibit 23, Page 21, the last paragraph.
7   HEARING OFFICER PRICE: We have
8   established it's not in the application.
9   MR. MEZA: Right. But the question was
10 whether or not he said --
11   HEARING OFFICER PRICE: It doesn't
12 matter.
13   MR. MEZA: I want to ask him why he
14 didn't include it.
15   HEARING OFFICER PRICE: Then ask the
16 question.
17 BY MR. MEZA:
18   Q.   Okay. Why didn't you include it?
19   A.   I thought I just told you. There's a
20 number of conditions that have changed. Like,
21 for instance, if you look at the pictures of the
22 east pond, the east pond has been expanded, the

1   tall grass is no longer present. That was one
2   of the recommendations that they made, that you
3   don't want tall grass out there because birds
4   can kind of hide in there and they are harder to
5   see. That was a recommendation we took to heart
6   and there's no longer tall grass out there.
7   Like I said, I mentioned the tree
8   that we removed. So, again, the conditions have
9   changed. There was no relevance to putting an
10 outdated report in the application.
11   Q.   Mr. Hock, let me direct your attention
12 to Page 2-13 of your application.
13   A.   Okay.
14   Q.   Now, you're familiar with what's
15 referred to as the runway protection zone,
16 aren't you?
17   A.   Generally, yes.
18   MR. MEZA: Could we have Exhibit 45 on
19 the screen.
20   (PWC Exhibit No. 45 marked for
21   identification.)
22

BY MR. MEZA:

1 BY MR. MEZA:

2 **Q.** This is Appendix 2-G1. Can you take a

3 look at that, Mr. Hock? Is that a photograph of

4 the runway protection zone that LRS includes in

5 their application?

6 **A.** Yes. That was provided by CH2M Hill,

7 which is shown over to the right, who is a

8 consultant for the DuPage Airport Authority.

9 That runway protection zone was determined by

10 them and provided to us.

11 **Q.** Tell us what a runway protection zone

12 is and why it's necessary to be -- why we need

13 that -- why the airport needs that runway

14 protection zone?

15 **A.** Well, it's a trapezoidal shape, just

16 as it shows up there. My recollection is it

17 extends about a thousand feet out from the edge

18 of the runway. And you can actually see -- I

19 think it's Runway 28 there. And, you know, the

20 exact reasons are actually -- Well, I think the

21 general idea is you do not -- you want generally

22 a clear area in that runway protection zone.

1 **Q.** So the airport doesn't want anything

2 in that area; is that correct?

3 **A.** No.

4 **Q.** Okay. What do you mean then by they

5 just want a "clear area," then? What does that

6 mean?

7 **A.** I think where you're going, and I

8 think it's a fair question, is that the runway

9 protection zone is on part of our property. So

10 we talked directly with the airport authority

11 about it, and they were fine with the facility.

12 That's why they gave us the information, that's

13 why we included it in the agreement, and the

14 fact that the runway protection zone is fine is

15 actually kind of cited or referenced in our

16 agreement with them.

17 **Q.** Let me direct your attention to 2-13

18 of your application again.

19 **A.** Uh-huh.

20 **Q.** Directing your attention to the last

21 paragraph that starts with, "As noted."

22 Do you see that?

1 **A.** Yes.

2 **Q.** So, there, you're referring to FAA

3 Advisory Circulars; is that correct?

4 **A.** Yes.

5 **Q.** What are FAA Advisory Circulars?

6 **A.** It's information published by Federal

7 Aviation Administration, which is the FAA. And

8 they are not rules or regulations, but they are

9 advisory circulars. So 13-A, actually, talks

10 about the design of airports and I think it's --

11 yeah, Section 3-10 talks specifically about

12 runway protection zones.

13 **Q.** In fact, you have on here that the

14 runway protection zone's function is to enhance

15 the protection of people and property on the

16 ground through the airport ownership?

17 **A.** Correct. You just recited Bullet

18 Item 1 on the -- you know, in our application on

19 that page.

20 **Q.** The western portion of the facility is

21 almost entirely in the runway protection zone;

22 is that correct?

1 **A.** You can see it on the map. You know,

2 so the area in yellow is the runway protection

3 zone, and the area in yellow that's on our

4 property, you know, that is on our property.

5 Absolutely.

6 You can -- you can probably -- You

7 know, the best reference is the buildings shown

8 on the southern portion to get an idea of how

9 much -- of where it extends to.

10 **Q.** It goes almost up to kind of the front

11 of that building on the lower right; is that

12 correct?

13 **A.** Right. So there's no -- There's no

14 waste handling operations on that portion. It's

15 got the pond, it's got our berm, it's got the

16 trees, and it's -- Other than that, it's

17 parking.

18 **Q.** I've got this little light here.

19 What's underneath here? What is there? Can you

20 see what that is, or not?

21 **A.** I think what you're referring to or

22 where the pointer is is the western pond.

1   **Q.**   This would be the entrance, the

2 bottom?

3   **A.**   You look pretty close.

4   **Q.**   And over here would be the exit now

5 (indicating)?

6   **A.**   Correct. That would be the new exit

7 we would be opening up.

8   MR. MEZA: Can we -- Can we look at

9 Exhibit 46.

06:24:22PM **10**   (PWC Exhibit No. 46 marked for

11   identification.)

12 BY MR. MEZA:

13   **Q.**   So this is your facility here; is that

14 correct?

15   **A.**   It is.

16   **Q.**   So the runway protection zone would

17 cut here, and this is Runway 33; is that right?

18   **A.**   I don't remember the number of that

19 runway but ...

06:24:53PM **20**   **Q.**   That's a runway. How about that?

21   **A.**   It is a runway.

22   MR. MEZA: Can we look at PWC 47.

---

1   (PWC Exhibit No. 47 marked for

2   identification.)

3 BY MR. MEZA:

4   **Q.**   Now this is kind of a different angle

5 shot, a close-up. So would you agree that kind

6 of where I have this little pointer going up,

7 that's the western part, that's all in the

8 runway protection zone; is that correct?

9   **A.**   Roughly, yeah. Just as it's shown on

06:25:20PM **10** the previous portion where it was yellow. So

11 it's still a bit west of the building. But just

12 as I mentioned, it covers the pond, the trees,

13 the berm, and some parking areas. And that's

14 exactly what we showed to and discussed with the

15 DuPage Airport Authority, which they were

16 completely fine with.

17   **Q.**   Mr. Hock, isn't part of the proposed

18 facility in the western portion of the facility

19 in the runway protection zone?

06:25:52PM **20**   **A.**   I'm not sure I understood your

21 question.

22   **Q.**   Sure. Isn't it true that part of the

---

1 operations activity occurs in the western part

2 of the facility that's located within the runway

3 protection zone?

4   **A.**   I think I already previously stated

5 that the berms, the trees, the entrance, and

6 parking areas are within the runway protection

7 zone, which is, again, exactly what we showed

8 the DuPage Airport Authority and they were fine

9 with it.

06:26:30PM **10**   **Q.**   But it's more than just parking, isn't

11 it?

12   **A.**   It's just parking.

13   MR. MEZA: Can we put Exhibit 38 up.

14   (PWC Exhibit No. 38 marked for

15   identification.)

16 BY MR. MEZA:

17   **Q.**   Do you recognize Exhibit 38?

18   **A.**   Yes. That's our -- I don't remember

19 which drawing, but that's our traffic flow plan

06:26:54PM **20** from the application. It appears so.

21   MR. MEZA: Could you put up -- I'm

22 sorry, Mr. Hock.

---

1   Can you put up the one that's not

2 blown up?

3   That's fine. I can work with this.

4 BY MR. MEZA:

5   **Q.**   Let me ask you this, Mr. Hock: Where

6 I'm here with the pointer at the office, is this

7 about the area where the runway protection zone

8 ends?

9   Right where it says -- Like, the

06:27:22PM **10** straight line, 60.40 straight down, is that

11 where it ends about?

12   **A.**   I'd have to look back. I think it's

13 maybe a little bit west of there.

14   **Q.**   About how far west? By where it says

15 45 -- By where it says "45.04," there, going up

16 and down?

17   **A.**   Probably that general vicinity.

18   **Q.**   Okay. But this area west of that is

19 part of the facility. Isn't this where vehicles

06:28:01PM **20** cue up to get weighed for the scale on the

21 driveway?

22   **A.**   What you're pointing to is the

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1 entrance, which is the driveway where the trucks
2 enter.
3   Q.   Isn't that where trucks cue up and
4 wait before they get weighed in this scale -- or
5 one of these scales?
6   A.   Yeah. They really don't have to wait
7 there at all. The trucks, as they enter the
8 scale, everything is so electronic now that the
9 amount of time they spend on that scale is about
06:28:36PM 10 the time it takes to stop at a stop sign. But
11 if two trucks come at the exact same moment,
12 there could be a truck parked in that area,
13 sure.
14   Q.   Do you see where it says, Spotter base
15 location, traffic control person?
16   A.   Uh-huh.
17   Q.   Do you see that?
18   A.   Yes.
19   Q.   Is that part of the proposed facility,
06:28:53PM 20 that you're going to have a spotter at this base
21 location directing traffic?
22   A.   That's exactly what it talks about is

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1 potentially having a spotter there just to make
2 sure people head in the right direction and know
3 where they are going as they enter the facility.
4   Q.   Right. So this is part of the
5 operations, isn't it?
6   A.   We absolutely plan to have a spotter
7 up front by the entrance as they come in the
8 facility.
9   Q.   Is having a spotter part of the
06:29:31PM 10 proposed facility; yes or no?
11   A.   Yes, of course it is.
12   Q.   So part of the proposed facility
13 operations is within the runway protection zone,
14 isn't it?
15   A.   You just saw it. Yeah, that portion
16 of our facility is within the runway protection
17 zone. Absolutely.
18   Q.   You're not saying that the protection
19 of people and property on the west side is less
06:30:03PM 20 important than on the east side, are you?
21   MR. MUELLER: That's argumentative.
22   HEARING OFFICER PRICE: Sustained.

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1 BY MR. MEZA:
2   Q.   Now, let me direct your attention to
3 PWC 43.
4   (PWC Exhibit No. 43 marked for
5   identification.)
6 BY THE WITNESS:
7   A.   The DuPage Airport Authority --
8   HEARING OFFICER PRICE: There's no
9 question.
06:30:24PM 10   THE WITNESS: Sorry.
11 BY MR. MEZA:
12   Q.   Are you at 43, sir?
13   A.   I have it.
14   Q.   Now, PWC 43 is one of these advisory
15 circulars that we were talking about; is that
16 correct?
17   A.   It is.
18   Q.   In fact, this is -- you actually
19 cited, I think, an expired one, the 5200-33B,
06:30:51PM 20 but this is the actual current one.
21   Were you aware of that or not?
22   A.   I'm very aware that the update -- the

691

1 circular was updated in February of 2020. So,
2 in classic fashion, when we originally drafted
3 the agreement with the DuPage Airport Authority,
4 it was 2019, and we referenced the advisory
5 circular that was in play at the time. And then
6 we were finalizing it and they updated the
7 circular. So if you look at the agreement
8 that's in the application, it references the
9 updated correct circular.
06:31:25PM 10   Q.   On Page 2-13, you reference 5200-33B.
11 That's just a typo. You meant to reference the
12 most updated one, didn't you?
13   A.   Oh, yeah, that's a typo. That should
14 be 33C.
15   Q.   That was my other point.
16   A.   Yeah.
17   Q.   You made a mistake on it referencing
18 an older circular, right?
19   A.   Yeah. We just missed updating it.
06:31:47PM 20   Q.   But there's probably nothing majorly
21 significant that changed between the B and the C
22 version, right?

1   **A.**   No. I, at the time, went back and

2 actually kind of compared the two, and I didn't

3 note anything substantive.

4   **Q.**   Now, Mr. Hock, let me direct your

5 attention to 1.4 of Exhibit PWC 43. That's on

6 Page 1-2.

7   **A.**   Yes. I see it.

8   **Q.**   Isn't it true that the FAA recommends

9 a distance of five miles between the closest

10 point of the airport's aircraft operations area

11 and the hazardous wildlife tracking?

12   **A.**   What you just referenced is what this

13 section says, but there's additional

14 clarification in the document about how certain

15 uses can be compatible with safe airport

16 operations.

17   **Q.**   Are you talking about 2.2.4, where it

18 says "enclosed trash transfer stations" on

19 2-3 -- Page 2-13?

20   **A.**   Yes.

21   **Q.**   So, there, it's talking about enclosed

22 trash transfer stations; is that correct?

1   **A.**   Yes.

2   **Q.**   But doesn't it say -- Let's see.

3 Enclosed waste handling facilities that receives

4 garbage behind closed doors, process it via

5 compaction, incineration, or similar manner; and

6 remove all residue by enclosed vehicles

7 generally are compatible with safe airport

8 operations --

9   HEARING OFFICER PRICE: Mr. Meza, you

10 need to slow down and I need you to speak up.

11   MR. MEZA: Okay.

12 BY MR. MEZA:

13   **Q.**   Do you see where I read, Mr. Hock?

14   **A.**   I do.

15   **Q.**   But doesn't it also say, Provided they

16 are constructed and operated properly and are

17 not located on airport property or within the

18 runway protection zone?

19   **A.**   Which is why I mentioned before it was

20 a fair question about the runway protection

21 zone, and that's why we talked specifically

22 about the DuPage Airport Authority, about it

1 showing the same drawings that you put up on the

2 screen, and they agreed, and it's clearly

3 memorialized in the agreement -- if you put up a

4 another exhibit here -- that they were good with

5 the activities that were occurring in that area.

6   **Q.**   Doesn't it also say that trash

7 transfer facilities that are open on one or more

8 sides -- I'm going to skip a little bit. It

9 says, Or use semitrailers that leak or have

10 trash clinging to the outside do not meet the

11 FAA's definition of a fully enclosed trash

12 transfer station?

13   **A.**   Which is why our -- It does. That's

14 why our transfer station is not open on one or

15 more sides and will not have trash that leaks or

16 clings to the outside of the trucks.

17   **Q.**   Now, one of the concerns was the

18 location to the transfer station to -- in fact,

19 to the airport because of the wildlife

20 attractants; isn't that correct?

21   **A.**   I'm not sure that I understood your

22 question.

1   **Q.**   I mean, the whole reason why you have

2 a section about wildlife attraction mitigation

3 in airports is because you want to make sure

4 that you're providing the reader with

5 information that you're mitigating, you're

6 trying to get rid of any wildlife attraction so

7 it doesn't cause harm to an airplane. Isn't

8 that what you're doing?

9   **A.**   Yeah, that's a fair summary.

10   **Q.**   And you mentioned the FAA circular

11 that we just discussed in your application,

12 correct?

13   **A.**   Yes. Like I said, we've included the

14 agreement with the DuPage Airport Authority.

15 And, again, if you look at it, we actually

16 attached the same design and operational

17 standards that are incorporated in here,

18 including the drawings, including our operations

19 plan, and gave them all of the information about

20 what we're doing out there -- or planning to do,

21 I should say.

22   **Q.**   So are you saying that you attached

1 all of the information and the best-referenced

2 information that you knew about?

3   **A.**   Yeah. We attached all of the

4 applicable information. We mainly gave them the

5 operations plan and the drawings and --

6   **Q.**   But did you attach the best reference

7 of which you are aware?

8   **A.**   We gave them all of the applicable

9 information in terms of our design and

10 operations.

11   **Q.**   In your application, Mr. Hock, did you

12 include what you describe as the best reference

13 for which you are aware; yes or no?

14   **A.**   That's not what I said.

15   **Q.**   I know. I'm asking you if you did.

16 Did you include what you refer to as the best

17 reference for which we are aware in your

18 application?

19   **A.**   I think you're just -- I think you're

20 cherry picking and twisting my words.

21   **Q.**   All right. Let's take a look at

22 Exhibit 23 again. Page 21. Have you ever heard

1 of DOT/FAA/AR-09/62? Have you ever heard of

2 that publication?

3   **A.**   I'm sorry. Counsel, if you could -- I

4 didn't keep up with where you were directing me.

5   **Q.**   Sure. Let me direct you -- If you're

6 on Page 21, let me direct your attention to the

7 first, second, third -- fourth paragraph that

8 starts with the, Proposed transfer station.

9   Do you see that?

10   **A.**   We're in the application?

11   HEARING OFFICER PRICE: No. PWC 23.

12 BY MR. MEZA:

13   **Q.**   Exhibit PWC 23.

14   HEARING OFFICER PRICE: Page 21.

15 BY THE WITNESS:

16   **A.**   Okay. I'm there.

17   **Q.**   So it's the paragraph that starts, The

18 proposed transfer station is within 10,000 of

19 the DuPage Airport.

20   Do you see that?

21   **A.**   Yes.

22   **Q.**   So Mr. Moose is saying, hey, it's too

1 close to the airport. And didn't you say to him

2 DOT/FAA/AR-09/62 is the best reference for which

3 we are aware?

4   MR. MUELLER: I'm going to object. I

5 don't see where the document says Mr. Moose said

6 it was too close to the airport.

7   MR. MEZA: Okay. I'll withdraw that

8 portion of it.

9 BY MR. MEZA:

10   **Q.**   Didn't you say in response to whatever

11 question Mr. Moose asked, or whatever he was

12 talking about, DOT/FAA is the best reference for

13 which we are aware?

14   **A.**   Now I understand how you're trying to

15 twist my words. So, yeah, you're reading it

16 correctly. And what you're referring to is a

17 document -- I believe it's a 2010 document where

18 they describe what, you know, open and partially

19 open and fully enclosed transfer station means.

20   **Q.**   Can you take a look at PWC 44?

21   Did you find it?

22   **A.**   Yes.

1   (PWC Exhibit No. 44 marked for

2   identification.)

3 BY MR. MEZA:

4   **Q.**   Why don't you tell us, is this

5 DOT/FAA/AR-09/62 that I have been asking you

6 about?

7   **A.**   Yes, it is.

8   **Q.**   Why don't you tell us what the name of

9 this document is?

10   **A.**   It says, "Evaluation of Trash Transfer

11 Facilities As Bird Attractants."

12   **Q.**   So you didn't include this FAA

13 document entitled "Evaluation of Trash Transfer

14 Facilities As Bird Attractants" in your

15 application, even though you had told Mr. Moose

16 this is the best reference for which we are

17 aware, did you?

18   **A.**   No. Because there was no need to.

19 It's -- It's just ancillary information that's

20 not relevant because we went through this whole

21 exercise with the DuPage Airport Authority and

22 their consultants, who were also well aware of

1 this document, and they performed their own
2 independent evaluation with their own
3 consultant. And, again, it's memorialized in
4 the agreement that the facility meets the
5 definition of a fully enclosed transfer station.
6   Q.   Let me direct your attention to Page 8
7 of this document that you did not include, this
8 best reference. Take a look at the last
9 paragraph that starts with, Bird use at trash
10 transfer facilities vary considerably among
11 those buildings that were of the same design.
12   Do you see that?
13   A.   I do.
14   Q.   Doesn't this FAA document state that
15 the greatest amount of variation in the number
16 of birds using trash transfer facilities
17 occurred in -- occurred among the fully enclosed
18 trash transfer facilities?
19   A.   It does. I think it will also talk
20 about how they were the lowest amount of birds
21 seen. And if you look on another page, it shows
22 a picture of what a fully enclosed trash

1 transfer facility looks like. And what we're
2 proposing at our facility is actually well
3 beyond what is discussed in this document as
4 meeting the definition of a fully enclosed
5 transfer facility.
6   Q.   Let me direct your attention to
7 Page 13, Mr. Hock.
8   A.   Uh-huh.
9   Q.   Under Paragraph 4, where it says, The
10 number of birds using trash transfer stations
11 differed among facilities of different
12 buildings, but not in a consistent pattern.
13   Do you see that?
14   A.   I do.
15   Q.   Doesn't it say it was originally
16 hypothesized that the number of birds actually
17 using trash transfer facilities would decrease
18 as the trash transfer buildings became more
19 enclosed?
20   A.   That's a correct reading of the
21 sentence you had mentioned.
22   Q.   But then it states, However, the data

1 from this study does not support that
2 hypothesis?
3   A.   Yeah. That's all language that's in
4 here. There's -- That's partially why -- You
5 know, we recognize that birds and hazards is
6 kind of a dynamic or a potentially changing
7 thing. So while you look at the mitigation
8 packet, there's a variety of things we're
9 proposing to do. And we talk about conducting
10 routine surveys, having communications with the
11 airport. And we recognize that it may be needed
12 to vary exactly what we're doing, so we want to
13 have trained people. But everything we're
14 doing, if you look at it, it's well beyond what
15 they use as their -- they use to describe what
16 meets the definition of a fully enclosed
17 transfer facility and it's why the DuPage
18 Airport Authority consultants agreed that we
19 clearly meet this definition and why it's
20 memorialized in the agreement.
21   Q.   But you clearly didn't include your
22 best reference, did you? Yes or no?

1   MR. MUELLER: That's argumentative.
2   HEARING OFFICER PRICE: It's a simple
3 question. And the answer is: He didn't include
4 it.
5   The objection is sustained.
6 There's no question, Mr. --
7   THE WITNESS: Sorry.
8   HEARING OFFICER PRICE: Next question.
9 BY MR. MEZA:
10   Q.   Now, do you consider yourself an
11 expert in waste transfer stations?
12   HEARING OFFICER PRICE: That's been
13 established. He's here as an expert. That's
14 not in question.
15 BY MR. MEZA:
16   Q.   Are you familiar with the brochure
17 entitled EPA Brochure Waste Transfer Stations:
18 A Manual For Decisionmaking, June 20 --
19   A.   Yes. It's a 2002 manual. It's good
20 general information. Like I said, it's 20 years
21 old. So some of the information there is a
22 little outdated and antiquated. But, yeah, I'm

1 generally familiar with the document.

2 **Q.** You have read it; is that correct?

3 **A.** Yeah, I have reviewed it from time to

4 time. Haven't really looked at it in quite a

5 while. It's -- Again, it's a 20-year-old

6 document.

7 **Q.** In this 20-year-old document it

8 provides -- companies looking to place or site a

9 transfer station in a community, it provides

10 them with information that they should consider,

11 doesn't it?

12 **A.** It provides a whole bunch of

13 information. And, yeah, there's some general

14 discussion about that.

15 **Q.** Is that a yes or a no?

16 **A.** I'm sorry. Could you ask the question

17 again?

18 **Q.** Sure. Does this brochure from the

19 United States Environmental Protection Agency

20 provide companies, towns, individuals with

21 information that they should consider when

22 siting a waste transfer station?

---

1 MR. MUELLER: I'm going to object. I

2 don't think "they should consider" is anywhere

3 in this document.

4 HEARING OFFICER PRICE: Overruled.

5 You can answer that, Mr. Hock.

6 BY THE WITNESS:

7 **A.** It's -- It's a guidance document.

8 It's just out there to give people information

9 that may be helpful to them as they consider

10 these types of projects.

11 **Q.** It's a guidance document by the U.S.

12 EPA, correct?

13 **A.** Yes.

14 **Q.** So what steps did you take to ensure

15 that a siting decision with regard to the West

16 Chicago -- with the LRS proposed siting did not

17 impose a disproportionate impact or burden upon

18 low-income or minority community in West

19 Chicago?

20 MR. MUELLER: I'm going to object.

21 That's not a criterion.

22 HEARING OFFICER PRICE: Sustained.

---

1 BY MR. MEZA:

2 **Q.** Doesn't it state to take that into

3 consideration in the EPA manual?

4 MR. MUELLER: Object again.

5 HEARING OFFICER PRICE: Sustained.

6 BY MR. MEZA:

7 **Q.** One of the other things mentioned in

8 the manual is requiring minimum distances

9 between transfer stations; isn't that correct?

10 MR. MUELLER: I'm going to object.

11 There's no requirements in here.

12 HEARING OFFICER PRICE: Also not a 39.2

13 requirement. Sustained.

14 MR. MEZA: I understand that, but it

15 says it in the manual.

16 HEARING OFFICER PRICE: The manual is

17 not the criteria. The criteria are set forth in

18 the statute. We're not here to see if we comply

19 with a 20-year-old U.S. EPA document. It's

20 39.2. Let's stay focused.

21 BY MR. MEZA:

22 **Q.** Now, Mr. Hock, would you agree or

---

1 disagree that there's several places in your

2 application that you talked about tarping?

3 **A.** Yes.

4 **Q.** Tell us again what tarping is.

5 **A.** So tarping is, whether it's a vehicle

6 that's entering the facility or leaving, if

7 it -- if the top is open, meaning it's not a

8 fully enclosed vehicle, like a packer truck. To

9 prevent any debris or material from blowing or

10 being exposed, we put a heavy-duty tarp over the

11 top of it and cinch it down and make sure that

12 it's fastened. For those reasons, again, to

13 make sure that there's no material or waste

14 that's exposed or can blow.

15 **Q.** So you talk about tarping in the

16 section where you're discussing litter, right,

17 because if a vehicle isn't tarped and it has

18 trash, it could cause litter, right?

19 **A.** Yeah. So that's one of the things we

20 do talk about to prevent litter, is to make sure

21 that, again -- Maybe I should say this: Most of

22 the vehicles coming in with -- with municipal

---

1 solid waste are fully contained. They are

2 within a -- you know, the metal structure of the

3 truck. The loads that may come in with

4 construction or demolition debris or some

5 roll-off boxes or the transfer trailers that

6 leave do not have a metal top, so those are the

7 ones that we tarp.

8   Q. Some of the vehicles that enter your

9 facility with trash or construction and debris

06:50:38PM 10 should be tarped also, right?

11   A. Yes.

12   Q. For the same reasons, right, because

13 stuff flies out and it can cause litter and

14 maybe can cause harm, right?

15   A. Material may fly out and really --

16 Yeah, it's really a litter-control procedure or

17 protocol.

18   Q. After the trash transfer trailers get

19 filled with municipal solid waste in the waste

06:51:12PM 20 transfer station, they leave the facility and go

21 to the landfill; is that correct?

22   A. They do.

1   Q. Before they leave, they are supposed

2 to be tarped; is that correct?

3   A. Yes. And they are. We actually talk

4 about even before they leave the transfer

5 building, those loads will be securely tarped.

6   Q. They can be tarped automatically,

7 through an automatic tarper, or they have to be

8 tarped manually; is that correct?

9   A. Yes.

06:51:42PM 10   Q. What does it mean to tarp a trash

11 transfer trailer manually? What does that mean?

12 What does that entail?

13   A. Generally speaking, it's something

14 where the driver has to -- well, manually pull

15 the tarp over the top of the truck.

16   Q. So the driver has to get out of his

17 truck, jump on top of the truck, and start

18 pulling the truck tarp over, right?

19   A. They do.

06:52:16PM 20   Q. How long is the trailer; how many

21 feet?

22   A. In the range of 50, 55 feet.

1   Q. So for 55 feet he has to unroll the

2 tarp. And does he have to hold it down with

3 bungee cords on the side?

4   A. That is what they would do in that

5 case.

6   Q. For your facility -- your proposed

7 facility, that would be done after it gets

8 loaded but before it exits the facility, right?

9   A. No.

06:52:43PM 10   Q. When would it be done?

11   A. We're not going to use manual tarping

12 at all. We're going to require -- So most of

13 the trucks -- the transfer trailers that would

14 be used are Lakeshore Recycling's own vehicle.

15 They actually have a fleet of, oh, 100-plus

16 transfer trailers now, and there's a good

17 portion of them that already have auto tarpers.

18 The only transfer trailers that would be allowed

19 to be used at our facility would have auto

06:53:12PM 20 tarpers.

21   Q. 25 of the trucks have auto tarpers,

22 right?

1   A. When I had talked to them last about a

2 fourth -- Yeah, so 25 out of the 100, and each

3 year they are continuing to add more and more.

4   Q. So as of today, only 25 percent, 25

5 out of the 100 trucks, have automatic tarpers,

6 right?

7   A. I'm not sure exactly what it is today.

8 It's been a few months since I asked. It's

9 something more than -- It's 25 percent or more.

06:53:50PM 10 Like I said, by the time we begin operation of

11 this facility, which is, you know, at least two

12 years down the road before we go -- you know,

13 before we get through the approval process and

14 then we actually have to build the facility, we

15 would have auto tarpers on however many that we

16 need to to make sure that any that are using

17 this facility have auto tarpers.

18   Q. On Page 2-31 of your application,

19 which was dated, what, September 14th, 2022, you

06:54:31PM 20 had, LRS has a fleet of approximately 100

21 transfer trailers and approximately 25 are

22 equipped with these auto tarps, right?

1   **A.**   Right. That's what I mentioned. That

2 was as of a few months ago when we submitted the

3 application.

4   **Q.**   How many more do you have now?

5   **A.**   I don't know.

6   **Q.**   One more? Two more? 26? 27?

7   **A.**   I said I don't know. I would have to

8 ask the Lakeshore folks. Again, it doesn't

9 really matter what it is today. What matters is

06:55:01PM **10** what it will be when we begin operation of this

11 facility, which is still a good couple of years

12 away.

13   **Q.**   What matters is if it's not an auto

14 tarper, some guy has to jump on top of the truck

15 and unwrap it. How long does it take a person

16 to do that?

17   MR. MUELLER: Objection; he testified

18 it won't happen.

19   HEARING OFFICER PRICE: Sustained. He

06:55:18PM **20** laid foundation for a good condition here,

21 Mr. Meza. I think we can move on.

22

---

1 BY MR. MEZA:

2   **Q.**   Do you know how many minutes?

3   MR. MUELLER: Objection again.

4   HEARING OFFICER PRICE: Sustained. He

5 said they are not going to use manual tarping.

6 They will not be permitted. Everybody wrote

7 down that's going to be a condition of approval.

8   Next.

9 BY MR. MEZA:

06:55:43PM **10**   **Q.**   Mr. Hock, does LRS have a tarping

11 policy?

12   **A.**   Well, yes.

13   **Q.**   Is it included in the application?

14   **A.**   Yes. I'm trying to remember where we

15 put it.

16   **Q.**   What are you referring to in the

17 application?

18   HEARING OFFICER PRICE: Well, where are

19 we headed with this, Mr. Meza? He testified,

06:56:19PM **20** which is part of the application process, that

21 no manual tarping will be permitted. So

22 everybody is going to put down for the city that

---

1 if they recommend approval, that it be on the

2 condition that it be only auto tarpers. You

3 have done your job. What's next about tarping?

4   MR. MEZA: Let's go to Exhibit 40. Can

5 we put Exhibit 40 on the screen?

6   (PWC Exhibit No. 40 marked for

7   identification.)

8 BY MR. MEZA:

9   **Q.**   Is Exhibit 40 your auto tarping

06:56:46PM **10** policy -- or your tarping policy? I'm sorry.

11 Not auto tarping. Just tarping policy.

12   Look at Exhibit 40. It might be

13 easier to find. It should be in one of the

14 exhibits I handed you.

15   MR. JONES: Which one is 40? I don't

16 have a 4 0.

17   MR. MEZA: It's the West DuPage

18 Recycling and Transfer Station policy. It's got

19 the logo on top.

06:57:15PM **20**   THE WITNESS: Yeah, I remember seeing

21 it. Yes, this is correct.

22

---

1 BY MR. MEZA:

2   **Q.**   Is this the same auto tarping -- I'm

3 sorry.

4   Is this the same tarping policy

5 that LRS has across all of its facilities?

6   **A.**   I don't know what they do at every

7 facility, but this is the policy that will be

8 used at the West DuPage Recycling and Transfer

9 Station, which is what it's titled and why it

06:57:45PM **10** was included.

11   **Q.**   In fact, according to LRS's policy, it

12 says that all incoming and outgoing vehicles

13 will be fully and properly tarped, doesn't it?

14   **A.**   Yeah. The wording is actually "fully

15 enclosed" or "properly tarped." And, again, the

16 "fully enclosed" refers, again, like, a packer

17 truck that the metal body or steel body of the

18 truck fully encloses it and completely agreed

19 that we want all incoming vehicles to be fully

06:58:17PM **20** enclosed or properly tarped as well.

21   **Q.**   That's because in the policy you

22 actually cite the state law that says no person

---

1 shall operate it if it's not properly tarped; is

2 that correct?

3   **A.**   Yes.

4   **Q.**   And you or LRS knows that it doesn't

5 own all of the trucks coming in, does it? It

6 allows third parties to come in and drop trash;

7 is that correct?

8   **A.**   Correct. That's why we have an

9 enforcement section down below. So it is -- we

10 can't control every person coming in at every

11 moment, but what we can do -- and we do have

12 customers -- is we can -- if something like that

13 occurs, we would notify the driver, we would

14 remind them, if needed, we would call their

15 company representative, and if it really

16 became -- if it happened multiple times, we

17 would just simply ban that driver's use of the

18 site. It's actually very effective. I have

19 been involved with other facilities that had a

20 similar policy and, yeah, once you -- Once you

21 throw a driver off the property, it gets

22 everybody's attention.

1   **Q.**   So all incoming vehicles hauling waste

2 will be fully enclosed or properly tarped,

3 correct?

4   **A.**   Yes.

5   **Q.**   But if they are not, they are going to

6 be reminded of the tarping policy, right?

7   **A.**   That is one of the steps.

8   **Q.**   They are not going to be prohibited

9 from entering your facility, are they?

10   **A.**   Well, no. Again, what you have to

11 realize is that --

12   **Q.**   You're just going to remind the

13 driver, hey --

14   MR. MUELLER: You interrupted him.

15   HEARING OFFICER PRICE: I agree,

16 Mr. Mueller. Mr. Hock has a tendency to do more

17 than just answer the question. I'm going to let

18 it go a little bit. Come on. We need to get

19 this done. Let's not step on each other.

20   You can answer. Mr. Hock, focus on

21 the question and the answer, and Mr. Meza will

22 allow you to finish. We don't need an editorial

1 for every yes-or-no question.

2 BY THE WITNESS:

3   **A.**   In this case all I was trying to say

4 is the majority of the customers that use the

5 site are regular customers. These are -- These

6 are people who do this for a living, and they

7 understand the rules and it's -- It's a fairly

8 straightforward policy.

9   **Q.**   Right. But if it's not a regular

10 customer and they come untarped, you're going to

11 remind them of the policy, correct?

12   **A.**   Of course we will.

13   **Q.**   LRS has the ability to prohibit

14 anybody from entering the facility if it's

15 untarped, doesn't it?

16   **A.**   We have the right to prohibit anybody

17 from using the facility for whatever reason we'd

18 like.

19   **Q.**   But you won't do that, you'll just

20 remind them, right?

21   **A.**   It seems a lot safer and appropriate

22 if it's already there, if it's a regular

1 customer and it's waste to be disposed of, yes,

2 we would take it and we would -- we would accept

3 the waste and then take the appropriate measures

4 to make sure it doesn't happen again.

5   **Q.**   If it does happen again multiple

6 incidents, that's not going to necessarily ban

7 them, it may result in a banning, right?

8   **A.**   There's a lot of different

9 circumstances, so that's why it's worded the way

10 it is.

11   **Q.**   Because if you ban a truck that's

12 untarped, you can't make the money from the

13 tipping fees, right?

14   MR. MUELLER: Argumentative.

15   HEARING OFFICER PRICE: Overruled.

16 BY MR. MEZA:

17   **Q.**   Is that correct?

18   **A.**   That's not the focus of the

19 decision-making in this case.

20   **Q.**   Do you remember the question?

21   HEARING OFFICER PRICE: That's an

22 answer to the question. Next question.

BY MR. MEZA:

2   **Q.**   Will you be able to stop 100 percent
3 of hazardous material entering this facility;
4 yes or no?

5   **A.**   Depends what you mean by "hazardous
6 material." But I think where you're going, the
7 answer is no.

8   **Q.**   There's a specific definition of
9 hazardous material, isn't there?

07:02:38PM **10**   **A.**   We actually included a whole list of
11 unacceptable waste. And it is true that
12 unacceptable wastes do come until sometimes,
13 such as tires or appliances or landscape waste.
14 We have procedures to manage that waste
15 appropriately.

16   **Q.**   Now, you said you weren't sure if this
17 policy applies to the California facility; is
18 that correct?

19   HEARING OFFICER PRICE: Mr. Meza,
07:03:12PM **20** that's not a question. Which policy?

21   MR. MEZA: I'm sorry. This tarping
22 policy that's on the screen, Exhibit 40.

BY THE WITNESS:

2   **A.**   I don't know.

3   HEARING OFFICER PRICE: Why are we
4 talking about California?

5   MR. MEZA: I'm trying to find out if
6 the tarping policy is applied across the board.
7 If not, we can just show Exhibit 701, Judge --
8 Hearing Officer.

9   MR. MUELLER: He has already testified
07:03:38PM **10** he doesn't know.

11   HEARING OFFICER PRICE: 701 is the
12 video?

13   MR. MEZA: 701 is another video
14 reflecting tarping and untarped vehicles at a
15 facility.

16   HEARING OFFICER PRICE: We're going to
17 focus on this facility, not California. So
18 let's move on from that.

19   MR. MEZA: Let me have a second.

07:04:54PM **20** BY MR. MEZA:

21   **Q.**   Mr. Hock, do you know if the proposed
22 facility in West Chicago is going to be operated

---

1 any differently than any other facility of LRS?

2   MR. MUELLER: Objection; that's a vague
3 question.

4   HEARING OFFICER PRICE: I'm going to
5 sustain it for the lack of foundation. We have
6 not established that he knows how LRS operates
7 all of its other facilities. What's been in
8 front of you is what the proposed operation plan
9 is here. That's fair game.

07:05:23PM **10** BY MR. MEZA:

11   **Q.**   Do you know if the proposed operation
12 plan for this facility is the same --

13   HEARING OFFICER PRICE: He already
14 testified he doesn't know. There's no
15 foundation for that. Let's focus on -- If you
16 have a problem with this plan, focus on it.
17 He's not going to answer for every LRS facility.
18 That's not relevant.

19   MR. MEZA: What's relevant is whether
07:05:44PM **20** or not this facility is going to allow untarped
21 vehicles.

22   HEARING OFFICER PRICE: We have been

---

1 over that ground, and the answer is no. It's an
2 auto tarp policy, and you have been through what
3 happens when someone shows up without a tarp on.
4 Move on.

5   MR. MEZA: Can we show Exhibit 701?

6   HEARING OFFICER PRICE: 701 is the
7 California station?

8   MR. MEZA: For the untarped.

9   HEARING OFFICER PRICE: I'm not letting
07:06:06PM **10** it in. Move on. We're not talking about the
11 California station. You can take this up as an
12 error. It's not relevant to this proposal for
13 this station. Move on.

14   He doesn't know about LRS
15 operations in other places. I don't care how
16 many other scenes you want to show of LRS at any
17 other facility. If you have a problem how this
18 policy is written, let's hear it. You did a
19 good job establishing we have to have a policy
07:06:29PM **20** about auto tarping. I don't know what more you
21 want. We're not watching a California video.
22 You're prejudicing the right of the public to

---

1 have their opportunity to speak. I'm not

2 putting it in. It's too long. Next.

3   MR. MEZA: It's only two minutes.

4   HEARING OFFICER PRICE: No. Move on.

5   MR. MEZA: Since I can't play the

6 video, I don't have any further questions for

7 this witness.

8   HEARING OFFICER PRICE: It would be --

9 PODER would be next. Any questions from PODER?

07:07:17PM 10   MS. ALCÁNTAR-GARCIA: Please give me a

11 moment to confer first.

12   HEARING OFFICER PRICE: Okay.

13   MR. WEINSTOCK: Mr. Hearing Officer, if

14 you would like to pass PODER and ask another

15 party.

16   HEARING OFFICER PRICE: That's not how

17 it works. The city has the right to be last.

18   MR. WEINSTOCK: Understood.

19   MS. ALCÁNTAR-GARCIA: Pardon me. Okay.

07:10:04PM 20 Some questions we have from our organization,

21 PODER.

22

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1   CROSS-EXAMINATION

2 BY MS. ALCÁNTAR-GARCIA:

3   Q.   Mr. Hock, the proposed facility is a

4 waste transfer station where diesel trucks will

5 come in and out; is that correct? Right?

6   A.   Yes.

7   Q.   Did you do any evaluation of the

8 diesel emissions from the trucks?

9   A.   Well, we talked about it in

07:10:47PM 10 Criterion 1, which is our need evaluation, that

11 there actually will be substantial benefits if

12 this facility is approved and becomes

13 operational because the overall miles the trucks

14 would drive in the area would decrease. So the

15 wear and tear on roads would be reduced, the

16 amount of fuel that would be consumed would be

17 reduced. So there's a lot of efficiencies, you

18 know, for the transportation, and that's where

19 those benefits come from.

07:11:16PM 20   Q.   But, specifically, has the evaluation

21 of the emissions from the trucks, from the

22 diesel trucks?

---

1   HEARING OFFICER PRICE: We talked about

2 it and we went over that ground in Criterion 1.

3 This is focusing on the operations in

4 Criterion 2.

5   Do you have questions about No. 2?

6 Mr. DeLaRosa was here. Those kinds of questions

7 were asked already.

8   MS. ALCÁNTAR-GARCIA: Particularly,

9 because our organization is about this issue,

07:11:46PM 10 you know, we're trying to -- You know, these are

11 concerning questions.

12   HEARING OFFICER PRICE: Yes. You had

13 the opportunity to ask those questions. Now

14 we're focused on a different criteria.

15 BY MS. ALCÁNTAR-GARCIA:

16   Q.   These are questions I have. I'm

17 sorry. Did you do any evaluation of diesel

18 emissions?

19   HEARING OFFICER PRICE: We have already

07:12:13PM 20 been over the diesel emissions. Please move

21 onto a different topic.

22

---

1 BY MS. ALCÁNTAR-GARCIA:

2   Q.   How about an analysis of diesel

3 emissions while the trucks are idling in the

4 facility?

5   A.   We didn't specifically look at idling,

6 but the amount of time that the trucks are at

7 the facility and idling is very short.

8   Q.   How will LRS enforce idling limits?

9   A.   Again, our business is moving the

07:13:00PM 10 waste through the facility and out to the

11 landfill as quickly as practical, so there's

12 really not -- there's really not a need to

13 enforce that activity in the past. Like I said,

14 the trucks, if they are idling, it's for a very

15 short amount of time.

16   Q.   I would love to listen to -- You

17 mentioned an enforcement policy. Because, you

18 know, there's the enforcement policy as to

19 tarping the trucks. Why not idling?

07:13:36PM 20   A.   Again, it's never been an issue at any

21 transfer station that I'm aware of. Again, it's

22 because the trucks move through very quickly.

---

1 The amount of time they are actually just
2 standing or idling and waiting is a very short
3 amount of time.
4 **Q.** Do you agree with me that diesel
5 emissions are bad for your health, right? Do
6 you agree?
7 **A.** I understand there's concerns with
8 particulate emissions from trucks that burn
9 diesel fuel, so yes.
07:14:19PM 10 **Q.** Do you agree that the public health,
11 safety, and welfare are impacted by many
12 facilities in our community?
13 MR. MUELLER: Objection with regard to
14 other facilities.
15 HEARING OFFICER PRICE: I'm going to
16 allow it because it sets a little bit of
17 background on the overall impact.
18 BY THE WITNESS:
19 **A.** I'm sorry. Could you ask that again?
07:15:26PM 20 **Q.** This facility, we have so many --
21 HEARING OFFICER PRICE: That's too
22 broad.

1 Next question.
2 MR. WEINSTOCK: Can we have the
3 reporter read the question back?
4 HEARING OFFICER PRICE: Well, where are
5 we going?
6 MS. ALCÁNTAR-GARCIA: We're going to a
7 concern that the community has.
8 HEARING OFFICER PRICE: This isn't the
9 time for argument. This is the time to ask
07:15:52PM 10 questions about the presentation that was made.
11 I appreciate you weren't here for Mr. Hock's
12 presentation, but the questions need to be
13 focused on the set of criteria he testified to
14 at this time. It's not the time for the general
15 argument or your argument to the city council
16 about your position generally. This part of the
17 hearing is for this purpose, specific questions
18 devoted to these criteria and Mr. Hock's
19 testimony.
07:16:16PM 20 BY MS. ALCÁNTAR-GARCIA:
21 **Q.** In the analysis of how the facility
22 would add or relate to existing facilities that

1 impact the public health, safety, or welfare --
2 HEARING OFFICER PRICE: That's not
3 appropriate for these criteria. It's not.
4 MS. ALCÁNTAR-GARCIA: Okay. Thank you.
5 HEARING OFFICER PRICE: Then to the
6 city. Mr. Callaghan?
7 MR. CALLAGHAN: Thank you.
8 CROSS-EXAMINATION
9 BY MR. CALLAGHAN:
07:16:50PM 10 **Q.** Mr. Hock, you identify one small
11 floodplain in the northeast part of the site,
12 correct?
13 **A.** Yes. About one-twentieth of an acre.
14 **Q.** From the plan, it appears that is not
15 being disturbed, correct?
16 **A.** That's correct. It's actually been
17 restored and buffered as part of our
18 improvements on the east portion of the
19 property.
07:17:09PM 20 **Q.** You also testified that this is going
21 to be a fully enclosed facility and, by that, I
22 understand you to mean that a truck -- the door

1 will open, a truck will drive in, the door will
2 close, it will dump its load when its empty, the
3 door will open, and it will leave again,
4 correct?
5 **A.** Yes.
6 **Q.** Those are automatic doors?
7 **A.** Yes.
8 **Q.** And would the applicant accept the
9 condition that those have to open and close as
07:17:43PM 10 you just testified: When the truck goes in,
11 when the truck goes out, closed at all times
12 otherwise?
13 **A.** Yes.
14 **Q.** You also testified about auto tarping.
15 As the hearing officer said, the foundation has
16 been laid.
17 Would the applicant accept a
18 condition that auto tarping is required at this
19 facility?
07:18:07PM 20 **A.** Yes.
21 **Q.** I believe in the application you
22 mentioned that there is a current IEPA permit

1 for the construction and demolition debris

2 facility that's there today, correct?

3   **A.**   Yes.

4   **Q.**   Is it the applicant's intention if

5 this waste transfer station is approved, that

6 that C&D permit would be terminated and

7 essentially, rolled into this permit for the

8 waste transfer station?

9   **A.**   Yes.

07:18:41PM **10**   **Q.**   Now, there are a lot of conditions in

11 that -- in that C&D permit, some of which may

12 not be applicable. But would the applicant be

13 willing to entertain a proposal from the city

14 staff that some of those conditions remain in

15 this site?

16   **A.**   Yes.

17   **Q.**   That is something we can propose to

18 you and you can review but we think some of them

19 are important so we want to make sure that

07:19:12PM **20** process is available to us. All right.

21   Now the hydro waste -- What is it

22 called again?

1   **A.**   Hydro-excavation waste.

2   **Q.**   Okay. Is the soil tested that is --

3 that is excavated through that process?

4   **A.**   Generally, yes.

5   **Q.**   Similar to if you're doing a tank --

6 you're pulling a tank or something and you

7 detect, you know, petroleum odors or whatever,

8 testing would be done of the soil?

9   **A.**   Yeah. That's not really a good

07:19:49PM **10** example. This is about making sure that we are

11 not taking contaminated soil in. So it's -- You

12 know, it's basically clean soil is really what

13 it is.

14   **Q.**   Is there some process for determining

15 whether or not it is clean soil?

16   **A.**   Absolutely.

17   **Q.**   What is that process?

18   **A.**   It's somewhat familiar -- similar to

19 the CCDD rules is what I have seen companies

07:20:16PM **20** use. So Nicor Gas and Com Ed, they actually

21 have very conservative programs where they are

22 looking at that constantly, and they do take

1 routine samples. Like the CCDD rules, though,

2 there is some judgment as to how many and where

3 and things like that. It's a very robust

4 process that is used.

5   **Q.**   And that will be used for those

6 contractors that use this particular facility?

7   **A.**   Yes.

8   **Q.**   Now the trucks -- I think we asked

9 this question before, but it's more appropriate

07:20:53PM **10** at this point. The hydro-excavation waste

11 trucks, they carry -- it sounds like it's a

12 slurry-type material. Is that a good

13 description of it?

14   **A.**   I think wet mud is a better

15 description.

16   **Q.**   Okay. So it's -- Are these watertight

17 trucks? That's really the concern, that they

18 are not leaking when they are coming in?

19   **A.**   Yes. Maybe the quick extra editorial

07:21:23PM **20** is for the trucks to work, meaning they remove

21 the material by vacuum, they have to be airtight

22 or the vacuum system on the vehicle will simply

1 not work.

2   **Q.**   So if a truck goes over a rough

3 surface, it doesn't have any impact on the load,

4 causing it to leak or anything like that?

5   **A.**   No, not at all. Like I said, these

6 are airtight seals on the back of these trucks,

7 and they do not leak.

8   **Q.**   What about when they are leaving and

9 they emptied their load. Is there any residual

07:21:57PM **10** liquid?

11   **A.**   There may be, but it's the same

12 process. The back of the vehicle will be closed

13 and sealed such that it cannot leak.

14   **Q.**   Okay. So the hydro-excavation waste

15 is mixed with woodchips in order to solidify it.

16 Is that a fair description of what happens?

17   **A.**   Yes.

18   **Q.**   What happens to that material after

19 it's been mixed?

07:22:23PM **20**   **A.**   So it's scooped up and put into,

21 basically, a dump truck, covered, and then it

22 will leave the site and head to a landfill for

1 disposal.

2 **Q.** Again, the concern is that this is --

3 could be wet. Is it possible that those dump

4 trucks would leak because they have the mixed

5 load of wood and hydro-excavation waste?

6 **A.** We put liners in those vehicles so

7 that that will not happen.

8 **Q.** What kind of liners do you use?

9 **A.** It's like a -- it's a plastic liner

07:22:57PM 10 that's pretty routinely used.

11 **Q.** You mentioned that there was no need

12 to do a Stormwater Management Plan for this

13 facility because the plan has already been

14 approved through the amended PUD process a

15 couple of years ago?

16 **A.** Yes.

17 **Q.** Okay. That's -- I just want to make

18 sure, the plan that was approved included the

19 building, which is now proposed for a waste

07:23:33PM 20 transfer station, correct?

21 **A.** It did.

22 **Q.** So is there any additional impervious

1 surface you will be adding to the site as a

2 result -- if you were to get the waste transfer

3 station approved?

4 **A.** Nothing that was not already accounted

5 for in the storm water design.

6 **Q.** If there were, you would have to

7 modify your Stormwater Management Plan, correct?

8 **A.** Correct. That would be -- That's

9 what's required by the West Chicago rules.

07:24:03PM 10 **Q.** And West Chicago approved the

11 Stormwater Management Plan as part of the PUD

12 process a couple of years ago; is that correct?

13 **A.** Yes, they did.

14 **Q.** Did they also approve a wetland

15 delineation and wetland management plan?

16 **A.** Yeah. Technically that was approved

17 by DuPage County, along with the floodplain

18 study, that they have authority over those

19 aspects of the plan.

07:24:28PM 20 **Q.** Now, you had mentioned a SWPPP,

21 Stormwater Pollution Prevention Plan, correct?

22 **A.** Yes.

1 **Q.** That's a self-executing plan, isn't

2 it, where you simply file it with the state?

3 **A.** You do submit it to the IEPA.

4 **Q.** Correct.

5 **A.** Then you're required to follow it?

6 **Q.** Yes.

7 **A.** And, you know, complete updates as

8 needed and review it annually.

9 **Q.** But a separate permit is not issued

07:24:58PM 10 for that plan?

11 **A.** No. The permit requires that you have

12 a plan and that you implement a plan, similar to

13 being required to train your employees.

14 **Q.** You had testified about the wildlife

15 management report, the Loomacres report,

16 PWC No. 9. Is it fair to say that you used that

17 plan in the preparation of your application so

18 that those issues that were called out in the

19 Loomacres plan were addressed in the application

07:25:34PM 20 that's before us tonight?

21 **A.** Yes. Absolutely.

22 **Q.** Now, your testimony about the runway

1 protection zone, and we saw the map on the

2 screen. Are there any buildings located within

3 the runway protection zone?

4 **A.** No.

5 **Q.** You're not proposing any buildings?

6 **A.** No.

7 **Q.** And no waste handling will occur on --

8 in the runway protection zone?

9 **A.** Correct. No waste handling will occur

07:26:08PM 10 in that runway protection zone.

11 **Q.** But trucks with waste will have to

12 cross it in order to get onto the site, correct?

13 **A.** Yes.

14 **Q.** There's been testimony -- I think

15 Mr. Werthmann mentioned it and I think you may

16 have in your testimony -- about the route that

17 the transfer trailers will take when they are

18 entering the site and leaving the site. I just

19 want to go over those with you and make sure

07:26:39PM 20 we're in agreement on what those routes would

21 be.

22 Powis Road north to Route 64 and

1 then 64 to Kirk Road to I-88?

2   **A.**   Correct.

3   **Q.**   And the reverse if they are coming to

4 the facility, correct?

5   **A.**   Correct.

6   **Q.**   Will there be any need to go to I-90

7 with transfer trailers?

8   **A.**   I don't believe so.

9   **Q.**   So we don't have to establish a

10 separate route?

11   **A.**   No, I don't -- No.

12   **Q.**   All right. So, again, I would ask

13 that the applicant -- if the applicant is

14 willing to accept the condition that the

15 transfer trailer route will be Powis Road to

16 Route 64 to Kirk Road to I-88?

17   **A.**   Yes.

18   MR. CALLAGHAN: That's all we have.

19 Thank you.

20   HEARING OFFICER PRICE: Before I ask --

21 Mr. Walsh, before I ask you, I want to follow-up

22 with one question from the city staff on the

1 hydro-excavation waste.

2   So will the origin of the

3 hydro-excavation waste have to be preapproved,

4 like, you were talking about for highway

5 projects and other things? Or is the procedure

6 not that involved?

7   THE WITNESS: So all of the material

8 accepted as part of the hydro-excavation process

9 is preapproved.

10   HEARING OFFICER PRICE: And that

11 procedure, you would agree -- Would the

12 applicant be willing to agree to that as a

13 condition for approval for hydro-excavation

14 waste?

15   THE WITNESS: Oh, yes.

16   HEARING OFFICER PRICE: Mr. Walsh?

17   CROSS-EXAMINATION

18 BY MR. WALSH:

19   **Q.**   Good evening, Mr. Hock. How does LRS

20 propose to handle any hazardous waste that comes

21 on the site?

22   **A.**   So in terms of hazardous waste, I'm

1 not even aware of any situation recently where

2 you get a full load of something like that.

3 What we do see are portions of loads. Again,

4 it's more typically batteries, tires, and

5 there's procedures to set that material to the

6 side and appropriately manage it. We do have

7 the right to stop a vehicle and force them to

8 load it back up and take it back with them. My

9 experience is that those situations are rare.

10   What we do is we train all of our

11 staff to be on the lookout for anything that

12 looks funny, smells funny, that just is

13 something that's not supposed to be there and

14 they know to stop -- stop the driver, figure out

15 what it is, call the appropriate folks and

16 appropriately address it.

17   **Q.**   First of all, what hazardous waste

18 will you have on the site past the end of the

19 business day?

20   **A.**   I'm sorry, Dennis. Can you repeat the

21 question?

22   **Q.**   Yes. Will the hazardous waste that

1 inadvertently comes to the site -- batteries,

2 tires, whatever -- remain on the site at the end

3 of the close of the business day?

4   **A.**   So if it was hazardous waste, we would

5 have it off of the facility property. We do

6 accumulate things, like batteries and tires, in

7 relatively small amounts. We have various set

8 aside, so as we accumulate a certain amount, it

9 will be taken off site about once a week or

10 something like that, depending on the amount

11 that we see.

12   **Q.**   With respect to the municipal water

13 that's going to be used at that facility, how

14 many gallons of municipal water is proposed to

15 be used on a daily basis at that facility?

16   **A.**   In terms of an exact gallonage, I

17 don't know. There's a -- I believe it's a

18 six-inch water main that loops through the

19 facility, and there's multiple fire hydrants.

20 The predominant use of water in the transfer

21 station is really just washing down the floor

22 routinely and the walls to help keep it clean.

1 So there's really not a substantive amount of

2 water that is used.

3   **Q.**   Do you have an estimate of how much

4 will be used to clean the floor?

5   **A.**   It would be in the order of, you know,

6 the hundreds of gallons type of range.

7   **Q.**   Per day?

8   **A.**   Yes.

9   **Q.**   With respect to waste water, will that

07:32:07PM **10** be discharged in the sanitary sewers?

11   **A.**   Correct. The facility is designed

12 with an oil-water separator and a screen to make

13 sure there's no debris, or if there is a little

14 bit of an oil spill, that gets -- you know, it

15 doesn't get discharged into the sewer. But,

16 yes, we would have a direct connection to the

17 sanitary sewer system.

18   **Q.**   Is there a treatment process to the

19 waste water before it goes to the sewer?

07:32:38PM **20**   **A.**   Nothing more than the oil-water

21 separator.

22   **Q.**   Is there an estimate of how many

1 gallons of waste water are going into the sewer

2 on a daily basis from this facility?

3   **A.**   It would be the same. So all of the

4 wash water would go to the sanitary sewer. So

5 it would be that same -- that same amount of

6 water.

7   **Q.**   Thank you. With respect to the

8 throughput, your application says it's going to

9 be 650 tons per day of municipal solid waste.

07:33:09PM **10** Is that an average or is that the max per day?

11   **A.**   That's the maximum per day.

12   **Q.**   Is that true for the hydro-excavation

13 waste, the C&D, and recyclables as well?

14   **A.**   Yes. If you're referring to the -- I

15 think it's 300 tons per day of hydro-excavation

16 and 250 for recyclables and I think it's 750 --

17 750 tons per day for the construction and

18 demolition debris. You're correct, those would

19 all be maximums.

07:33:41PM **20**   MR. WALSH: Thank you. One second.

21   That's all I have. Thank you very

22 much.

1   HEARING OFFICER PRICE: All right.

2 That brings us back to you, Mr. Mueller. Is

3 there any redirect?

4   MR. MUELLER: I have a few. Thank you.

5   REDIRECT EXAMINATION

6 BY MR. MUELLER:

7   **Q.**   Mr. Hock, you were asked about

8 hazardous waste. Can you distinguish between

9 hazardous waste and unacceptable waste?

07:35:17PM **10**   **A.**   Yes. Are you looking for me to

11 describe the difference or --

12   **Q.**   Please.

13   **A.**   So unacceptable waste are things that

14 are routinely generated, again, like, appliances

15 or batteries or tires or landscape waste that

16 are not supposed to go through a transfer

17 station. They are supposed to be managed

18 separately, and those are the things that, if

19 they are observed, are set aside and, again, we

07:35:49PM **20** would talk to the generator and make sure they

21 understand the rules.

22   Hazardous waste would be more of a

1 sludge or -- where you can tell. It would have

2 an odor to it. It would be different from

3 municipal solid waste. It might have more soil

4 like properties. It's readily distinguishable.

5   **Q.**   Is hazardous waste -- Excuse me.

6   Is unacceptable waste necessarily

7 hazardous?

8   **A.**   No.

9   **Q.**   In fact, most of it is not, right?

07:36:27PM **10**   **A.**   Correct.

11   **Q.**   Now, does LRS have a load-checking

12 program, including random load checks, to try to

13 identify unacceptable and hazardous waste?

14   HEARING OFFICER PRICE: Is the

15 question: Is that being proposed for this

16 facility?

17   MR. MUELLER: Yes, for this facility.

18 BY THE WITNESS:

19   **A.**   So the way I like to describe it is

07:36:56PM **20** every load is checked and inspected. And it

21 happens because as the waste is deposited on the

22 floor, it then becomes visible to the operator.

1 And that's when things would be noticed if it

2 wasn't already caught at the gate.

3   Again, part of the reason these

4 things don't happen very much is just a very

5 consistent customer base. These are

6 knowledgeable folks who know what the rules are.

7 The process you're talking about is more of a

8 documentation process in terms of maybe moving

9 it to the side and doing an extra look at it.

10 We are completely fine with doing that type of

11 procedure.

12   Q.   Now, when trucks are in the transfer

13 facility, are the emissions from those idling

14 trucks also subject to capture and being cleaned

15 up by the venting and fan and air cleaning

16 system in the facility?

17   A.   When they are unloading and idling in

18 the building, they would be. It is also

19 important to note that the trucks that are used

20 by Lakeshore have particulate filters on the

21 back of them that actually reduce the

22 particulate emissions by over 98 percent, and

1 basically any vehicles that have been

2 manufactured since 2007 have that. So the

3 amount of that type of emissions is actually

4 very low now from the newer trucks.

5   Q.   Going back to the airport, did the

6 DuPage Airport Authority just recently retain

7 their own independent expert to evaluate your

8 application with regard to whether or not it

9 meets the requirements of a safe enclosed

10 transfer station?

11   A.   They did.

12   Q.   Who did that work for the DuPage

13 Airport?

14   A.   It's a company named Geosyntec.

15   Q.   Do you know the individual at that

16 company?

17   A.   I do. His name is Jesse Varsho, who

18 led the effort.

19   Q.   He's actually a former key employee of

20 Mr. Moose, isn't he?

21   A.   Yes, he is.

22   Q.   Now, what was Geosyntec's -- Did

1 Geosyntec prepare a report with their

2 conclusion?

3   A.   They did. The conclusions are

4 referenced in -- Their report is actually

5 referenced in our agreement with the DuPage

6 Airport Authority, so, yes, they did create a

7 report.

8   Q.   Do you have that report with you

9 tonight?

10   A.   I do.

11   Q.   Can we have the pleasure of seeing it,

12 sir?

13   A.   Sure. Maybe what's worth noting is

14 what was originally provided was the final draft

15 report, and that report included some

16 recommendations that were all incorporated into

17 the final version of our agreement with them,

18 and they have since provided a final version of

19 their memorandum but inadvertently forgot to

20 include a table on the back of it that's part of

21 it, and we have requested them to provide that

22 table. It just has not occurred as of tonight.

1 So we have a draft version with the table and a

2 final version without the table.

3   Q.   Do you have copies of those to mark as

4 exhibits or should we defer this to another

5 evening?

6   A.   We have both of them.

7   HEARING OFFICER PRICE: So for purposes

8 of the record, the draft is going to be

9 Applicant 12 and the purported final is

10 Applicant 13. And you can tell the difference,

11 those of you getting them now, by the very first

12 thing under the date.

13   (Applicant Exhibit Nos. 12 and

14   13 marked for identification.)

15 BY MR. MUELLER:

16   Q.   Just for formalities' sake, Mr. Hock,

17 can you look at Applicant's Exhibit 12, identify

18 it, and tell me if it's a true and correct copy

19 of the report that you read?

20   A.   What you're referring to are the

21 reports that we just handed out?

22   Q.   Yes.

A. Those are true and correct versions.

Q. Okay. Let's go back to your testimony from last Thursday. Can you explain to the city council the process of developing a siting application?

A. Sure. I mean, it is a long, involved process and, in this case, it took over two years to do. We start with an outline and then we start putting all the narrative and all the information with it. It is a constantly evolving document. As we have different people review it, we get different perspectives. We're only trying to improve it and make it better, either from, you know, concise language to try to clearly convey the information, to the presentation of it and it does -- it does evolve over time. Like I said, we're trying to make it better. And in the end, it turned out to be three binders full of information.

Q. There are routinely drafts along the way?

A. Oh, yes. There are many drafts of --

especially the larger criteria, which are Criterion 1 and Criterion 2. A few of these are, obviously, very short and those are established very quickly. But, yeah, there are many drafts.

Q. And drafts are routinely reviewed by people outside your organization, sometimes even clients and your attorney?

A. Of course.

Q. And they are also reviewed by other experts, such as APTIM?

A. Yes. This is -- My best description of this is it's a team sport. We lead the charge and serve as the quarterback but it's a large team with many players.

Q. Let's move on to the process that's come to be known as prefiling review. Can you explain that to the city council?

A. Sure. It's really become routine and a standard, especially for larger -- I shouldn't say "larger" -- facilities such as this. What we do is we provide drafts along the way. And

in this case we wanted to make it a very collaborative process, so we started our interaction with APTIM, which is who West Chicago chose to work with, backed with a site visit all the way back in 2019, I believe. We provided, again, kind of major points for key features of the facility as we went and we did provide copies of the applications at different points in time and we appreciated their review. We took their comments into consideration. We didn't always agree, which is fine. There's professional judgment, it is intrinsic to this process, and it lead all the way up to final drafts of Criterion 1 and Criterion 2, which are the most extensive, that we provided back in May of this year. And we received some feedback and questions but by the time we got to the endpoint, those questions were -- were very minor.

Q. Mr. Hock, are prefiling review comments always submitted to you in writing?

A. No. Again, we have had -- We have

multiple meetings along the way. I had multiple phone calls with Mr. Fallon to answer questions. So it is, again, multiple iterations communicated in a variety of means.

Q. Let's talk about throughput. The final draft of the application limits your solid municipal waste throughput to 650 tons per day?

A. Correct.

Q. That's a lower number than you had previously thought about, correct?

A. Yes.

Q. Why did you reduce it?

A. We just thought it made a better application. It was -- You know, we took into consideration some comments from APTIM and looked hard at what we really needed and decided it was a better application to reduce it, so we did.

Q. At 650 tons of municipal solid waste per day, are there any problems with temporary storage space on the tipping floor?

A. No. With those volumes, it becomes

756

1 very easy. We, actually, did not change the

2 size of the building from when we were proposing

3 larger volumes. We just simply reduced the

4 throughput but kept the same building.

5 　　　　MR. MUELLER: One second.

6 BY MR. MUELLER:

7 　　**Q.**　Now I think you have explained this:

8 Doors are not open while trucks are in the

9 building, they are only open when they enter and

10 exit, correct?

11 　　**A.**　Yes.

12 　　**Q.**　When you go into your house with bags

13 of groceries, is the door open for a few

14 seconds?

15 　　**A.**　Yes, it is.

16 　　**Q.**　Do you consider your house enclosed?

17 　　**A.**　Yes.

18 　　**Q.**　There was significant questioning last

19 Thursday about the amount of time it takes a

20 garbage truck to unload.

21 　　　　Do you recall that?

22 　　**A.**　Yes.

757

1 　　**Q.**　Now, are there multiple types of

2 traditional garbage trucks, the kind that pick

3 up waste from the curb?

4 　　**A.**　There are.

5 　　**Q.**　What are those types?

6 　　**A.**　So the vehicle that was shown in the

7 video from last week was a -- referred to as a

8 rear-load vehicle. It's an older type of truck

9 that is necessary to navigate the alleys of the

10 City of Chicago. The types of trucks that are

11 used out in the suburbs and that will be used at

12 this facility are what's generally referred to

13 as front-load trucks, and there are substantial

14 differences between the vehicles. Those

15 differences lead to differences in the time it

16 takes to discharge the load from the vehicle.

17 　　**Q.**　Did you -- What percentage, if you

18 know, of the trucks that would come to this

19 facility would be front load versus rear load?

20 　　**A.**　So in our throughput analysis we

21 assume that 90 percent of the vehicles would be

22 these front-load packer trucks and,

758

1 approximately, 10 percent would be roll-off

2 trucks.

3 　　**Q.**　After your testimony last week, did

4 you have occasion to direct the making of some

5 videos at another LRS transfer station to look

6 at the amount of time it look for front-load

7 trucks to discharge their loads?

8 　　**A.**　We did. I have actually watched

9 vehicles unload at a number of different

10 facilities over the years from different

11 operators and, you know, sat there and timed it,

12 and I always thought that five minutes was a

13 good number -- a good conservative number. Just

14 to double-check myself, I asked the Lakeshore

15 folks to videotape a few different trucks at one

16 of their facilities, and they did that at the

17 Elburn facility over the weekend.

18 　　**Q.**　What was the average time it took for

19 those front-load trucks to discharge?

20 　　**A.**　So they sent me videos of three

21 different trucks, and they were all the

22 front-end loader packer-type vehicles, which

759

1 are, again, the exact same vehicles which we

2 would use at our facility. And it took an

3 average of　　　3 minutes and 35 seconds for

4 the three vehicles to discharge their load.

5 　　　　To give you the quick explanation

6 of why it's quicker than the truck that we saw

7 in the video from last week, if you remember, if

8 you were here, before the driver was able to

9 discharge his load, he had to get out of the

10 vehicle, walk to the side, and maneuver some

11 turn buckles and such; and then he had to do the

12 same thing after the load was fully discharged.

13 So there was time for him to do that.

14 　　　　With the front-end loaders, as they

15 back into the building, they are able to open

16 the back gate and start the discharge process

17 without ever getting out of the cab of the

18 truck.

19 　　**Q.**　Have you had the opportunity to

20 provide copies of this video to the -- to

21 Mr. Jones?

22 　　**A.**　Yes.

1   **Q.**   We should play that now then, if we

2 could?

3   **A.**   So there are three videos. They are

4 all very similar.

5   Joe, is this Video 1?

6   MR. JONES: Video 1.

7 BY THE WITNESS:

8   **A.**   Maybe to give you a quick narration,

9 so that truck is backing in --

07:54:25PM **10**   THE WITNESS: Joe, are you able to hit

11 a button on the screen where you can see the

12 time down in the lower left-hand corner?

13   MR. JONES: I'm sorry. I'm not.

14 BY THE WITNESS:

15   **A.**   If this is the first one, it should

16 take about three and a half minutes. What

17 you'll notice is -- So he just backed into the

18 transfer station, and the waste bin that he'll

19 load the material from each household in, he

07:54:52PM **20** just maneuvered it out of the way. And you can

21 see now he has released the back gate, and you

22 can see the waste coming out of the vehicle and

---

1 discharging that out onto the floor. There's

2 basically a ram that pushes the material out.

3   What he'll do in a moment is move

4 forward a little bit to let the rest of the

5 material come out. You can see the material

6 still spilling out the back as it's pushed out.

7 Again, that's him moving forward now just to let

8 the rest of it fall out of the truck. He'll now

9 stop.

07:55:53PM **10**   What you'll see him do in a moment

11 is put on his hardhat and he is going to get out

12 of the cab. There he goes. He's taking his hat

13 off and putting his hardhat on. What he's going

14 to do when he gets out is walk over -- I'm

15 sorry. He does that, you notice he's lowering

16 the gate on the back. That's a safety measure.

17 So he just leaves it slightly open.

18   What he's going to do right now is

19 he's picking up a small rake. What he's going

07:56:36PM **20** to do is go to the back and make sure that

21 there's no debris or clean off the little bit of

22 debris that's going to be on that bottom seal

---

1 but he wants to make sure that when he closes it

2 fully, that it's fully sealed so there's nothing

3 to leak or drip out. So he went to both sides

4 and just kind of raked across that seal to make

5 sure that it's clear. He's putting it back

6 where he got it so the next driver can use it.

7 He must have picked up a small back of waste

8 from somewhere, so he took that off the truck.

9   Again, you'll notice the difference

07:57:18PM **10** between this and the last one, if you remember,

11 there's no turnbuckles or anything he has to

12 fasten. He has now closed the back gate of the

13 vehicle and he is going to move out. At this

14 point, this is basically when they would be

15 leaving the transfer station and clearing the

16 way for another vehicle. What he is going to

17 do, and this is routine, he's going to take

18 30 seconds and get out of the vehicle again just

19 double check that the back of the vehicle is

07:57:57PM **20** sealed just the way it's supposed to. He's also

21 looking around the truck doing what I call a

22 circle of safety just to make sure there's no

---

1 waste or debris that got picked up by the truck

2 or there's nothing -- you know, nothing unusable

3 so it will be safe to proceed down the road

4 again. He will take the bin in the front and

5 he'll -- again, that's the bin that is down as

6 they are running up and down the streets and use

7 the automatic arm and dump the tote into the

8 back of the bin. Until he gets to the route,

9 he'll put it up top until -- so it's out of the

07:58:36PM **10** way.

11   THE WITNESS: Joe, can you tell us the

12 total time of that video?

13   MR. JONES: The total time from start

14 to end was 4 minutes and 19 seconds.

15 BY THE WITNESS:

16   **A.**   So, again, there's probably 30 seconds

17 once he left the facility. If you guys are

18 interested to see it, we have two more that are

19 basically the exact same thing. Or if you want

07:58:59PM **20** to take my word, we can skip it. I don't know

21 whose choice it is.

22   **Q.**   I'm satisfied with the one. Let me

---

1 ask you this, then, Mr. Hock --

2   **A.**   I'm sorry. For the record, I wanted

3 three data points because, as an engineer, you

4 can do averages. I don't like just one data

5 point. It was 3 minutes -- From 3 minutes

6 35 seconds, 3 minutes 20 seconds, and 3 minutes

7 50 seconds were the three different times of the

8 videos.

9   **Q.**   Last area of inquiry. Why would a

10 transfer trailer stay on your site or on this

11 site overnight?

12   **A.**   Well, we will not leave any loaded

13 ones on site.

14   **Q.**   My apologies. I should have asked the

15 question that way.

16   Will you leave loaded transfer

17 trailers there?

18   **A.**   No. And we don't need to.

19   **Q.**   Then why do you have 17 parking spaces

20 for trailers?

21   **A.**   I mean, it's an extra-large area. We

22 want to have extra empty trailers there, and we

---

1 may have full trailers staged there during the

2 day. So what we want to make sure we have is

3 the ability to have a continuous loading

4 operation occurring.

5   In a perfect world, drivers come

6 back from the landfill with empty transfer

7 trailers and they are able to just maneuver and

8 get right in line and fill up and then

9 complete -- you know, continue the rounds back

10 to the landfill. But there may be a gap, for

11 instance, when there's not a transfer trailer

12 that's arrived at the site. What we'll have is

13 extra trailers in that parking area and we'll

14 have a yard tractor that we can use.

15   If we know there's going to be a

16 gap, we can bring a yard tractor or use the yard

17 tractor to bring an empty transfer trailer over,

18 have it filled; if necessary, bring it back to

19 the staging area and have it picked up later and

20 removed. We just want to make sure that we've

21 got operational flexibility. And the reason we

22 do not need to leave one overnight, even though

---

1 the landfill is closed, is that there is a large

2 parking and staging area out at Lakeshore's

3 landfill in Atkinson, Illinois where their

4 routine operation is as people bring in full

5 transfer trailers, they are actually dropped in

6 this staging area, again, picked up by a yard

7 tractor and brought up to the landfill and

8 disposed.

9   **Q.**   What's the role of a spotter near the

10 doors?

11   **A.**   The spotter is there just to make sure

12 that the drivers know where they are going, for

13 instance, which door they need to back in. They

14 will control the process of opening and closing

15 the doors. There's -- What we plan to do is

16 have a computer or an iPad with a screen and use

17 cameras as well to help make sure that the

18 inside of the transfer station is clear once

19 they drive in.

20   So they are really kind of

21 monitoring activities and making sure that the

22 doors are opening when they are supposed to and

---

1 closing when they are supposed to and all the

2 traffic flow is happening as efficient as

3 practical.

4   MR. MUELLER: Mr. Hock, that's all I

5 have, although, I expect you may get a few more

6 from others.

7   HEARING OFFICER PRICE: Thank you,

8 Mr. Mueller. We're going to take ten minutes.

9 We'll start at 8:15, Mr. Meza, with any recross

10 you may have. And so take a break until 8:15,

11 and we'll get started then.

12   (A short break was had.)

13   HEARING OFFICER PRICE: We'll turn back

14 to Mr. Meza. Do you have any recross?

15   MR. MEZA: Yes, Mr. Hearing Officer.

16   HEARING OFFICER PRICE: Oh. Before you

17 get started, I'm going to -- I think we have

18 passed out the video Mr. Hock reviewed that

19 Mr. Mueller put in. It's a flash drive. I'm

20 going to label it A-14 for purposes of the

21 record. We'll hand those out to others. But

22 for purposes of the record, the flash drive will

---

1 get the little exhibit sticker and go into the

2 pile with the other things going into the final

3 record for whatever purposes.

4 With that -- Sorry, Mr. Meza. Back

5 to you.

6 (Applicant Exhibit No. 14

7 marked for identification.)

8 RECROSS-EXAMINATION

9 BY MR. MEZA:

10 **Q.** Mr. Hock, one of the things you

11 said --

12 THE WITNESS: I'm sorry. I was looking

13 for another flash drive I thought we had.

14 HEARING OFFICER PRICE: We'll get to

15 that later.

16 BY MR. MEZA:

17 **Q.** Can you hear me okay?

18 **A.** Yes.

19 **Q.** Mr. Mueller was asking you about the

20 spotters. Do you remember?

21 **A.** Yes.

22 **Q.** Again, just to remind us, there's

1 going to be four doors with the municipal solid

2 waste for trucks backing in, right?

3 **A.** Yes, there are four available doors on

4 that building for the trucks to go in and out.

5 **Q.** And then there's two doors for the C&D

6 facility, correct?

7 **A.** Yes.

8 **Q.** Then there's a door where the transfer

9 trailer trucks come in and where they exit,

10 correct?

11 **A.** Yes.

12 **Q.** So that's eight doors. You had

13 mentioned earlier there was going to be three

14 spotters. Are you going to have spotters on the

15 inside and the outside of the doors?

16 **A.** No.

17 **Q.** So you're not going to have spotters

18 on the inside of the municipal solid waste and

19 the SSR doors on the outside?

20 **A.** That's where we will be using cameras

21 with a video relay. So these facilities -- A

22 facility like this will have many different

1 cameras throughout the facility, and what we are

2 doing is using the cameras in a display, and

3 there's a station that was shown on that plan

4 view, if you remember; so if he needs to get out

5 of weather, he can be there or he can have an

6 iPad, so he'll be monitoring the opening and

7 closing of the doors to make sure, for instance,

8 before a vehicle enters, that it's clear, that

9 there's not a loader or something like that in

10 the way. So we do want to have eyes on things

11 as well.

12 **Q.** Let me direct your attention to

13 Page 2-29 of your application that you

14 submitted. I think it was September of last

15 year. Are you at 2-29?

16 **A.** Yes.

17 **Q.** The first full paragraph, does it say,

18 Spotters will be present inside and outside of

19 the MSW and SSR transfer building to open and

20 close the doors as vehicles enter and exit the

21 MSW and SSR transfer building?

22 **A.** Yes. So they may be inside, but if we

1 can use cameras and other means to just keep

2 them out of the way of traffic, we would do

3 that. So that wasn't meant to -- Maybe that

4 language wasn't as clear as it could have been.

5 **Q.** So will you or will you not have

6 spotters inside and outside the MSW and SSR

7 doors; yes or no?

8 **A.** They may be inside at times, but the

9 intent is to have them primarily outside and use

10 other video means to stay out of the way of

11 traffic but still monitor the operations and

12 make sure the doors are opening and closing just

13 as they are supposed to.

14 **Q.** Mr. Hock, one of the other things you

15 testified to was some of the experience -- not

16 experience -- LRS as it relates to -- I

17 believe -- was it the Elburn transfer station,

18 is that what -- the one that was shown on the

19 video?

20 **A.** Yeah, they do have a transfer station

21 in Elburn and that is where those videos were

22 taken.

KATHLEEN W. BONO, CSR 630-834-7779

1   Q.   Right. We only saw one, but there's

2 actually three, right?

3   A.   Correct.

4   Q.   And you also said that -- You said,

5 Not with regard to any trash transfer facilities

6 I'm aware of. I don't recall what that was in

7 reference to, but did that relate at all to some

8 of the experience of LRS when you provided that

9 response? If you recall. If you don't recall,

10 that's fine.

11   A.   I don't recall what you're referring

12 to or what that answer was referring to.

13   Q.   That's all right. My notes reflect

14 you said that. I just didn't remember what it

15 was in relation to.

16   Part of your experience -- in fact,

17 one of the exhibits requires that LRS provide

18 information about experience in its operation;

19 is that correct?

20   A.   Yes.

21   Q.   In fact, that's sometimes considered

22 the tenth criterion; is that correct?

---

1   A.   I have heard it referred that way.

2   MR. MEZA: At this time, we would ask

3 or move to play Exhibit 701, Mr. Hearing

4 Officer.

5   HEARING OFFICER PRICE: Wait. Going

6 back to -- 701 is about the tarping issue?

7   MR. MEZA: Yes. It's about the

8 experience -- Right. With regard to Lakeshore

9 Recycling as it relates to its policies that are

10 existing for tarping.

11   MR. MUELLER: There is no criterion or

12 even implied criterion as to experience with

13 regard to tarping. There is information

14 regarding record violations and so forth.

15   HEARING OFFICER PRICE: We're not going

16 to sit on that, Mr. Mueller. It says, just so

17 everybody can play along at home, The county

18 board or the governing body of the municipality

19 may also consider as evidence the previous

20 operating experience and past record of

21 convictions or admissions of violations of the

22 applicant and -- You went back on redirect,

---

1 Mr. Mueller, about tarping and the transfer

2 trailers being parked outside.

3   So this video is about transfer

4 trailers and whether they were tarped at the

5 California facility?

6   MR. MEZA: Yes. And also C&D trucks as

7 they were entering the facility.

8   HEARING OFFICER PRICE: We have spent

9 more time -- How long is the video?

10   MR. MEZA: About 2 minutes and

11 40 seconds maybe.

12   HEARING OFFICER PRICE: It's going to

13 be very tight questioning simply within this one

14 little area of this -- of the siting ordinance.

15 Let's make it efficient and quick. Let's show

16 the video. I'm not spending more time than it

17 is to probably dispense with this thing. For

18 whatever probative value it has, we'll just

19 dispense with it.

20   (PWC Exhibit No. 701 marked for

21   identification.)

22   (Video played.)

---

1 BY MR. MEZA:

2   Q.   Mr. Hock, is this the California

3 facility of LRS?

4   A.   Yes.

5   Q.   Now, you see an individual tarping A

6 transfer trailer manually, do you, at the

7 bottom?

8   A.   Yes.

9   Q.   Now, the truck -- We're seeing that

10 truck entered and these trucks are entering and

11 they are discharging the loads. Are they tarped

12 at all?

13   A.   Well, they are discharging their

14 loads, so you cannot discharge the load while

15 it's tarped.

16   Q.   So they could have been tarped before?

17   A.   Yes.

18   Q.   Okay. So the red truck, you can't

19 tell if that's tarped -- do you know if it was

20 tarped before it unloaded?

21   A.   It wasn't shown in the video, so,

22 yeah, I don't know.

Q. And you see that truck, can you tell whether or not it was tarped as it entered? If you can't, that's fine.

A. It's already backing in, so he would have removed any covering prior to backing up.

Q. Same thing with this truck driving through here, do you know -- this truck -- was this truck -- Can you tell from the video -- maybe you can't -- whether or not these were tarped?

A. I can't tell because those trucks came over a scale that's all the way on the other side of the building at the entrance and drove around the building to get to the point where they are at.

MR. MEZA: You can stop it.

BY MR. MEZA:

Q. Going back to the Elburn station, is that a fully enclosed station, or not?

A. The doors are left open during the day. So as it's normally operated, the door is open. That would not be fully enclosed.

Q. Is it considered a semi-enclosed facility, the Elburn station in the video that the you showed?

A. I'm not sure what you mean by -- I'd have to look back at the definitions in the circular.

Q. But it's not the type of facility that's proposed for West Chicago; is that accurate?

A. That's correct. That's correct. Those doors are normally left open all day, and that is not what we're proposing for West Chicago.

Q. Now, one of the other things you said was that putting together these applications takes a large team with lots of players?

A. Yes.

Q. Can you tell us whether or not a determination had been made before September 22nd of 2022, when the application was submitted, by the City of West Chicago that they would, in fact, approve the site, or no?

MR. MUELLER: That's beyond the scope of redirect. And improper.

HEARING OFFICER PRICE: And it happened September 16th.

MR. MEZA: I'm sorry. September 16th.

HEARING OFFICER PRICE: That objection is sustained.

MR. MEZA: I don't think I have anything further. Can I have just one second.

HEARING OFFICER PRICE: Sure.

MR. MEZA: Thank you, Mr. Hearing Officer. I don't have any further redirect.

HEARING OFFICER PRICE: Thank you, Mr. Meza.

PODER, nothing?

MS. ALCÁNTAR-GARCIA: No.

HEARING OFFICER PRICE: Thank you. The city?

MR. CALLAGHAN: No.

HEARING OFFICER PRICE: Nothing. Mr. Walsh?

MR. WALSH: We have nothing.

HEARING OFFICER PRICE: That concludes your testimony on those criteria. I believe Criterion 8 is next.

THE WITNESS: Yes.

MR. MUELLER: That's what I have in front of me.

HEARING OFFICER PRICE: All right. That means, for those of you who are following along, we're going back to Exhibit A-11, Applicant 11, which was the comprehensive set of slides that had been provided, and now we're on Criterion 8.

(Applicant Exhibit No. 11 marked for identification.)

MR. MUELLER: Just for everybody, it starts at Slide 52.

THE WITNESS: Job well done for Joe starting on the correct slide.

DIRECT EXAMINATION

BY MR. MUELLER:

Q. Mr. Hock, you also prepared a report on whether or not the proposed facility is

1 consistent with the county solid waste

2 management plan, correct?

3 **A.** Yes.

4 **Q.** And that's in the application?

5 **A.** Yes.

6 **Q.** And did you then prepare a PowerPoint

7 presentation which summarizes the report and the

8 most salient findings in the application?

9 **A.** Yes.

08:30:25PM 10 **Q.** Could you proceed with that, please?

11 **A.** So Criterion 8 states that if the

12 facility is to be located in a county where a

13 county board has adopted a Solid Waste

14 Management Plan consistent with the planning

15 requirements of the Local Solid Waste Disposal

16 Act or the Solid Waste Planning and Recycling

17 Act, the facility is consistent with that plan.

18 To maybe give a little background

19 of what that really means, so the act they are

08:31:06PM 20 referencing was passed back in the late '80s.

21 What it said is that each county in the state

22 must adopt a 20-year plan for managing the

1 municipal solid waste generated within its

2 boundaries. What it was really guided to do was

3 provide a recycling program designed to achieve

4 at least a 25 percent recycling rate. And

5 that's, again, about the time that recycling

6 became customary as it is today. And the act

7 also talked about needing to update and review

8 that plan every five years.

9 So we are, obviously, in DuPage

08:31:56PM 10 County, and DuPage County first approved their

11 Solid Waste Management Plan in 1991 and provides

12 a lot of detail and background, including

13 estimating DuPage County's waste generation and

14 disposal needs and included recommendations

15 regarding recycling, including construction and

16 demolition debris and made recommendations

17 regarding transfer stations.

18 They subsequently made updates to

19 the plan, which were approved by the DuPage

08:32:27PM 20 County Board in 1996, 2001, 2007, 2012, and

21 2017. And as part of those updates they would

22 generally include the status of the

1 recommendations from the previous updates or

2 plans.

3 The key items in the plan as it

4 relates to this application is that first the

5 Solid Waste Management Plan encourages recycling

6 of C&D, recognizes it's a significant portion of

7 the waste stream, and was important to meet

8 recycling goals. And as we have talked

9 extensively, the site currently is recycling

08:33:15PM 10 construction and demolition debris; and for the

11 reasons we have previously discussed, the

12 proposed facility would increase the amount of

13 C&D that's recycled. The Solid Waste Management

14 Plan also recognizes the current challenges of

15 implementing recycling programs for

16 single-stream recyclables and our proposed

17 facility would provide a facility that would

18 facilitate the economic transfer of

19 single-stream recyclables to material recovery

08:33:48PM 20 facilities and serve as a drop-off location for

21 residents, so it would benefit the recycling

22 programs.

1 The Solid Waste Management Plan

2 also stated that they need additional drop-off

3 locations for electronic waste. And, again, as

4 previously discussed, the proposed facility

5 would serve as a drop-off location for

6 electronic waste.

7 The solid waste plan also indicates

8 that DuPage County has relied on transfer

9 stations to transport nonrecyclable waste and

08:34:40PM 10 municipal solid waste to out-of-county

11 landfills, that at least DuPage County's waste

12 is handled by out-of-county transfer stations

13 and newer expanded facilities for handling,

14 treating, and recycling waste would be

15 considered on a case-by-case basis.

16 Again, as previously discussed, our

17 proposed facility would enhance the capability

18 on behalf of DuPage County to handle, treat, and

19 recycle a variety of wastes. DuPage County

08:35:11PM 20 provided a letter for us that's included in the

21 application that concludes that the proposed

22 West DuPage Recycling and Transfer Station

1 appears to be consistent with the 2017 update.

2   Based on this information, it is my

3 professional opinion that the West DuPage

4 Recycling and Transfer Station is consistent

5 with the Solid Waste Management Plan and all

6 provisions in effect at the time of the

7 submittal of this siting location application.

8   HEARING OFFICER PRICE: Any further

9 questions, Mr. Mueller?

08:36:06PM **10**   MR. MUELLER: We have nothing else.

11   HEARING OFFICER PRICE: Protect West

12 Chicago.

13   MR. LEUTKEHANS: Thank you, Mr. Price.

14   CROSS-EXAMINATION

15 BY MR. LEUTKEHANS:

16   Q.   Just so we're clear, this proposed

17 waste transfer station is in Wayne Township,

18 correct?

19   HEARING OFFICER PRICE: Wayne County?

08:36:26PM **20**   MR. LEUTKEHANS: Wayne Township.

21 BY MR. LEUTKEHANS:

22   Q.   Are you familiar with that?

---

1   A.   In all honesty, I have it on the map,

2 but I'd have to double-check which township it

3 is.

4   Q.   I don't think there's much doubt it's

5 in Wayne Township. Would you agree Wayne

6 Township is the furthest northwest? You go

7 further north, you're in Cook; further west,

8 you're in Kane?

9   A.   Yes.

08:36:51PM **10**   Q.   Let's talk about Ms. Hinz's letter.

11 Did you submit your entire application to the

12 county before she gave you this letter?

13   A.   No. I think the letter is from 2019.

14   Q.   So there were earlier versions of the

15 application or whatever -- What did you submit

16 to her in 2019, I guess, is the first question?

17   A.   She provided it about the time -- I

18 think right after we had negotiated the

19 secondary host agreement with DuPage County.

08:37:26PM **20**   Q.   So what had she seen at that point, I

21 guess is my question?

22   A.   Just very general information. We

---

1 provided a presentation at one of the meetings

2 with DuPage County describing the general nature

3 of the facility and what would be included.

4   Q.   Okay. So you provided her general

5 information and she said in response, in her

6 letter, that that general information appears to

7 be consistent with the Solid Waste Management

8 Plan; is that fair to say?

9   A.   Yes.

08:38:18PM **10**   Q.   She never said it is consistent; she

11 just said it appears to be, correct?

12   A.   Well, she provided the letter

13 demon- -- You know, she was clearly supportive

14 of the project for the variety of reasons and

15 the benefits that are discussed in that

16 secondary host agreement.

17   Q.   We're talking about a staffer letter.

18 She never says that your plan in your

19 application is consistent with the Solid Waste

08:38:45PM **20** Management Plan, does she? She says she

21 believes it, correct?

22   MR. MUELLER: I'm going to object to

---

1 the use -- You can't read her mind. The letter

2 speaks for itself.

3   HEARING OFFICER PRICE: Sustained.

4 Rephrase, please.

5 BY MR. LEUTKEHANS:

6   Q.   The letter does not say that your

7 application is consistent with the DuPage County

8 Solid Waste Management Plan, does it?

9   A.   I think that's the intent of the

08:39:08PM **10** letter.

11   Q.   The question is: Does she say it's

12 consistent; yes or no?

13   MR. MUELLER: Letter speaks for itself.

14   MR. LEUTKEHANS: That objection is

15 already overruled.

16   HEARING OFFICER PRICE: I'll take care

17 of the rulings. You can answer, and it is a

18 yes-or-no question, Mr. Hock.

19 BY THE WITNESS:

08:39:24PM **20**   A.   I think the intent of the letter is

21 that it does say it is consistent.

22   Q.   I'm not asking you about the intent?

---

1   HEARING OFFICER PRICE: The letter uses

2 the word "appears." We have all seen it, and it

3 doesn't say the sentence you said,

4 Mr. Leutkehans, so that's ...

5 BY MR. LEUTKEHANS:

6   Q.   Joy Hinz does not make policy for the

7 county, does she?

8   A.   No. She mentioned she oversees the

9 Solid Waste Management Plan, so she's the most

10 knowledgeable about what it means and what it's

11 intended to mean.

12   Q.   The county board actually approved the

13 Solid Waste Management Plan, correct?

14   A.   Yes. Joy's job was to oversee the

15 preparation of the plan. And you're correct

16 that the DuPage County Board, then, approves it.

17   Q.   So the final authority on what the

18 Solid Waste Management Plan says is the county

19 board, not some staffer, correct?

20   A.   Sounds like a legal opinion to me,

21 but --

22   Q.   Yes or no?

1   A.   Well, DuPage County, you know, they

2 approve what she prepared, so they are the

3 approval authority.

4   Q.   Do you know that the 2017 Solid Waste

5 Management Plan update was the exact same thing

6 she proposed in 2017 or if they made any

7 modifications to it before they passed it?

8   A.   No.

9   Q.   Okay. So the approved document was

10 approved by the DuPage County Board. You have

11 said that, correct?

12   A.   Yes.

13   Q.   Your slide about -- Could you go back

14 a couple slides? I think it's listed as

15 Page 55. Yeah. Okay. No. One more. Sorry.

16 One --

17   A.   One more back?

18   Q.   Forward -- I'm sorry. You know what?

19 I have been back and forth so many times. The

20 one right before that. Right there.

21   A.   I'm sorry.

22   Q.   The statement, The West DuPage RTS

1 would enhance the capability and capacity of

2 DuPage County to handle, treat, and recycle a

3 variety of wastes, that's your statement,

4 correct? That's not in the Solid Waste

5 Management Plan, correct?

6   A.   Correct. The wording after the dash

7 is our view of why it meets the language prior

8 to the dash.

9   Q.   Okay. You understand, don't you, the

10 2007 Solid Waste Management Plan update

11 articulates the need for a transfer station in

12 the, quote, southern portion, end quote, of

13 DuPage County, correct?

14   A.   Which update were you referring to?

15   Q.   2007.

16   A.   No.

17   Q.   I'm sorry. What was the answer?

18   A.   No.

19   Q.   You don't understand that the 2007

20 Stormwater Management Plan update articulates

21 the need for a transfer station in the southern

22 portion of DuPage County? You don't think it

1 articulates that need?

2   A.   No.

3   Q.   Could you go to PWC Exhibit 23, which

4 you have in front of you? PWC Exhibit 23.

5 Mr. Meza used it. It's the APTIM report.

6 Page 5 -- Page 9.

7   Do you see that page?

8   A.   Yes.

9   Q.   Okay. Under issue plan consistency,

10 do you see APTIM made the comment, Beginning

11 with the 2007 plan update, the county began

12 articulating the need for a transfer station in

13 the, quote, southern portion, end quote, of the

14 county and the response from your company was

15 "Understood," correct? Is that what it says;

16 yes or no?

17   A.   That's the word.

18   Q.   It's a typo, but it's supposed to be

19 understood, correct?

20   A.   I was acknowledging the typo.

21   Q.   That idea was carried forward in the

22 Shaw -- starting in the 2012 update, which,

1 again, states, The conditions may necessitate a

2 transfer station in the southern portion of the

3 county.

4   Do you recall that?

5   **A.**   Yes.

6   **Q.**   That 2012 report also says that

7 service areas must be considered, correct?

8   I'm sorry. Wrong question.

9   The 2007 update also mentions that

10 service areas must be considered, correct?

11   **A.**   2007 update mentions that they

12 encourage the development of three to five waste

13 transfer facilities throughout the county, they

14 were evaluating disposal capacity.

15   **Q.**   Okay.

16   **A.**   I don't --

17   **Q.**   You know --

18   **A.**   I don't see in my notes where they

19 talked about the service area.

20   **Q.**   You're absolutely right. It's the

21 2017 update that mentioned service areas must be

22 considered, isn't it?

1   **A.**   Yeah. The 2017 update says that

2 service areas must be considered, as well as the

3 market forces of private sector waste hauling

4 entities, and that they will consider newer

5 expanded facilities handling, treating, and

6 recycling on a case-by-case basis.

7   **Q.**   On a case-by-case basis, correct?

8   **A.**   Yes.

9   **Q.**   You never gave them your application

10 to determine whether if you met these case

11 provisions, correct, your application was never

12 provided to them?

13   **A.**   No.

14   **Q.**   The latter -- the update -- In the

15 2017 update, there's no mention in there that it

16 supercedes the prior updates, does it?

17   **A.**   That language is not explicitly in the

18 2017 update that I'm aware of.

19   **Q.**   Let's go to the slide right before

20 this. None of these three summary items that

21 you've used from the DuPage County Stormwater

22 Management Plan, none of these items actually

1 require a Section 39.2 hearing, do they? None

2 of those three bullet points.

3   **A.**   Not necessarily, but the language is

4 still in the Solid Waste Management Plan.

5   **Q.**   Correct. We're here for a siting

6 hearing. We're not here for a C&D siting,

7 correct?

8   **A.**   Well, we're here to discuss the

9 consistency of the plan and those items are in

10 here, and our facility is consistent with those

11 items of the plan. That's why we listed them.

12   **Q.**   Your facility is consistent with the

13 items of the plan with or without municipal

14 solid waste, correct?

15   Those three items don't mention

16 municipal solid waste anywhere in there, do

17 they?

18   **A.**   They do not.

19   MR. LEUTKEHANS: Nothing further.

20 Thank you.

21   HEARING OFFICER PRICE: Thank you,

22 Mr. Leutkehans.

1   PODER?

2   Nothing on Criterion 8. Okay.

3   Mr. Callaghan?

4   MR. CALLAGHAN: Nothing.

5   HEARING OFFICER PRICE: Mr. Walsh?

6   MR. WALSH: No.

7   HEARING OFFICER PRICE: Any redirect,

8 Mr. Mueller?

9   MR. MUELLER: No redirect. Thank you.

10   HEARING OFFICER PRICE: As I understand

11 it, Mr. Mueller, that concludes the applicant's

12 presentation?

13   MR. MUELLER: It does, indeed.

14   HEARING OFFICER PRICE: Then a bit of

15 housekeeping while I alert Protect West Chicago

16 that you're up for anything you want to put in.

17 While you're getting that together, though, I do

18 have a little bit of housekeeping.

19   As a formal matter, is there any

20 objection to entering into the record as

21 evidence Applicant's Exhibits 3 through 14?

22   MR. LEUTKEHANS: What was 14? That was

1 the only question I had.

2   HEARING OFFICER PRICE: 14 is the video

3 that was shown on the --

4   MR. LEUTKEHANS: No objection.

5   HEARING OFFICER PRICE: All right. So

6 those are in the record. Then is there any

7 objection to the entry of Protect West Chicago's

8 exhibits, which I have as 151-A, 23, 1, 301,

9 302, 604, 651, 34, 13-A, 200, 205, 201, 202, 16,

10 17, 700, which was the video, 13, 10, 9, 45, 46,

11 47, 48, 43, 44, 39, and 49 and 40, plus the 701

12 video.

13   Are there any objections?

14   (No response.)

15   Those are in.

16   Then, lastly, although it wasn't

17 brought up here, it was previously provided to

18 everyone. The city provided GHA's report on

19 traffic, which was testified to by the

20 applicant, Mr. Werthmann, and to some extent

21 Mr. Hock. Is there any objection to the GHA

22 report being added to the record?

1   MR. LEUTKEHANS: Not on behalf of PWC,

2 no.

3   MR. MUELLER: Not on behalf of the

4 applicant.

5   HEARING OFFICER PRICE: All right. The

6 GHA report is also in. I will provide all of

7 these to the acting city clerk, the city manager

8 is acting in that role, so we have them all for

9 the record.

10   With that, thank you, Mr. Mueller.

11 That concludes the applicant's case in chief.

12   We will now turn to the other

13 parties for their presentation in their case in

14 chief and we'll begin with Protect West Chicago.

15   MR. LEUTKEHANS: We will call John

16 Lardner, L-a-r-d-n-e-r. He will testify to

17 Criterion 1 and 8. We'll start with 1 as soon

18 as we get set up. And I'll hand out the

19 exhibits in one second.

20   (Witness sworn.)

21   HEARING OFFICER PRICE: The witness is

22 sworn. Please -- The floor is yours,

1 Mr. Leutkehans.

2 WHEREUPON:

3   JOHN LARDNER,

4 called as a witness herein, having been first

5 duly sworn, was examined and testified as

6 follows:

7   DIRECT EXAMINATION

8 BY MR. LEUTKEHANS:

9   **Q.** Mr. Lardner, would you please state

10 your name and spell your last name for the

11 record.

12   **A.** My name is John P. Lardner,

13 L-a-r-d-n-e-r.

14   **Q.** You have in front of you PWC

15 Exhibit 155, among other exhibits?

16   (PWC Exhibit No. 155 marked for

17   identification.)

18 BY THE WITNESS:

19   **A.** Yes.

20   **Q.** Is that your current curriculum vitae?

21   **A.** Yes, it is.

22   **Q.** Okay. You also have in front of you

1 PWC Exhibit 156?

2   (PWC Exhibit No. 156 marked for

3   identification.)

4 BY THE WITNESS:

5   **A.** Correct.

6   **Q.** Is that a report you prepared in this

7 matter related to Criterion 1?

8   **A.** Yes.

9   **Q.** Also in front of you is PWC

10 Exhibit 157. What do you recognize that to be?

11   (PWC Exhibit No. 157 marked for

12   identification.)

13 BY THE WITNESS:

14   **A.** That is a PowerPoint presentation that

15 reviews my assessment report review of the

16 application.

17   **Q.** Okay. Do you want to, please, just

18 walk us through your PowerPoint, which -- I

19 assume, the PowerPoint is a summary of your full

20 report?

21   **A.** Yes, it is.

22   **Q.** Why don't you walk us through that. I

1 think you have the controls over there.

2   **A.**   I do. Okay. Thank you.

3   I'm going to be presenting a review

4 report that I put together to look at the

5 proposed West DuPage Recycling and Transfer

6 Station, particularly Criteria 1, the facility

7 need. And as it shows here, the criteria there

8 is the facility is necessary to accommodate the

9 waste needs of the area it is intended to serve.

08:53:13PM 10   Just a little background on myself.

11 I have lived in the Chicago area for 30 years

12 now. I have been a professional engineer. I

13 have 35 years of experience in the solid waste

14 field. I have experience doing other work prior

15 to that. I'm a registered professional engineer

16 in Illinois and Indiana. I have a bachelor of

17 science degree in civil engineering from

18 Michigan State University and a master of

19 science in civil engineering from the University

08:53:44PM 20 of Illinois.

21   In the past I have prepared needs

22 assessment studies and provided testimony for

---

1 nine waste-related facilities in Illinois, four

2 of which were transfer stations, and I have been

3 the design engineer for over 22 solid waste

4 projects in Illinois and Indiana. I participate

5 in professional associations. Those are the

6 U.S. Composting Council, Solid Waste Association

7 of North America, American Society of Civil

8 Engineers, Illinois Recycling Association where

9 I'm a current board member, and the Illinois

08:54:19PM 10 Food Scrap & Composting Coalition, where I'm a

11 current board member.

12   Just a quick overview of what I'm

13 going to present from my review study is I'm

14 going to go over the West DuPage RTS service

15 area that was presented in the application. I'm

16 going to go over a review of how we come up with

17 waste quantity disposed of in the service area,

18 how it's calculated, again, using the numbers

19 that were in the application, and just kind of

08:54:49PM 20 show how they came up with those as an example.

21   Then I'm going to look at other

22 current transfer stations that overlap the

---

1 service area. When they prepared their

2 facilities, they prepared a service area, and

3 I'll be showing those service areas and show how

4 they overlap to the proposed DuKane Transfer

5 Station -- excuse me -- West DuPage RTS

6 facility.

7   **Q.**   When you say "they," you mean

8 Lakeshore Recycling?

9   **A.**   Yes, Lakeshore.

08:55:25PM 10   **Q.**   Thank you.

11   **A.**   Then I'll summarize the waste transfer

12 capacity that's available to the service area at

13 the end.

14   Here, you see the proposed service

15 area for the West DuPage RTS facility. Again,

16 this is Figure 1.1 from the application in their

17 needs assessment Criteria 1. It includes 13

18 townships in DuPage County, those being

19 Bloomingdale, Milton, Lisle, Naperville, Wayne,

08:55:57PM 20 and Winfield. Those in Kane County out Aurora,

21 Batavia, Elgin, Geneva, and St. Charles. And

22 then at Will County they include DuPage and

---

1 Wheatland.

2   One of the demographic pieces of

3 information we use when we calculate how much

4 waste is generated in a service area is we look

5 at population. In this instance, I have listed

6 the populations of DuPage County, Kane County,

7 and Will County that we used for the townships

8 that were in the proposed West DuPage RTS

9 facility. And that total population comes out

08:56:41PM 10 to 1,087,501 residents.

11   **Q.**   To be clear, this is DuPage County,

12 that is the 566,198. That's in addition of the

13 six townships that are in the proposed service

14 area, correct?

15   **A.**   That is correct.

16   **Q.**   Because all of DuPage is somewhere

17 like 900?

18   **A.**   Yes. All of DuPage is upwards of a

19 million.

08:57:07PM 20   **Q.**   Thank you.

21   **A.**   So to determine from that population

22 how much waste is generated and what will need

---

1 to be transferred, we look at how much is

2 generated on a pounds-per-person per-day basis.

3 For instance, DuPage County generates

4 8.77 pounds per person per day and it has -- It

5 was talked about earlier. That figure comes

6 from a study that was done by the Illinois

7 Department of Commerce and Economic Opportunity.

8 Among all the counties in Illinois they did

9 waste sorts at landfills and transfer stations

08:57:44PM 10 and then used that information to arrive at the

11 amount of pounds per person per day that an

12 individual would generate in these counties. We

13 use that information to do our waste projections

14 in terms of what needs to be disposed of from a

15 service area.

16 Next, in Kane County, that amount

17 adding up to 8.21 pounds per person per day.

18 And in Will County, that quantity was a little

19 bit less at 7.56 pounds per person per day.

08:58:19PM 20 That's the amount of waste that gets generated.

21 The amount of waste that gets disposed is

22 something different than that because we

1 subtract from that the amount of recycling that

2 gets done from that waste that gets generated.

3 So, for instance, DuPage County, we

4 talked about their Solid Waste Management Plan,

5 they reported in their 2017 update that they

6 have a recycling percentage of 30 percent. Kane

7 County, in their most recent 2020 update,

8 reported they were recycling a percentage of

9 37 percent. In Will County that recycling

08:58:54PM 10 percentage they reported in their most recent

11 Solid Waste Management Plan was 43 percent.

12 So just a quick calculation of how

13 we come up with how much waste needs to be -- is

14 generated and needs to be disposed in a service

15 area.

16 So we used a simple calculation.

17 We use the number of people, multiply that times

18 the pounds per person per day, which I just

19 mentioned about it differs for each county, we

08:59:28PM 20 subtract from that the amount that gets recycled

21 and then we multiply that times 365 days and we

22 divide that by 2,000 pounds per person to get to

1 tons per year.

2 The amount of tons per year --

3 Q. I'm sorry. When you say 2,000 pounds

4 per person --

5 A. 2,000 pounds per ton. I'm sorry.

6 Exactly. So we've come up with the amount of

7 waste generated for disposal in the West DuPage

8 RTS service area and in the report that was

9 reported at 2,997 tons per year. So the waste

09:00:09PM 10 generated is actually a little bit more than

11 that because we're calculating pounds generated

12 per day, whereas, a transfer station is only

13 operating six days per week. So we have -- The

14 actual calculation is a little bit higher in the

15 report. They gave waste generated per the

16 six-day workweek at 3,547 tons per year.

17 Q. When you say "per year," you mean the

18 total year or per day in the year?

19 A. That's per year.

09:00:49PM 20 Q. Okay. Thank you.

21 A. This figure shows the facilities --

22 the other nine facilities that overlap the

1 service area of the proposed West DuPage RTS

2 facility. It's a rather busy diagram, and I'll

3 go through each of these individually to make it

4 a little easier to view.

5 I'll start out -- I'll start out

6 with the Lakeshore Recycling Service Elburn

7 Transfer Station service area. As you can see,

8 that service area is about maybe a third of

9 the -- the overlap is about a third of that

09:01:38PM 10 transfer station service area but it represents

11 about 84 percent of the population within that

12 transfer station service area.

13 Next we look at the Waste

14 Management Batavia Transfer Station service area

15 and it overlaps a significant portion of the --

16 of the West DuPage RTS facility and it

17 represents an overlap -- the service area

18 population is 50 percent -- 6 percent within its

19 overlapping area.

09:02:24PM 20 Next we have the DuKane Transfer

21 Station. It's identified here as a No. 3

22 diamond. Its service area encompasses almost

1 80 percent by area of the West DuPage RTS
2 facility and represents 97 percent of the -- of
3 its population.
4   Next we have the Waste Connections
5 Plano transfer station. It overlaps a small
6 portion of the West DuPage service area. It's
7 the No. 4 diamond there off to the left. And it
8 represents -- That service area population
9 represents 9 percent of the population in the
09:03:19PM 10 Waste Connections Plano Transfer Station service
11 area.
12   Another transfer station just north
13 of the proposed service area is the Waste
14 Management Bluff City Transfer Station. The
15 population within that overlap area represents
16 66 percent of the population in the Waste
17 Management Bluff City Transfer Station.
18   This facility compares the overlap
19 and service area between two transfer stations
09:04:08PM 20 down in Joliet. One is the Joliet Transfer
21 Station operated by Waste Management and what
22 I'm calling the Moen Road Transfer Station, and

1 it's owned and operated by Environmental
2 Recycling Disposal Systems.
3   MR. MUELLER: I didn't hear what you
4 said after Moen.
5   THE WITNESS: The Moen Road Transfer
6 Station.
7   MR. MUELLER: Road?
8   THE WITNESS: Moen, M-o-e-n, Road.
9   MR. MUELLER: What was the word after
09:04:34PM 10 "Moen"?
11   THE WITNESS: Transfer station.
12   MR. MUELLER: Okay. Sorry.
13 BY THE WITNESS:
14   A.   Again, for this one we have similar
15 service areas in terms of boundaries, and they
16 overlap a portion of the service area there
17 and -- since they are pretty much in the same
18 location. This overlap service area represents
19 portions of Will County or areas that are
09:05:09PM 20 contiguous of Will County that can be served by
21 a landfill in southern Joliet owned by Will
22 County.

1   This represents --
2   Q.   Excuse me. You said "landfill." Do
3 you mean landfill or transfer station?
4   A.   Well, there's two transfer stations
5 here in Will County, but in the earlier slide it
6 showed that there is a landfill in Will County
7 that is generally served by these two transfer
8 stations. It's where the waste goes to.
9   Q.   Okay. Thank you.
09:05:40PM 10   A.   This overlapped service area is
11 37 percent of the population of the service area
12 for these two transfer stations. Then to the
13 northeast portion of the service area, there's a
14 transfer station.
15   Diamond No. 9 there is the Waste
16 Connections Elk Grove Transfer Station. And
17 that overlap area represents 10 percent of its
18 population for that service area.
19   Then the last is the Melrose Park
09:06:24PM 20 Transfer Station, which is transfer station
21 No. 11 in the diamond there. It has a small
22 overlap in the proposed West DuPage RTS

1 facility. And that overlap represents 9 percent
2 of its transfer station population.
3   Q.   Before you go on, it's a little hard
4 to read on the paper copies. It didn't come out
5 very well. It looks good on the screen.
6   The hatched area, that's the
7 overlap, right?
8   A.   Yes. The hatched area represents the
9 overlap. You can see where the circle
09:07:02PM 10 intersects the boundary of the diamond in green,
11 which is the West DuPage Recycling and Transfer
12 Station.
13   Q.   Please proceed.
14   A.   Then this is a summary -- is a summary
15 figure showing the overlap in transfer stations
16 that I represented earlier. You can see that
17 there is many. The service areas overlap are as
18 many as six down in the southwest portion of the
19 proposed service area and they vary going north,
09:07:40PM 20 approximately, four transfer stations overlap
21 the service area and you go to the north --
22 northeast and there's roughly three to four

1 transfer stations that overlap and that's the

2 service area. And down in the southeast portion

3 of the service area it shows the fewest transfer

4 station overlaps, and that's the green and

5 there's two there.

6   **Q.** Okay. Let me stop you here for a

7 second. Does this mean before any -- before the

8 project is built if it's built, every portion of

9 the service area has at least two transfer

09:08:24PM **10** stations --

11   MR. MUELLER: I'm going to object as to

12 leading.

13   HEARING OFFICER PRICE: It is leading.

14 But it's in all fairness, rules don't have to be

15 so strict, and I appreciate the time savings.

16   MR. LEUTKEHANS: That's what I'm trying

17 to do.

18 BY MR. LEUTKEHANS:

19   **Q.** Is it fair to say -- So like the green

09:08:40PM **20** areas, they represent where there are two

21 current existing transfer stations --

22   HEARING OFFICER PRICE: What are the

1 green areas?

2   MR. LEUTKEHANS: The green areas --

3   HEARING OFFICER PRICE: That's the

4 question. Let the witness talk. What are the

5 green areas?

6 BY THE WITNESS:

7   **A.** The green areas on this figure are

8 representing the southeast portion of the

9 service area generally have two transfer

09:09:01PM **10** stations available.

11   **Q.** So the pink area represents what? The

12 pink areas.

13   **A.** The pink area represents three

14 transfer stations.

15   **Q.** That are overlapping with the proposed

16 service area?

17   **A.** Yeah, that overlap the proposed

18 service area.

19   **Q.** For the record, the blueish/purple

09:09:22PM **20** whatever color that is that's --

21   **A.** Those are four transfer stations that

22 overlap within the proposed transfer station

1 service area.

2   **Q.** And the light blue?

3   **A.** Light blue are five transfer station

4 service areas that overlap the proposed West

5 DuPage RTS facility service area.

6   **Q.** And No. 6, the brown?

7   **A.** Those are -- Those are six transfer

8 stations. Their service areas overlap the

9 proposed service area of the -- of the West

09:09:53PM **10** DuPage RTS facility.

11   **Q.** I see on the chart, at least, a color

12 for yellow that corresponds to what?

13   **A.** Right. There are none.

14   **Q.** There are none?

15   **A.** Yes.

16   **Q.** So every -- Every area has at least

17 two transfer stations serve that we know

18 currently?

19   **A.** That is correct.

09:10:10PM **20**   **Q.** Please, proceed.

21   **A.** This is a summary table that it shows

22 the amount of waste transfer capacity that's

1 available in the service area. The way we

2 calculate that is I look at the percentage of

3 the population overlap to the service area and

4 then I multiply that by that percentage and take

5 that times the capacity of that particular waste

6 transfer station.

7   For instance, the first one, the

8 Waste Management Bluff City has 2,000 tons per

9 day of capacity. The service area overlap

09:10:53PM **10** population that I talked about earlier on the

11 slide represented 66 percent of that population.

12 And so the available capacity to the service

13 area in this case was 1,320 tons. So I did that

14 for each of the transfer stations, again, the

15 Waste Management Bluff City, Waste Connections

16 in Plano, DuKane Transfer in West Chicago, Waste

17 Management Transfer in Batavia, Lakeshore

18 Recycling Systems Transfer Station in Elburn,

19 Waste Management Transfer in Joliet, and ERDS

09:11:29PM **20** Transfer in Joliet, Waste Connections Transfer

21 in Elk Grove Village, Republic Transfer Station

22 in Melrose Park, and two are below here -- I

1 added these because waste -- from a construction
2 and demolition debris recycling facility, up to
3 40 percent of the incoming volume in that can be
4 treated as residuals, which would be considered
5 waste that can go to a landfill.
6   So the existing capacity, for
7 instance, here, at the LRS general construction
8 and demolition debris facility, their permanent
9 capacity is 1,250 tons per day. And if you take
10 40 percent of that residual that they could
11 transfer out as non recyclables is 500 tons per
12 day.
13   Then there's another facility just
14 down the road from them called Falcon Green
15 Resources. It's along Powis Road. It has a
16 total capacity in tons per day of 300 tons per
17 day. And, again, it can treat as residuals up
18 to 40 percent. So it has an available capacity
19 in tons per day, again, on the amount of waste
20 that gets generated in this service area, it
21 could handle 120 tons per day of that waste
22 capacity.

1   This block chart shows a similar
2 thing from the table below. Earlier there's
3 7,944 tons per day of current service area
4 transfer capacity. Year 2020 need in the area
5 for transfer that was in the application was
6 3,574 tons per day. They projected using
7 population from the Chicago Metropolitan Area
8 For Planning, CMAP, population projections and
9 it came up with a 2040 transfer capacity,
10 meaning in the service area of 4,263 tons per
11 day.
12   Q.   Did you say this was in the
13 application, these numbers?
14   A.   Yes.
15   Q.   Do you disagree with the numbers? Or
16 do you agree with them? Or did you check them?
17   A.   For the waste generated, yes, I did
18 check the numbers, and they did seem to appear
19 correct.
20   Q.   Okay. Please proceed.
21   A.   This is Figure 1-2C from the
22 application, the needs assessment. It shows the

1 different companies that haul within the
2 proposed service area. Again, there's six of
3 those that are there. Lakeshore Recycling,
4 Republic Services, Waste Connections, Flood
5 Brothers, Waste Management, and SBC Solutions.
6 And you can see that there is the municipalities
7 they serve. They are somewhat spread around the
8 service area indicating, again, with all that
9 overlap that there is facilities for all of
10 these companies to use.
11   In coming up with my conclusions,
12 based on the information presented in my review,
13 an additional municipal solid waste transfer
14 capacity is not necessary to serve the waste
15 needs of the intended service area of the LRS
16 West DuPage RTS Transfer Station. The
17 conclusion was supported by the following facts:
18 The LRS West DuPage RTS service area currently
19 generates 2,977 tons per day of waste and
20 requires transfer to landfills for disposal.
21 This translates to 3,574 tons per operating day
22 of the week -- per year based on operating day

1 of the week.
2   The present capacity in the service
3 area for transfer waste is 7,944 tons per day,
4 representing a surplus in capacity of 4,380 tons
5 per operating day or 122 percent surplus.
6   The expected growth in the
7 population through year 2040 is insufficient to
8 create a need for additional waste transfer
9 capacity in the service area because of the
10 remaining 86 percent surplus of waste transfer
11 capacity in the year 2020. Two waste transfer
12 stations are located in the service area of the
13 proposed LRS West DuPage RTS location and seven
14 transfer stations that service areas spaced
15 geographically in proximity to provide service
16 within the proposed LRS service area. One of
17 the nine is operated by Lakeshore Recycling
18 Systems and its service area currently overlaps
19 84 percent of the population of the service area
20 of the West DuPage RTS facility.
21   Then, as illustrated on Figure 11
22 in the report, there is currently a minimum of

1 two transfer stations available to serve the

2 proposed service area on the West DuPage RTS

3 facility, and as many as six.

4   Market conditions of waste volume,

5 transfer capacity, and travel distance do not

6 necessitate a new waste transfer station in West

7 Chicago to meet the need in the service area.

8   **Q.**   Mr. Lardner, is this the same type of

9 analysis you have done on the other applications

09:17:17PM 10 that you have either reviewed or presented as

11 far as a needs analysis?

12   **A.**   Yes. We normally look at the

13 population in our proposed service area and we

14 also look at other transfer stations whose

15 service area overlapped those of the facility

16 that I was looking at. And then we use the

17 waste projections from whatever county it is I'm

18 working in and then we come up with that tons

19 per day of capacity that's needed.

09:17:49PM 20   **Q.**   Okay. Were you here for Mr. Hock's

21 presentation on Criterion 1?

22   **A.**   Yes.

1   **Q.**   Did he, in your opinion, admit that he

2 could not meet the needs analysis that you

3 performed?

4   **A.**   Yes. They admitted that the service

5 area had excess capacity that was necessary to

6 meet the waste needs in their report.

7   **Q.**   Do you agree with his arguments that

8 the proposed facility is necessary from a

9 competition standpoint?

09:18:21PM 10   **A.**   No, I do not agree.

11   **Q.**   Okay. Mr. Hock talked about the need

12 for LRS to compete in the industry. Do you

13 recall that, that this was necessary for them to

14 be able to compete in the industry?

15   **A.**   Yes.

16   **Q.**   Do you agree with that argument?

17   **A.**   No. As mentioned on the one slide

18 there is at least two transfer stations in the

19 service area and, actually, LRS does have a

09:18:45PM 20 transfer station that does overlap the service

21 area.

22   **Q.**   Could you look at the standard, which

1 is, The facility is necessary to accommodate the

2 waste needs of the area it is intended to serve.

3   **A.**   Yes. The standard that I -- I

4 normally use and have seen people use is just

5 the type of analysis that I mentioned. We look

6 at how much waste is -- needs to be disposed of

7 or is generated. We subtract out recycling and

8 come up how much needs to be disposed of. We

9 look at other transfer stations, you know, in

09:19:29PM 10 the service area. And then we determine whether

11 there's a deficit in transfer station capacity

12 that's necessary for a new transfer station

13 siting.

14   **Q.**   Look at the standard. It says, The

15 waste needs of the area, correct?

16   **A.**   Correct.

17   **Q.**   Does it say anything about the waste

18 needs of the waste companies or the needs of the

19 waste companies?

09:19:46PM 20   **A.**   No. It basically talks about the

21 waste needs to serve the people that are

22 generating the waste in the counties where the

1 transfer station is located.

2   **Q.**   Okay. Mr. Hock also argued that this

3 waste transfer station was necessary for

4 competition in the industry.

5   Do you recall that?

6   **A.**   Yes.

7   **Q.**   Do you agree with that argument?

8   **A.**   No, I do not.

9   **Q.**   Why not?

09:20:06PM 10   **A.**   Well, as I talked about, there's

11 considerable overlap in service from other

12 transfer stations to the proposed West DuPage

13 RTS facility. So, generally speaking, we look

14 is of the amount of waste that's being disposed

15 in this service area, are there transfer

16 stations that can handle it? The answer is

17 absolutely, yes.

18   **Q.**   Can you go to Page 17 of your

19 PowerPoint? How does that play into this

09:20:49PM 20 need -- this issue of whether the industry needs

21 another transfer station in the proposed

22 location?

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1   A.   As this particular figure shows, there
2 is transfer stations that are to the east of the
3 service area, some of whose service areas,
4 again -- here we use the ten-mile radius for the
5 service area for those transfer stations in
6 circles there. So the waste transfer capacity
7 need has been met by facilities outside of
8 DuPage County in Cook County on the north and
9 along the east and somewhat to the center of
10 Cook County. And then there's other transfer
11 stations to the west of DuPage County, one in
12 DuPage County, the DuKane Transfer Station, and
13 there's several in Kane County and then there's
14 two transfer stations down in Will County that
15 handle waste in the service area. So, yes,
16 there is -- in terms of solid waste disposal
17 market, there are transfer stations that handle
18 waste.
19   Q.   Let's look at competition. Is there
20 any area within this proposed service area that
21 does not already have at least two competitors
22 or competitive waste transfer stations servicing

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1 that area?
2   A.   There is at least two competitive
3 waste transfer stations in this proposed service
4 area.
5   Q.   In fact, in some places it's up to
6 six?
7   A.   That's correct.
8   Q.   Do you have an opinion -- Based on
9 your experience as an engineer and your
10 professional background, do you have an opinion
11 with a reasonable degree of engineering
12 certainty as to whether this waste transfer
13 application meets Criterion 1?
14   A.   It is my professional opinion that the
15 proposed application does not meet the Criterion
16 No. 1.
17   Q.   Have you ever testified previously
18 that a facility did not meet Criterion 1?
19   A.   No.
20   Q.   So every facility, every analysis you
21 have done in the past was stated that particular
22 facility met Criterion 1, correct?

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1   A.   Yes.
2   MR. LEUTKEHANS: Nothing further.
3 Thank you.
4   HEARING OFFICER PRICE: We're going to
5 go to PODER first and then to you, Mr. Mueller.
6   Any questions for this witness?
7   MS. ALCÁNTAR-GARCIA: No.
8   HEARING OFFICER PRICE: They do not.
9   So LRS.
10   CROSS-EXAMINATION
11 BY MR. MUELLER:
12   Q.   Mr. Lardner, are you familiar with the
13 Moen Transfer Station?
14   A.   Yes, I am.
15   Q.   That is close to the Joliet Transfer
16 Station?
17   A.   Yes, it is.
18   Q.   Are you aware that even though those
19 two transfer stations are literally only a block
20 or two apart, the Pollution Control Board and
21 the Appellate Court affirmed the need for the
22 Moen Transfer Station?

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1   A.   Based on the review of that
2 application, there were extenuating
3 circumstances there that did leave them to
4 believe there was a need for that transfer
5 station.
6   Q.   What were those extenuating
7 circumstances?
8   A.   One was the competing transfer
9 station, the Joliet Transfer Station, it was
10 exceeding its design capacity and there was
11 waste that was sitting outside the facility, so
12 it was overcapacity. And there were trucks that
13 couldn't get in on certain days because the
14 transfer station exceeded its incoming capacity.
15   Q.   What was the design capacity of the
16 Joliet Transfer Station?
17   A.   If I'm -- I'm not certain. I think it
18 was 1,300 tons per day.
19   Q.   What was the permitted capacity of
20 that transfer station?
21   A.   I think it was -- I think that is the
22 permit -- 1,300 is the permit.

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1   Q.   Is that 1,300 designed or permit?
2   A.   I think it's both.
3   Q.   It happens to be the same number,
4   right?
5   A.   I think so.
6   Q.   Now, Mr. Lardner, you have been
7   working on a project in Bloomington, Illinois,
8   haven't you?
9   A.   Yes.
09:25:32PM 10   Q.   On that project, there is already a
11   transfer station that services Bloomington?
12   A.   That particular project is not gone to
13   a siting application, so I don't know if I'm
14   privy to provide my information about that.
15   Q.   Do you know, Mr. Lardner, whether or
16   not there is a transfer station that services
17   Bloomington and McLean County?
18   A.   Yes.
19   Q.   And that's the Republic Services
09:26:09PM 20   Transfer Station, right?
21   A.   Yes.
22   Q.   And it does an adequate job, doesn't

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1   it?
2   A.   As far as I know it does.
3   Q.   Yet, you have written a report that
4   opines that a competitive transfer station is
5   necessary to serve the waste needs of the area
6   that it's intended to serve, haven't you?
7   A.   Again, I did a study. It's not in the
8   public domain. You know, the reasons and
9   analysis there -- The reason for the needs there
09:26:53PM 10   were different circumstances than there are
11   here. So, I mean, I can talk about that but
12   it's not a public record, so ...
13   Q.   So you did opine that a second
14   transfer station was necessary there even though
15   it was adequate capacity for the public?
16   MR. LEUTKEHANS: Objection as to the
17   word "opine." There is no public statement. He
18   may have a draft report but --
19   BY MR. MUELLER:
09:27:16PM 20   Q.   You did put in a draft report that a
21   second transfer station was necessary, right?
22   A.   The reason it was necessary --

830

1   Q.   Yes or no, sir?
2   A.   Yes.
3   Q.   Thank you. Now, if you turn to
4   page -- Oh. Before I go to that, how many times
5   have you testified at a transfer station
6   hearing?
7   A.   I think for transfer stations, four.
8   Q.   Pardon me?
9   A.   Four.
09:27:50PM 10   Q.   In each case you were hired by the
11   applicant, except in this case, right?
12   A.   Correct.
13   Q.   So in those cases you opined that the
14   transfer station was necessary?
15   A.   Yes.
16   Q.   In this case, you were hired by
17   someone other than the applicant?
18   A.   Yes.
19   Q.   Who hired you?
09:28:09PM 20   A.   Protect West Chicago.
21   Q.   How much have you been paid?
22   A.   I don't know. I haven't put my bill

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1   together yet. I have been paid nothing so far.
2   Q.   How much have you quoted as a price
3   for your testimony?
4   A.   I think around $15,000 maybe.
5   Q.   And that includes a report?
6   A.   That includes report and testimony.
7   Q.   Do you know whether or not you're
8   being paid by Waste Connections?
9   A.   No.
09:28:40PM 10   Q.   You don't know?
11   A.   Again, my client is Protect West
12   Chicago.
13   Q.   You haven't received any checks, have
14   you?
15   A.   Just one.
16   Q.   Was that check from Waste Connections?
17   A.   No.
18   Q.   Now, if you put up Slide 7 of your
19   PowerPoint.
09:29:29PM 20   A.   Okay.
21   Q.   The bottom line is that the waste
22   generated is 3,547 tons per year?

1   **A.**   No. I think that's per day. That's a

2 mistake.

3   **Q.**   Which is it? Is it per day, per week,

4 or per year?

5   **A.**   It's per day.

6   **Q.**   Then why did you write "per year"

7 there?

8   **A.**   Because that was a mistake.

9   **Q.**   So that's a mistake?

09:29:57PM **10**   **A.**   Correct.

11   **Q.**   If you turn to your report, sir, which

12 has been marked as PWC Exhibit 156.

13   **A.**   Okay.

14   **Q.**   It says Criteria 1?

15   **A.**   Yes.

16   **Q.**   How many criteria are you testifying

17 about?

18   **A.**   I'll be testifying on two, Criterion 1

19 and Criterion 8.

09:30:35PM **20**   **Q.**   You're testifying on two criteria?

21   **A.**   Correct. I used the plural here,

22 instead of the singular.

---

1   **Q.**   So this report should say Criteria 1

2 and 2?

3   **A.**   No. Just Criterion 1.

4   **Q.**   That's Criterion 1, sir?

5   **A.**   That is correct?

6   **Q.**   Is that a mistake?

7   **A.**   Yes, it is.

8   **Q.**   By the way, your report in McLean

9 County, the one for Bloomington, opined that the

09:31:18PM **10** reason a second transfer station was necessary

11 was because of competitive and environmental

12 factors, right?

13   **A.**   Yes.

14   **Q.**   Do you know what vertical integration

15 is?

16   **A.**   Yes, I do.

17   **Q.**   Are there benefits to a waste company

18 being vertically integrated?

19   **A.**   I would agree, generally, there are

09:31:44PM **20** benefits.

21   **Q.**   I didn't hear you, sir.

22   **A.**   Yes, I would agree that there are

---

1 benefits.

2   **Q.**   In vertical integration a company has

3 the ability to control its pricing from the curb

4 to the transfer station to the landfill,

5 correct?

6   **A.**   Yes. If they own each of those

7 facilities and are doing the hauling, then they

8 do set the price.

9   **Q.**   And for a vertically integrated

09:32:13PM **10** company, the choke point is the transfer

11 station, isn't it?

12   **A.**   Presuming that you're not hauling

13 directly to a landfill, then, yes, the transfer

14 station would be that intermediary point.

15   **Q.**   What is Falcon Green Resources?

16   **A.**   They are general construction and

17 demolition recycling facility.

18   **Q.**   They don't have the ability to take

19 municipal solid waste, do they?

09:33:03PM **20**   **A.**   No, they do not.

21   **Q.**   Are you aware of an asset swap about

22 five years ago between Republic Services and

---

1 Waste Connections?

2   **A.**   Just vaguely aware of it. I did hear

3 it in the previous presentation that there was

4 an asset swap.

5   **Q.**   What is the nature of that asset swap,

6 if you recall?

7   **A.**   I recall that Republic swapped

8 assets -- I think it was west of I-355 -- and

9 kept the rest as Waste Connections and vice

09:33:43PM **10** versa.

11   **Q.**   Now, despite that asset swap, it's

12 your opinion that transfer stations east of 355

13 are still available to the service area?

14   **A.**   I would think so. I don't know why

15 they wouldn't be. They are open for business.

16   **Q.**   Can you tell me the last time any

17 waste from this service area went to a transfer

18 station east of 355?

19   **A.**   I am not aware of any.

09:34:22PM **20**   **Q.**   Now, if we go to your Slide No. 9.

21   **A.**   Okay.

22   **Q.**   You talk about service areas -- Maybe

---

1 10 is a better slide.

2   **A.**   Okay.

3   **Q.**   What is the -- What's the red circle?

4   **A.**   The red circle is a service area that

5 was prepared in the report for DuPage County

6 looking at available transfer stations capacity

7 in one of their solid waste plans in 2007, their

8 update. That represents, I think, approximately

9 a 15-mile radius.

10   **Q.**   Is that the service area that the

11 transfer station designated for itself?

12   **A.**   I am not aware of that.

13   **Q.**   Is that a service area that a siting

14 entity restricted the transfer station to?

15   **A.**   No, not -- I don't think so.

16   **Q.**   It's just a circle with a 15-mile

17 radius, right?

18   **A.**   Correct. It's the radius that would

19 be within a reasonable driving distance for

20 someone who has big enough waste to take it to

21 in the center of it.

22   **Q.**   Does reasonable driving distance also

1 consider road conditions and traffic volume?

2   **A.**   I would say yes.

3   **Q.**   But this service area, the red circle,

4 didn't consider any of that, did it?

5   **A.**   No.

6   **Q.**   That's an arbitrary number, as far as

7 you know, correct?

8   **A.**   Yes. It's a representation of what

9 the service area would be for a facility at that

10 time.

11   **Q.**   What are you using as the DuKane

12 Transfer Station's service area?

13   **A.**   Again, that was a service area that

14 was presented in the 2007 report for DuPage

15 County that looked at available capacity

16 available to DuPage County.

17   **Q.**   Presented by whom, Mr. Lardner?

18   **A.**   It was a 2007 report prepared by Shaw

19 Environmental for DuPage County.

20   **Q.**   Prepared by Shaw for DuPage County?

21   **A.**   Yes. It's in their Solid Waste

22 Management Plan.

1   **Q.**   What did you use as a service area for

2 the Moen Transfer Station?

3   **A.**   I used their siting application.

4   **Q.**   What did you use as a service area for

5 the Bluff City Transfer Station?

6   **A.**   Again, I used the 2007 Shaw

7 Environmental report prepared for DuPage County,

8 and the 2007 Solid Waste Management Plan update.

9   **Q.**   Do you have that report with the you

10 today, sir?

11   **A.**   No, I do not.

12   **Q.**   Are you aware that Bluff City isn't

13 even in DuPage County?

14   **A.**   I'm sorry. It's in -- It's in Cook

15 County.

16   **Q.**   Where did you get your values from for

17 the Bluff City service area?

18   **A.**   Again, that was presented in the

19 DuPage report they showed the service area in --

20 excuse me -- of the Bluff City Transfer Station.

21   **Q.**   Do you know what criteria were used in

22 the single report where you got your service

1 areas from?

2   **A.**   No.

3   **Q.**   Have you tried to independently verify

4 that those service areas are reasonable?

5   **A.**   No.

6   **Q.**   Isn't it true that an effective or

7 reasonable service area depends on factors other

8 than a circle with the radius?

9   **A.**   Yes. Consider -- I talked about --

10 That circle would overlap with other transfer

11 stations. It's their service areas, too.

12   **Q.**   It's your opinion, sir, that if you

13 have overlapping circles, then there's no need

14 for an additional transfer station; is that

15 right?

16   **A.**   I'd just say if there's enough

17 overlapping areas of transfer stations, there

18 would not be a need for another transfer station

19 as long as the capacity in those transfer

20 stations was sufficient.

21   **Q.**   And that's your opinion, regardless of

22 whether there are competitive factors that would

1 make a transfer station realistically

2 unavailable?

3   A.   I'm not aware of the competitive

4 factors. This is how I would typically prepare

5 a needs assessment report.

6   Q.   Let's talk about competitive. Is

7 price is competitive variable?

8   A.   Generally speaking, I would say yes.

9   Q.   So if one transfer station has a price

09:39:52PM 10 that is significantly higher than another

11 transfer station, are they both equally

12 available to a customer?

13   A.   I don't think there's anything that

14 prevents somebody from using a transfer station,

15 no.

16   Q.   If you want to pay $100 a ton, then

17 you can do it and they are all available, right?

18   A.   If you pay the price at the gate,

19 whatever, you know, a person charges, then you

09:40:20PM 20 should be able to use that service.

21   Q.   Is road mileage a variable in

22 realistic access to transfer stations?

1   A.   Generally speaking, a hauler would try

2 to take the shortest route to a transfer

3 station, yes.

4   Q.   So if one transfer station is 30 miles

5 away from a point and another is 10 miles away

6 from a point, are they both equally accessible

7 to that point?

8   A.   I think -- Yeah. Either one. You can

9 go to either one, yes, they are both accessible.

09:40:57PM 10   Q.   They are both equally accessible?

11   A.   I mean, they are accessible. To say

12 they are equal, you know, I don't know what

13 route they are going, I don't know what kind of

14 traffic they are going to encounter, no.

15   Q.   In your report and your analysis did

16 not consider variables such as price or mileage

17 to the different transfer stations, did it?

18   A.   No.

19   Q.   Your report did not consider

09:41:28PM 20 environmental factors such as emissions, did it?

21   A.   No.

22   Q.   Once again, your report did not

1 consider the impact of the Republic asset swap

2 with Waste Connections?

3   A.   In what regard?

4   Q.   In regard to whether or not transfer

5 stations within the circle that you have

6 arbitrarily drawn are equally available to a

7 service area?

8   A.   No.

9   Q.   No, I'm wrong? Or you did not

09:42:27PM 10 consider it?

11   A.   I did not consider it. I didn't know

12 if there was an agreement that would preclude

13 it.

14   Q.   Do you have any idea why Will County's

15 recycling rate is almost 50 percent higher than

16 DuPage County's recycling rate?

17   A.   No. I'd have to look -- I have read

18 through their Solid Waste Management Plan. And

19 I do know that -- It does seem higher than

09:43:08PM 20 others but, again, it's -- you know, solid

21 waste -- there's data that compares that

22 information.

1   Q.   You didn't do any independent work to

2 try to figure out the difference?

3   A.   No.

4   Q.   You're aware that Mr. Hock, in his

5 testimony, admitted that if you looked at pure

6 capacity without regard to factors such as

7 pricing and environmental impact and benefits,

8 that there is, in fact, excess capacity in this

9 service area?

09:44:06PM 10   A.   I did see he reported excess capacity

11 in the service area, yes.

12   Q.   And your conclusion is as simple as if

13 there is excess capacity and there are multiple

14 transfer stations that you could take garbage

15 to, then there's no need for an additional

16 transfer station?

17   A.   No. I think the question was: Is

18 there waste that's generated in a service area

19 not being handled by transfer stations in the

09:44:38PM 20 service area? Some of that waste could be

21 coming from the general construction and

22 demolition facility and some of that might be

1 coming -- going out to the transfer stations

2 that are directly adjacent to the service area.

3 So they're not exactly in the service area but

4 very close.

5   **Q.**   Now the Elk Grove transfer station,

6 how did you generate their service area?

7   **A.**   Again, I just used a ten-mile radius.

8   **Q.**   Is there a learned report or treatise

9 that says a ten-mile radius is an appropriate

10 number?

11   **A.**   It's just a general rule of thumb.

12   **Q.**   Your rule of thumb, right?

13   **A.**   That, and I've read other publications

14 and it was alluded to the in the 2007 Shaw

15 Environmental report.

16   **Q.**   Give me the name of another

17 publication that it was alluded to?

18   **A.**   I can't give you one right off the top

19 of my head.

20   **Q.**   Is the Melrose Transfer Station one

21 with a ten-mile service area?

22   **A.**   Yes.

1   **Q.**   Again, that's your rule of thumb,

2 right?

3   **A.**   Correct.

4   **Q.**   Who else uses your rule of thumb?

5   **A.**   I just think it's generally when

6 people are looking at what's a distance between

7 a transfer station versus other options, that

8 ten miles is the distance and time-wise and to

9 look at -- if it's longer than that, you might

10 look at an alternative.

11   **Q.**   How many transfer stations are located

12 within ten miles of the center of this proposed

13 service area?

14   **A.**   I don't know the answer to that.

15   **Q.**   Wasn't that part of your assignment,

16 to analyze things like that?

17   **A.**   I was looking at the service area

18 overlaps.

19   **Q.**   Now, with regard to the transfer

20 stations that you say overlap this one --

21   **A.**   Correct.

22   **Q.**   -- how many of those are owned by

1 Waste Connections?

2   **A.**   I think I have two there. I guess,

3 three if you count --

4   **Q.**   Is it three or is it four?

5   **A.**   I'm referring to my Figure 8. It's

6 three.

7   **Q.**   How many are owned by Waste

8 Management?

9   **A.**   Four.

10   **Q.**   So you said between two and six

11 transfer stations overlap the service area?

12   **A.**   Correct.

13   **Q.**   They are all owned by Waste Management

14 or Waste Connections, other than the Republic

15 station east of 355, right?

16   **A.**   There's one down in Will County.

17   **Q.**   Oh, the Moen Transfer Station?

18   **A.**   Right.

19   **Q.**   How far is the Moen Transfer Station,

20 sir, from the southern edge of this service

21 area?

22   **A.**   Looks to be -- Say, about maybe,

1 approximately, eight to ten miles.

2   **Q.**   You don't know the exact number, do

3 you?

4   **A.**   No.

5   **Q.**   Have you ever driven from West Chicago

6 to Rockdale?

7   **A.**   No.

8   **Q.**   Would it surprise you to know that

9 that's about an hour drive by car?

10   **A.**   Again, I have not driven it, so I

11 don't know.

12   **Q.**   So you're saying a transfer station

13 south of Interstate 80 is reasonably available

14 to this service area?

15   **A.**   To the southern part. Not to all of

16 it, no.

17   **Q.**   Other than that, all of the other

18 transfer stations that are available are owned

19 by the two big companies Waste Connections and

20 Waste Management, right?

21   **A.**   Well, there's --

22   MR. LEUTKEHANS: Objection; form. I'm

1 not sure -- I don't know what that is. We

2 already talked about these two.

3   HEARING OFFICER PRICE: Overruled.

4   Go ahead and answer.

5 BY THE WITNESS:

6   A.   Well, in Slide 8 there -- It's not up

7 there. But there's -- Overlapping the service

8 area there's two other transfer stations. One

9 is owned by Lakeshore and the other one is owned

10 by EDRS.

11   Q.   One owned by who?

12   A.   Is it EDRS?

13   Q.   EDRS?

14   A.   ERDS.

15   Q.   That's the Moen Transfer Station,

16 isn't it, sir?

17   A.   Yeah. Okay.

18   Q.   And Falcon doesn't do municipal solid

19 waste, right?

20   A.   No, they do not.

21   Q.   Pardon me?

22   A.   No, they do not.

---

1   Q.   Do you also dispute that there's a

2 need for this transfer station's ability to

3 dispose -- or to transfer hydro-excavation

4 waste?

5   A.   I don't dispute that, no.

6   MR. MUELLER: Mr. Lardner, that's all I

7 have. Thank you.

8   THE WITNESS: Okay.

9   HEARING OFFICER PRICE: Mr. Callaghan,

10 I've got -- I want to know how much time you

11 think you're going to need.

12   MR. CALLAGHAN: I'll finish before

13 10:00.

14   HEARING OFFICER PRICE: I have one

15 public comment person I have to get in tonight.

16   If you think you can be done by

17 10:00 -- He's coming back for Criterion 8,

18 right? So we'll do redirect tomorrow.

19   So, Mr. Callaghan, go ahead. And

20 Ms. Boza please be ready to go as soon as

21 Mr. Callaghan is done.

22

---

1   CROSS-EXAMINATION

2 BY MR. CALLAGHAN:

3   Q.   I just want to understand, going to

4 Slide 8, these service areas were -- most of

5 them came from a DuPage County report?

6   A.   Yes, with a few exceptions; one for

7 the Plano Transfer Station and the other one for

8 the Moen Transfer Station.

9   Q.   So you don't -- You don't actually

10 know whether or not these are service areas that

11 are actually served by these transfer stations?

12   A.   I don't have direct knowledge of that,

13 no.

14   Q.   Now, you -- I think, on your resume,

15 it says that you were the consultant who

16 prepared the needs analysis for the Plano

17 Transfer Station?

18   A.   Correct.

19   Q.   So I look at the Plano service area,

20 which is quite large, probably -- maybe other

21 than Moen, it looks like the largest service

22 area up there. Where did you get that service

---

1 area from? Did you create that service area?

2   A.   No. That was provided to me by the --

3 my client.

4   Q.   So the applicant chose that. And I

5 guess by the logic of your testimony, a good

6 portion of that service area is not valid

7 because there are all these other transfer

8 stations that could serve it?

9   A.   In essence, their service -- Yeah,

10 there was -- There is overlap, right.

11   Q.   But, nevertheless, you testified in

12 favor of that service area?

13   A.   There was a slight need there. Not so

14 much in the present but a lot of the need

15 occurred going into the future because it was a

16 very fast growing area.

17   Q.   Has it been a fast growing area

18 recently?

19   A.   I'm not aware. We looked at 20 years.

20   Q.   We were talking about vertical

21 integration, which is hauling, transfer, and

22 landfill?

1 **A.** Correct.

2 **Q.** If you have a choice, if you can haul

3 directly to a landfill, that's the best approach

4 because you save the middle step, correct?

5 **A.** Correct. Historically for, especially

6 like in DuPage County, you had the luxury to two

7 publicly-owned landfills going back to the

8 1990s, so there was no need for a transfer

9 station. And as those two landfills closed,

09:55:44PM **10** then there was a need for a transfer station

11 somewhere in DuPage County and that transfer

12 station ended up being in West Chicago.

13 **Q.** So for a county of a million people, I

14 think you said --

15 **A.** Right.

16 **Q.** -- you believe one transfer station is

17 sufficient?

18 **A.** Depending how large it is and how

19 accessible it is.

09:56:10PM **20** **Q.** You mean for a second one?

21 **A.** It could be, yes.

22 **Q.** Going back to Plano service area, just

1 north of the service area is a landfill?

2 **A.** Correct.

3 **Q.** So why would the north part of the

4 Plano service area be necessary if there's a

5 landfill there? After what you just said, it's

6 more economical to haul directly to a landfill?

7 **A.** I think at the time it was their

8 existing clients, and when they haul, they were

9 going to do some separation of recyclables. So

09:56:45PM **10** in that area they had clients there who they

11 were going to bring that material to the

12 transfer station for recycling reasons.

13 **Q.** So there are various considerations

14 for selecting service areas, such as your

15 clients -- convenience for your clients,

16 correct?

17 **A.** In this case, it was the distance. If

18 you looked at where Plano is located to the next

19 furthest transfer station, there's mostly

09:57:23PM **20** distance.

21 **Q.** But, again, the landfill is much

22 closer to the north part of the service area

1 than the transfer station, correct?

2 **A.** Right. You have to look at the haul

3 distance.

4 **Q.** By the way, the Plano Transfer Station

5 is the last of the transfer stations up there on

6 Page 8 that has been sited, correct?

7 **A.** As far as I know.

8 **Q.** So it wasn't as though it was there

9 first and the others came along?

09:58:14PM **10** **A.** No.

11 **Q.** That was the last --

12 **A.** That was the last one, correct.

13 **Q.** So it seems to me you were doing

14 exactly -- making exactly the same determination

15 that LRS is here, that it was a convenient,

16 economical choice for customers of the waste

17 company to put a transfer station in?

18 **A.** A lot of it came down to, again, the

19 population and the growth of the area. Again,

09:58:45PM **20** the actual transfer capacity, as I recall, was

21 fairly close to existing, but when you looked at

22 future, there was a need.

1 **Q.** Now, if your only choices for transfer

2 stations are considerably more expensive, if

3 you're a hauler and you have a landfill and your

4 only choices for a transfer station are

5 considerably more expensive than if you built

6 your own within the service area, are you saying

7 that's not a consideration for a company?

8 **A.** I always look at these as what's

9 available to serve the amount of waste that's

09:59:33PM **10** being generated? Where does it go? Price,

11 obviously, affects the hauler. But you have to

12 look at waste transfer stations, where can they

13 go?

14 **Q.** Sure. Yeah. And this location

15 happens to be a site that's been selected by a

16 waste company.

17 MR. LEUTKEHANS: Objection. Is that a

18 question or are we arguing now?

19 HEARING OFFICER PRICE: Overruled.

09:59:57PM **20** BY THE WITNESS:

21 **A.** What was the question?

22 **Q.** Let me just ask this question: You

1 have a bunch of transfer stations shown on

2 Slide 8?

3 **A.** Correct.

4 **Q.** Is it your testimony that most of them

5 are not necessary?

6 **A.** They have been -- Again, I wasn't

7 through their siting process to determine, you

8 know, what the need was. Certainly there is

9 excess capacity for these transfer stations.

10 Their capacity is more than what's -- at least

11 in this service area what gets generated.

12 **Q.** So is your answer, yes, most of them

13 are not necessary?

14 **A.** Not that it's -- No, I think they are

15 necessary.

16 **Q.** Notwithstanding the surplus capacity?

17 **A.** Again, I don't know that the

18 circumstances around, you know, when they

19 projected their capacity and their service area.

20 Obviously, it looks to be there is some excess

21 capacity out there just because -- especially

22 for this service area. If you looked at how

1 much waste is generated and how much gets

2 recycled and what is left over, the abundant

3 capacity exceeds that what is needed.

4 MR. CALLAGHAN: Nothing else. Thanks.

5 HEARING OFFICER PRICE: Thank you,

6 Mr. Callaghan.

7 Mr. Walsh, nothing?

8 That's going to conclude for this

9 evening but for the public comment from

10 Ms. Boza. The redirect will pick up on

11 Thursday, again, in the cafeteria at Entrance H,

12 as in hotel.

13 With that, Ms. Boza, would you give

14 your public comment. Again, for everybody this

15 is -- Ms. Boza is giving public comment. It's

16 not subject to cross. Please give it the

17 appropriate weight.

18 Okay. Go ahead.

19 MS. BOZA: Good evening, everyone. I'm

20 Jenn Boza. I have been employed with LRS since

21 2013, and since 2019 I have serviced across West

22 Chicago. Our environment in the West Chicago

1 facility is fast paced where we work hard and

2 provide services to the DuPage County residents

3 every day. We get in before sunrise and ensure

4 all of our operations are performed safely and

5 seamlessly --

6 MR. LEUTKEHANS: I'm sorry to

7 interrupt. I don't think -- I'm having a hard

8 time hearing, and I think so is the court

9 reporter.

10 HEARING OFFICER PRICE: Can you move

11 closer to the microphone?

12 MS. BOZA: Sure. Our environment in

13 the West Chicago facility is fast paced where we

14 work hard and provide services to the DuPage

15 County residents every day. We get in before

16 sunrise and ensure all of our operations are

17 performed safely and seamlessly to the

18 community's residents.

19 Incredibly, I have seen generations

20 of families work at our facility over the years

21 with the ultimate reward of being able to send

22 their kids to college. I hope that I get to

1 work here in West Chicago for many more years to

2 come and I'm grateful for the incredible career

3 and opportunities I have had at LRS.

4 I urge city council to vote yes for

5 LRS as I want to see jobs, careers, and

6 opportunities made alike here in West Chicago.

7 Thank you.

8 HEARING OFFICER PRICE: Thank you. So

9 that concludes for this evening. Again, to pick

10 up Thursday at the West Chicago High School. We

11 will pick it up there at 6:00 o'clock.

12 Mr. Leutkehans has the floor.

13 Thank you, all, and good night.

14 (WHEREUPON, the above-entitled

15 cause was continued to

16 January 12, 2023 at 6:00 p.m.)

17

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22

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

       I, KRISTI LANDOLINA, Certified
Shorthand Reporter, Notary Public in and for the
County DuPage, State of Illinois, do hereby
certify that previous to the commencement of the
examination and testimony of the various
witnesses herein, they were duly sworn by me to
testify the truth in relation to the matters
pertaining hereto; that the testimony given by
said witnesses was reduced to writing by means
of shorthand and thereafter transcribed into
typewritten form; and that the foregoing is a
true, correct and complete transcript of my
shorthand notes so taken aforesaid.
       IN TESTIMONY WHEREOF I have
hereunto set my hand and affixed my electronic
signature this 23rd 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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