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

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

REPORT OF PROCEEDINGS had and testimony taken at the hearing of the above-entitled matter, at 475 Main Street, West Chicago, Illinois, on the 10th day of January, A.D. 2023, at the hour of 1:00 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 for People Opposing DuPage Environmental Racism (PODER);

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

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HEARING OFFICER PRICE: Just a reminder, we're here today to work on the witnesses. At 4:30 there are a couple of people who want to get in public comment, so we'll be calling the testimony short at 4:30 or so for that.

We're back here Thursday at 1:00 o'clock for the rest of whatever testimony and then the rest of public comment. Hopefully, we conclude Thursday by 5:00. Right now we're in the middle of the case being put on by Protect West Chicago. As I said before, remember, the elected officials aren't allowed to engage with you on this at this time, so please respect that. That's the usual warning.

01:00:58PM

Mr. Leutkehans, are you taking the next witness or Mr. Meza?

MR. LEUTKEHANS: Mr. Meza will, please.

HEARING OFFICER PRICE: Mr. Meza, the floor is yours. Would the court reporter please swear in the witness.

01:01:28PM

(Witness sworn.)

MR. MEZA: Exhibits 603 is the resume, and 603-A is a PowerPoint. We didn't know if there was going to be some extra -- We didn't know there was going to be a PowerPoint here, so I have a bunch of extra here if the members of the public want a copy or they can follow along.

HEARING OFFICER PRICE: Thank you.

MR. MEZA: Feel free to grab one if anybody wants one.

(PWC Exhibit Nos. 603 and 603-A marked for identification.)

WHEREUPON:

JAMES POWELL, QEP,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MEZA:

Q. Can you state your name for the record, please.

01:03:20PM

A. James Powell, P-o-w-e-l-l.

Q. Mr. Powell, where do you work?

A. Mostardi Plat.

MR. MEZA: I have handed out.

HEARING OFFICER PRICE: Mr. Meza, one second. Can people hear? There are microphones that have speakers above the people in the back -- No? Then you're going to need to speak up. Mr. Powell, please project.

THE WITNESS: I will try.

BY MR. MEZA:

01:03:43PM Q. Mr. Powell, I have handed you what's been marked as PWC Exhibit 603. I don't know if you have that. That's your resume.

Does that outline your background?

A. Yes it does.

Q. Can you summarize that for the hearing officer and the rest of us here today?

A. Sure. I've got a bachelor's degree from the University of Iowa in general science and geography and an environmental engineering

01:04:11PM degree from the University of Florida. I have been working as a consulting engineer for over 40 years and, specifically, in the field of air

pollution control the majority of that time.

Q. What is your title?

A. Director of emerging solutions.

Q. What is the name of the company you work for?

A. Mostardi Plat.

Q. You said you're an environmental engineer; is that right?

A. Correct.

01:04:40PM Q. Tell us what an environmental engineer does?

A. I help organizations evaluate impacts of various projects on both sides, from an industrial perspective, as well as public. Most of my clients are industrial, very similar to LRS. We'll do permitting work associated with the various state and local agencies and U.S. EPA for that permitting group work. We do environmental modeling where we actually do

01:05:16PM dispersion modeling and simulate what the impacts are on a neighboring area.

Q. You -- Prior to today, you created and

put together a PowerPoint; is that correct?

A. That's correct.

Q. That's been marked as Exhibit 603-A. You have that computer in front of you and you can control it through the computer; is that correct?

A. That's correct.

Q. Why don't we turn to Slide 2, I believe it is. Why don't you go ahead and tell us if that expands a little bit on your background. The next slide. There it is.

So you told us you were an environmental engineer, you have 40 years of siting and permitting experience. Go ahead.

A. Correct. My current position is director of emerging solutions. In that capacity, I'm looking at different technologies and systems to help better understand environmental issues. Some of those include sensor technology and personal monitoring. The other one is looking at the impact of PFAS and PFOA by community groups from an air quality

01:05:41PM

01:06:15PM

perspective. And then do overall environmental health and safety compliance monitoring.

Q. Have you testified in relation to Criterion 2 before?

A. Criteria 2 or similar before with Illinois EPA, Ohio EPA, and the Iowa Department of Natural Resources.

Q. So those are the acronyms, they are IEPA, OEPA, and IDNR?

01:06:50PM A. Yes.

Q. About how many times?

A. Three times.

Q. Let's continue to Slide 3. You're going to testify in the relation to Criterion 2; is that correct?

A. Correct.

Q. Let's go to Slide 4. Tell us what information is contained in Slide 4, and why you included it?

01:07:16PM A. This is direct information off the LRS website relative to the reduced miles and ultimately reduced emissions. I was evaluating

this relative to the project impacts.

Q. This slide deals directly with the proposed waste transfer station that they want to site here in West Chicago; is that correct?

A. That's my supposition, yes.

Q. Let's go to Slide 5. When you talk about public health, safety, and welfare, can you tell us what you mean by that?

A. Well, when I evaluate a project, I try
01:07:55PM to determine if it's going to have a negative impact either for the particular client or for the neighbors around it. We use a technique called modeling -- and it's mathematical modeling -- to quantify impacts on an existing air quality throughout the region impact.

Q. Let's just ask you a little bit about that term "modeling." It seems it's a technical term. Can you try to explain what modeling is?

A. Essentially we create a mathematical
01:08:26PM program to evaluate the downwind distance and impacts of various constituents.

Q. When you say "constituents," what do

you mean by that?

A. Pollutants. It could be from -- various things, from roadway, from cars.

Q. Is that the way in which pollutants are measured generally in your profession?

A. There's two ways to do it in ambient air. You either do modeling or you do monitoring. Monitoring is where you go out physically to determine the source and what

01:09:02PM their contributing at that particular point. In this case, monitoring was not done because it's a proposed facility. Generally, when that takes place, you're looking at doing modeling because it's predictive.

Q. Now, were you able to tell, with regard to the proposed siting of this facility in West Chicago, whether or not there was any impacts on health and welfare and whether or not they have been addressed in the application?

01:09:31PM A. I guess, after reviewing Criterion 2 and some of the other documentation, I didn't think it was fully addressed in the submittal,

and the specifics were public health and welfare.

Q. Let's go ahead and turn to Slide 6. Tell us the areas you evaluated and why?

A. Well, to do this type of evaluation you need to look at certain parameters, such as traffic, the air quality that's already in existence because we already have background levels, and the impact on the community as a whole.

01:10:03PM

Q. Is that what you tried to do in relation to this proposed siting?

A. Yes.

Q. Can you turn to Slide 7, please. Can you explain to us what is depicted in 7?

A. Well, when I evaluated the prior slide that was done, it did a really good job of evaluating the collection vehicles, and it looked at one constituent's carbon dioxide. It didn't look at any other pollutants. It didn't take into account also the increase in transfer vehicles from this facility and the change in

01:10:34PM

direction of those transfer vehicles.

The other thing is the apparent reduction in emissions is only within DuPage County, and we're sitting on the border between DuPage, and Kane and the majority of the transfer traffic is actually going through Kane County. So I didn't think that handled public welfare, unless we're only looking at DuPage in this case.

01:11:08PM As I said earlier, it only looked at carbon dioxide emissions, which are the greenhouse gas emissions, not particulates, which are in different sizes, or nitrogen oxides. And I couldn't find any supporting calculations to evaluate the math associated with that graphic.

Q. Right. So on this slide you talk about PM2.5 and PM10. Let's go ahead and go to the next slide. Is that a slide that kind of

01:11:37PM tries to explain a little bit more about what the PM2.5 and PM10 is?

A. Yeah. And it's difficult. I

understand from a public perspective, it's not an easy technology. When I first got started in the business, we weren't even worrying about different sized particles. We were told worry about total suspended particulate, which, essentially, you can see. Today we're worrying about things you can breathe in, and they are very small particles.

Q. Let me stop you there. When you say "particles" and "particulates," what do you mean by that?

01:12:08PM

A. Essentially dust in some form or another. And it could be made up of chemicals with water, but it's a particle of air. It's not a gas.

Q. All right. Now you have a little diagram to the right of the PowerPoint?

A. Yes.

Q. Can you explain what that is and why that's there and what the source is?

01:12:30PM

A. Well, the source is U.S. EPA. It's right off their website. And it gives the

comparison of PM10, which is the small -- I don't know if you can see where my cursor is. That's what the size of a PM10 is compared to a human hair. So PM10 is 10 microns in diameter. A human hair is between 50 and 70 microns.

Q. Hold on. So that long item there, that's depicting a human hair, right?

A. Correct.

Q. Then those little -- sorry if it's got the wrong color -- like, the blue circles around the air, is that the PM10?

01:13:05PM

A. The smaller portion of those, that's PM10, yes.

Q. What is the PM2?

A. PM2.5 is --

Q. Sorry. PM2.5.

A. -- the smaller looking of that. So these are smaller particles even than the PM10.

Q. Okay. So that -- That diagram is just trying to visualize for somebody how small these particles are; is that correct?

01:13:28PM

A. Correct.

Q. Go ahead. Tell us about the difference between these particles and what else is depicted on this slide?

A. Well, generally, PM2.5 is coming from combustion of fuel and that fuel can be diesel from trucks, it could be coal, it could be oil. Various sources. PM10, on the other hand, is from construction activities, roadway dust, brakes, tire wear. So just to give you an idea of the size difference and where they are coming from.

01:14:01PM

Q. Okay. Let's go to Slide 9.

A. Besides just looking at the particles, the PMs, again, this data is from U.S. EPA, over 60 percent of all the nitrogen oxides that are produced are from diesel-powered vehicles. Not all of them are from trucks, of course, but a good bit of it. Particulate matters, similar things, especially 2.5, and the most surprising to me when I was doing this research was is looking at ultra fine, which is less than 0.1 micron, so it's really small. 80 percent coming

01:14:41PM

from diesel. The other thing, on the left hand side it talks about some of the carcinogens that are also contained in diesel exhaust, and the graphic to the right depicts -- you know, when you're asking the question what's a particle, it's made up of various different things. It's not just dust. It's not just construction debris. There's other chemicals and other compounds tied together.

01:15:18PM Q. Let's go to Slide 10, please, and tell us what's depicted in Slide 10 and why?

A. I was just looking at all of the different constituents from diesel because all of the vehicles that I'm seeing from the LRS facility are powered by diesel oil, or other fuels like that. So nitrogen oxides is another pollutant that has a significant impact on asthma and other breathing issues.

Q. All right. Let's go to Slide 11,

01:15:55PM please. So what -- What did you evaluate here as it relates to these particulates?

A. I looked at the proposed site relative

to neighboring activities where it might conflict, and in terms of residential property related to trucks, and then overall the impact on air quality in the area.

Q. Let's go to Slide 12. That Slide 12 talks about this modeling again a little bit; is that correct?

A. Right.

Q. Go ahead.

01:16:30PM A. We used what's called air mod and it's U.S. EPA and IEPA, Illinois EPA, approved model technology. We use -- We input data. Besides the traffic data that we look from the LRS submittal, we looked at metrological data that is recommended, five years of data from O'Hare and five years from the Davenport, Iowa site, because we looked at both surface conditions and upper air conditions. Upper air is only measured in certain areas in the U.S. Davenport

01:17:04PM happens to be the closest site.

Q. Let's turn to Slide 13. Now, tell us what's included in Slide 13 and why you included

this?

A. Well, I took a look at the various sources of traffic data within Criterion 2 that were provided by LRS. This happened to be the first grouping, which are Tables 2-1, 2-2, 2-3, and 2-4, which basically outlined trucks coming in, trucks transferring out.

Q. So those were the tables. And if you turn to the following slide, 14, these are the tables that are in Criterion 2 that kind of describe how many trucks would be arriving at certain times and leaving; is that correct?

01:17:47PM

A. Correct.

Q. Was there anything else you wanted to describe with regard to Slide 14 as it relates to how you came up with your methodology -- the modeling? Excuse me.

A. The one thing that was confusing to me and we weren't able to really totally resolve it -- and I don't have the columns. I'm sorry -- but our incoming, the number of trucks is one thing but, to me, a trip is

01:18:15PM

inbound/outbound, so that's two trucks, not just one truck. So that's one of the confusions that we had to face with going through this.

Q. Let's turn to Slide 15. Again, this is just a separate table that was included in Criterion 2?

A. Correct. This is for the single-stream recyclables.

Q. And Slide 16?

01:18:51PM A. For the municipal solid waste.

Q. And Slide 17?

A. This is for the hydro-evacuation waste.

Q. And, again, these were the numbers of the trucks that you tried to use as part of your modeling; is that correct?

A. Correct.

Q. Can you turn to Slide 18, please. Tell us what else you did other than just using

01:19:15PM the tables that were just on the screen?

A. Well, we tried to look at all sources of data from the application. And within

Criterion 2, there's two other sources. The site throughput capacity, which is on Application 2-37 and the unloading time and queuing capacity in Application Page 2-40.

Q. Why did you look at that information?

A. Well, I wanted to see if it was consistent with what was being depicted in the other tables; and, if not, try to determine what the maximum capacity would be coming in and out of this facility.

01:19:52PM

Q. When you talk "capacity," you're talking about trucks; is that right?

A. Correct.

Q. Let's go to the next slide. It should be 19. Can tell us, what is Slide 19?

A. We did a comparison of basically the three -- four different areas, the Tables 2-1, 2-2, 2-3, and 2-4, the site throughput capacity, the unloading time and cueing, and the related traffic study.

01:20:19PM

As you can see, there's some inconsistency here in how it's being depicted.

Q. Give us an example.

A. Well, if you compare the unloading time and cueing capacity to the other sections, there's a significant difference. I mean, it's about -- almost double the related traffic study. The other two seem to correspond pretty well but that one sticks out and it's one that I was confused by and couldn't figure out why there was such a big difference.

01:20:57PM Q. Let's go to Slide 20. Now, Slide 20 discusses a type of fuel. Tell us why you included this slide?

A. Well, right now all trucks generally are -- that are coming in and out of this facility are all diesel-based fuel. Now, that being said, you can go from regular diesel, which is ultra low sulfur or bio diesel. Now, a lot of people are switching to that because everybody seems to think it's more

01:21:31PM environmentally friendly, but it actually has more nitrogen dioxide emissions than regular diesel. Lower particulate but higher NOx. The

other potential ways to change emissions on this is you can go with liquefied natural gas or compressed natural gas, which are the LNG/CNGs, which reduce both particulate and nitrogen dioxide. And, lastly, go electric.

Q. Were you able to see whether there was any reference to the types of fuel being used for the -- any of the trucks for this facility, or not?

01:22:06PM A. I was unable to find that.

Q. Can you go to Slide 21. So Slide 21, tell us what you have included here.

A. We used the dispersion model we talked about earlier, and we modeled the emissions solely from the maximum capacity in this facility as defined -- we had defined in that table. And that was based upon how many trucks per hour were going to go through and tip their load and then transfer the load.

01:22:48PM Then we added to the LRS impact the background conditions that are already in existence out here. The backgrounds were based

upon existing data in Naperville, Lyons Township, and Schiller Park. So those are IEPA monitoring devices.

Q. What you're saying is you -- two things: You tried to figure out what the background is now, and then what the LRS impact of the additional trucks would be, correct?

A. Yes.

Q. Then that gave you the cumulative impact; is that correct?

01:23:22PM

A. Right. That's correct.

Q. And you say -- Below cumulative impact, you have, "Current national ambient air quality standards." What is that about?

A. There are air quality standards that are updated periodically by U.S. EPA and Congress that are set to protect human health and welfare. And each -- For each parameter that we're dealing with here -- we have PM2.5, PM10, and PM2 -- all have different levels. For instance, PM2.5 has a 24-hour standard and annual standard. PM10 only has a 24-hour

01:23:49PM

standard. And NO2, on the other hand, has a one hour and an annual standard.

Q. So tell us, at least with regard to the 24-hour PM2.5 standard, what the numbers 22, 21, 23, 35, what do they represent?

A. The current standard is 35. As of last week, there was a proposal out there put out by U.S. EPA to reduce that to 25, which is a significant change. But it's there to try to improve air quality.

01:24:35PM

I'll give you one example of this. Right now, this area we're in is in a nonattainment area for ozone. What does that mean? We have too much nitrogen oxide and too much organic compounds in the air. You can debate what the cause of that is but, as a result, projects that I'm working on today have to get offsets to be able to justify the change in emissions or they have to show no net increase in emissions.

01:25:06PM

Q. So you're trying to just see what the potential impact would be to what the U.S. EPA

has set as standards; is that correct?

A. Correct.

Q. Was there anything else that you wanted to mention off of Slide 21?

A. I don't believe so.

Q. Okay. Let's go to Slide 22. This says, "Modeling Results." Tell us what the modeling results show. I know it's a little hard on the screen, but there's extra copies if someone wants to see them.

01:25:37PM

A. Yes. I apologize for these screenshots. The model isn't real good relative to depicting these things. I guess the key thing you want to see is the site is situated up in this top right corner and the transfer trucks are going along North Avenue down Kirk to 88. And what this is depicting are the concentrations as they go on that route. And you see kind of a shaded kind of blue, that's the impact of those trucks going down the road.

01:26:07PM

Being totally frank, up until about two, three years ago, we never modeled this sort

of thing this way. But the state and federal -- well, and City of Chicago is requiring this for all new sites dealing with any truck traffic.

Q. So all the numbers on the screen -- And I know it's hard to see but there's, like, numbers on the screen: 57, 57, 59, 56.

What do those numbers represent?

A. The concentrations with background at that location.

01:26:41PM Q. Okay. Then you have an arrow with the word "max." What do you mean by that?

A. That's the maximum concentration we found in that entire route.

Q. Now, does that mean -- Does that include the proposed trucks that you modeled would lead to whatever those numbers are for the EPA standards?

A. Yes.

Q. Now, I know it's very hard to see, but

01:27:05PM it looks like a yellow line going north. What road is that? Is that --

A. I'm not sure. Where are you seeing

yellow?

Q. I'm not good with -- See if you can tell us where North Avenue is?

A. This is North Avenue. This is Powis.

Q. It's hard to see from the screen. I'm not sure if you -- Just try to describe it verbally as far as the numbers. Like, how many numbers down is it?

A. Well, the transfer trailers are going north on Powis, generally west on North, south on Kirk to 88.

Q. Okay. So what is -- So where you have "max," what is that intersection?

A. That's Roosevelt Road and Kirk.

Q. Okay. So that's when they have already gone down Kirk and they have hit Roosevelt?

A. Correct.

Q. Were you able to determine how or why that's the maximum?

A. Yeah. It's primarily due to the trucks stopping at a signalized intersection and

idling at that location. So they are there for -- They aren't traveling through the area. They are actually sitting at the intersection for a while.

Q. What town is that intersection in?

A. Geneva.

Q. Geneva, Illinois. Okay. So let's go to Slide 23. And tell us what Slide 23 depicts.

A. It's looking at the same model results for PM10, instead of NO2.

01:28:32PM

Q. It looks like the max is in the same area it was before; is that right?

A. That's correct.

Q. Is the max for NO2 the same for the prior?

A. Same location.

Q. Okay. This is PM10, right?

A. Correct.

Q. Let's go to Slide 24. What does Slide 24 depict?

01:28:58PM

A. This is PM2.5 at the same location as you would expect.

Q. So the max is the same as the other slides for PM10 and NO, right?
A. Right.
Q. Do you have another slide? Okay.
What is depicted here?
A. This shows you the route of the transfer trailers. And I put on here the existing environmental justice areas that are situated near the site, as well as south on Kirk Road, and along 88.
01:29:38PM
Q. All right. Now, when you talk about environmental justice, are you -- are you aware that the Illinois EPA requires that a pollution control facility such as transfer stations be so designed to protect the public health and welfare?
A. Yes.
MR. MUELLER: I'm going to object to environmental justice testimony.
01:30:01PM
HEARING OFFICER PRICE: I'm going to sustain the objection. So, here, based on something Mr. Leutkehans said both in his

opening and in one of his questions, 39.2 has not been changed to include the environmental justice inquiry. In fact, when you go to IEPA's site and all of their published literature, they say it's part of their permitting. Not this permitting process. Until it gets to them. From here, it would go to IEPA. If people want to submit their U.S. -- their environmental justice comments to them, you can put them in as
01:30:36PM written comment here. You can also send them to IEPA when it gets there.

To my knowledge, having reviewed the case law, I do not see it as part of the 39.2 siting process, and I'm going to sustain the objection that environmental justice is not relevant to the 39.2. You're welcome to put it in as comment, the elected officials are welcome to consider it as that, but it is not relevant criteria testimony. So I'm going to sustain the
01:31:02PM objection about discussions about environmental justice.

MR. MEZA: In light of that, I do want

to submit an offer of proof that if Mr. Powell will be allowed to answer the questions that I would ask, this would be his testimony. I have the proposed offer of proof here. I'd like to include that into the record it relates to the questions he would have been asked with regard to environmental justice, as well as the related exhibits. The only exhibit that's not included is Exhibit 49, which I believe was already admitted into the record.

01:31:36PM

(PWC Exhibit No. 49 marked for identification.)

HEARING OFFICER PRICE: 49, that was the one you handed out last session?

MR. MEZA: That was EPA waste transfer station that talked about the environmental justice, yes. I believe it was admitted. If not, I would admit it as part of this --

HEARING OFFICER PRICE: 702 is going to come as an offer of proof only and that way it's in the record. You don't have to resubmit it. So for that purpose -- It's in as an offer of

01:32:00PM

proof. That's the only reason it's in.

So the city council understands the difference, it's in -- it's public testimony in the sense that it's public comment, but it's not testimony.

(PWC Exhibit No. 702 marked for identification.)

MR. WEINSTOCK: I have a request for clarification on the ruling you just issued, Mr. Price. I'm not sure what Mr. Mueller means by "environmental justice." That's a term that different people use with different meanings. I'm hoping either he or you can explain what the contours of your ruling just were and, specifically -- when you say you're excluding "environmental justice information," I just don't know what's in or out.

01:32:28PM

HEARING OFFICER PRICE: That's part of the problem. IEPA has not defined "environmental justice," except to say that all people are entitled to a safe environment. What has become an analysis of is, in particular,

01:32:52PM

question in this hearing already, trucks are going through minority communities. That is not relevant criteria of 39.2. The truck routing, in terms of the truck impacts that's one thing. That it goes through a minority community is not a piece of relevant criteria.

So environmental justice are not terms we have heard in 39.2 siting hearings ever and I don't think we need to make reference to it for precisely the reason you suggested. IEPA has not well defined it, it's not in 39.2, the legislature has not adopted it, and there's no published administrative regulation for it.

In fact, if you read the IEPA website, I don't understand what they think they are getting. They said it's an evolving area that they will consider as part of their permitting process. Fine. They are smarter people than me. They can consider it, but it's not part of 39.2. That's what I mean.

MR. WEINSTOCK: Understood.

HEARING OFFICER PRICE: I'm not going

to hear testimony about environmental justice, I'm not going to have testimony about if this were to impact on persons of whether it's color, income. None of that is relevant to 39.2.

MR. WEINSTOCK: Thank you, your Honor. One -- one -- Just want to make sure I'm connecting that. The ruling is that those -- that type of testimony is outside the scope of Criterion 2 reference to public welfare and public health?

01:34:19PM

HEARING OFFICER PRICE: Yes.

MR. WEINSTOCK: Thank you.

BY MR. MEZA:

Q. Mr. Powell, let's skip this screen and let's go ahead and skip that one. Let's go to your final opinion.

A. Okay.

Q. Do you have an opinion with regard to the application as it relates to the public health, safety, and welfare?

01:34:37PM

A. Yeah. In my opinion, the application for the proposed LRS waste transfer facility is

deficient by not determining the full impact on public health, safety, and welfare.

MR. MEZA: Thank you. We'll pass Mr. Powell.

HEARING OFFICER PRICE: Thank you, Mr. Meza. After that would be you folks, PODER.

MR. WEINSTOCK: Just a few questions for Mr. Abel.

HEARING OFFICER PRICE: This isn't --

01:35:12PM MR. WEINSTOCK: Powell. I'm sorry.

CROSS-EXAMINATION

BY MR. WEINSTOCK:

Q. My name is Rob Weinstock. I'm a lawyer here who is helping PODER through their direct testimony later today. And your testimony relates to some things they are interested in as well, so I just had a couple questions.

First, before when you were talking

01:35:33PM about diesel emissions and you mentioned that there were different types of diesel and different types of vehicle have different

emission profiles.

Do you remember that?

A. Yes.

Q. One thing you mentioned was that electric vehicles would have different levels of emissions than diesel?

A. Correct.

Q. How would you describe that difference?

01:35:51PM A. They are basically -- Electric vehicles wouldn't have any of these emissions.

Q. So if LRS committed to using an exclusively electric fleet --

A. Yep.

Q. -- for the trucks coming in and out of the facility, would that ameliorate some of these diesel emissions concerns you explained before?

A. I'll -- I have to put some proviso on

01:36:14PM that.

Q. Please.

A. On the trucks that they own, they can

probably do that. There are transfer trucks that they are outsourcing that transfer to that would have to get another company to commit to as well.

Q. Sure. We heard last week that LRS was imposing restrictions on the way incoming trucks tarped?

A. Right.

Q. So if LRS can impose restrictions on the equipment the technological specifications of the trucks coming into the facility, would you agree that a requirement that only electric trucks be permitted in and out of the facility would ameliorate some of these diesel emissions concerns?

A. Yes.

Q. Next question is -- Maybe we can go back to Slide 21. In the beginning of your direct examination you mentioned that you did a modeling exercise because there was no monitoring. Can you just repeat -- reset that point, so I know --

A. Sure. Normally if you're planning a project, you do modeling because you have no way to monitor what the actual emissions are. In the case of monitoring, if you -- Historically, and you can come back in after the fact and monitor to make sure you're in compliance using that. That's some of the things we're doing today with some of this sensor technology.

Q. The idea behind, really, the entire testimony is to determine what the impacts would be of the truck traffic emissions proposed by LRS in the context of the air quality that already exists in the area; is that fair to say?

01:37:43PM

A. Correct.

Q. So I'm looking on Slide 21, the background source for some of this data you used was monitoring stations in Naperville; is that right?

A. Yes.

Q. About how far away is Naperville from the facility?

01:38:08PM

A. Probably 25 minutes.

Q. How about in distance?
A. I'm not sure. 15, 20 miles.
Q. Okay. So for PM2.5, the best available data you have for modeling was 15 or 20 miles away?
A. Correct.
Q. Would it have strengthened your analysis to have monitoring of air quality right at the current LRS facility?
01:38:34PM A. Well, sure. That would be a benefit.
MR. WEINSTOCK: So I'll put this out, Hearing Officer, as a hypothetical based on -- contingent on facts we'll put in later.
BY MR. WEINSTOCK:
Q. If you had air monitoring data that showed existing levels of PM2.5 pollution at the LRS facility that exceeded the annual average level, for example, the current U.S. EPA level of 12, if you had air monitoring data from the
01:39:03PM LRS facility, say, as recent as a few weeks ago that showed levels well in excess of 12 micrograms per cubic meter, how would that

change -- how would you factor that into your conclusions?

MR. MUELLER: I'm going to object. Calls for speculation on a fact not in evidence.

HEARING OFFICER PRICE: He says he's going to tie it up. We'll see.

For now, overruled.

You can answer.

BY THE WITNESS:

01:39:24PM A. If the numbers were higher than the standard, then the site would be outside -- in violation of the ambient air quality standard.

Q. What would it mean to add additional diesel truck emissions -- I'm sorry. Let me finish.

What would it mean to add diesel truck emissions to an existing facility where it was already out of compliance with the national ambient air quality standards?

01:39:48PM A. It would make it even worse.

MR. WEINSTOCK: I think that's all I have.

HEARING OFFICER PRICE: Okay.
Mr. Mueller?

CROSS-EXAMINATION

BY MR. MUELLER:

Q. Mr. Powell, are you a professional engineer?

A. No.

Q. You know what a professional engineer is, right?

01:40:14PM A. Yes.

Q. They have to pass an exam and they are licensed?

A. Yes, sir.

Q. You have a credential that you call a qualified environmental professional. Is that something that is licensed?

A. I'm not sure I understand the question.

Q. Do you have to be licensed in any

01:40:46PM state to call yourself a qualified environmental professional?

A. It is U.S. based.

Q. Is there a licensing for it?
A. Yes.
Q. Did you have to take an exam?
A. Yes.
Q. When did that happen?
A. 1994.
Q. Have you had to take continuing education or update your credentials?
A. Yes.
01:41:09PM Q. How frequently?
A. Every five years.
Q. Are you a health physicist, sir?
A. No.
Q. Are you an expert in the health impacts of environmental emissions?
A. No.
Q. So you're assuming that there would be negative impacts from nitrogen oxide in the air, but you don't have any data to back that up, do
01:41:36PM you?
A. I'm not sure I understand what you're getting at.

Q. Well, the exercise here is to determine whether there's some negative public health, safety, and welfare impacts, correct?

A. Yes.

Q. For that, don't we need to know what those health impacts are going to be?

A. That's what the national ambient air quality standards were developed for.

Q. But you don't know what the health impacts would be from changing nitrogen oxide a little bit, do you?

01:42:06PM

A. I'm not sure I'm with you.

Q. Well, then I'll ask another question. I'll try to make them less hard.

A. Thank you. I'm not an engineer, so I don't understand.

Q. You modeled the potential emissions from the truck traffic at the site, correct?

A. Correct.

Q. Now, how far do emissions travel from a truck?

01:42:48PM

A. It depends on the height of the

emissions from the truck, speed.

Q. In other words, if a truck is going down Main Street in front of this building --

A. Uh-huh.

Q. -- are we going to get those emissions in here?

A. In this building?

Q. Yes.

A. On the edge of the building, sure.

01:43:24PM Q. How about in the here?

A. It depends on the ventilation system in this building.

Q. You used something called a dispersion model?

A. Yes.

Q. What is that?

A. It's a mathematical representation of what the emission sources are going down a roadway and what the downwind distance is to a

01:43:46PM potential source, residents, another receptor, a human.

Q. How far from the source does your

dispersion model tell you there can be an impact?

A. The ones we saw were showing it on either side of the roadway into the residential areas.

Q. What residential areas did you look at specifically?

A. Along Kirk Road from North Avenue south to 88.

01:44:16PM Q. Did you look at any residential areas in West Chicago?

A. Yes.

Q. Which ones?

A. We looked at the Timber Lake Apartment area. Then also the Wegner Elementary School.

Q. Do you have the results of that modeling?

A. Yes.

Q. What did that show?

01:44:37PM A. Basically there's just a little bit of background levels. The key reason for that is we didn't model any of the emissions taking

place on the LRS site. We only modeled those -- the traffic along Powis to North. So we didn't include any of the trucks idling on LRS.

Q. Now you said that monitoring is more accurate than modeling because you have real data, correct?

A. Correct.

Q. Could you have monitored right in front of the LRS site on Powis Road?

01:45:15PM A. Sure.

Q. Why didn't you do it?

A. That wasn't what I was asked to do.

Q. There is another transfer station up the road operated by -- I think it's Waste Connections. Are you familiar with Waste Connections?

A. Yes.

Q. Are they the ones paying you here?

A. No.

01:45:35PM Q. Is Groot paying you? Groot?

A. No.

Q. Did you model the emissions from that

transfer station?
A. No.
Q. Do you expect they would have emissions?
A. Yes.
Q. In fact, their emissions would probably be more because they are handling more waste, right?
MR. MEZA: Objection; speculation.
01:45:58PM HEARING OFFICER PRICE: Overruled.
BY MR. MUELLER:
Q. Do you understand my question?
A. I didn't know I could answer.
HEARING OFFICER PRICE: Yes.
BY THE WITNESS:
A. I mean, if they are handling more waste. But their routing right now is going through downtown St. Charles with the transfer trucks. The routing you're talking about for
01:46:20PM LRS is going down a whole different route.
Q. Now, downtown St. Charles is an area with a lot of pedestrians and businesses right

on the road, right?

A. Yep.

Q. Would you consider it to be healthier to route your trucks down Kirk Road, which is a wide four-lane minimum road with minimal commercial activity along the side?

A. Generally, yes.

Q. By the way, do you agree with the applicant's findings with regard to reduced carbon dioxide emissions?

01:46:56PM

A. I don't have a position either way. I couldn't verify the calculations.

Q. Did you look at the appendices for Criterion 1?

A. No.

Q. Are you aware that some of that information and calculations were appended to Criterion 1?

A. I was tasked with looking at Criterion 2.

01:47:19PM

Q. So that's all you looked at?

A. Yes.

Q. You have heard the phrase with regard to modeling, "garbage in, garbage out," haven't you?
A. You bet.
Q. What that means is that the result of your modeling is only as good as the quality of the input?
A. Correct.
Q. Do you agree with that statement?
01:47:53PM A. Yes.
Q. You have never testified at a Section 39.2 siting hearing, have you?
A. No.
Q. Criterion 2 is whether the facility is -- Well, do you know what Criterion 2 says?
A. Yes.
Q. What's it say?
A. The facility is so designed, located, and proposed to be operated so that the public
01:48:38PM health, safety, and welfare will be protected.
Q. How would you change the design of this facility to improve the public health,

safety, and welfare?

A. I would change the type of trucks being used.

Q. What types of trucks would you use?

A. Go with electric.

Q. Electric trucks are not commonly available --

A. That's not true.

Q. -- in Illinois, are they?

01:49:02PM A. Yes, they are.

Q. Now, when you charge an electric truck, where does the electricity come from?

A. The electricity comes from Exelon.

Q. Where does Exelon get their electricity?

A. Nuclear.

Q. Do they also get it from coal-fired plants?

A. No, not Exelon.

01:49:30PM Q. So you're advocating that we use nuclear power rather than diesel?

A. I would. It's better for the

environment.

Q. What does a battery pack for an electric tractor -- in a semi tractor-trailer rig weigh?

A. No idea.

Q. Would it surprise you to know that those battery packs weigh -- can weigh 10,000 pounds?

A. It wouldn't surprise me.

01:50:12PM Q. Which means that they have a greater impact on roads, right?

A. Not on the air emissions.

Q. But they will have a harder impact on the pavement itself, wouldn't they?

A. I'm not a transportation engineer.

Q. So you can't even intuitively think that heavier trucks would be bad for the roads?

MR. MEZA: Objection; argumentative.

HEARING OFFICER PRICE: Overruled.

01:50:44PM You can answer, sir.

BY THE WITNESS:

A. Okay. Yeah, it's possible.

Q. Okay. If you get 3,000 feet away from an idling truck, you're not likely to get any of the emissions, are you?

A. I wouldn't expect so.

Q. You're aware that the nearest residential subdivision to the proposed facility is over 3,000 feet away?

A. That's what you're submittal indicated.

01:51:24PM Q. Do you have any reason to disagree with that?

A. Only thing -- I can't talk about it because it's in the subject I'm not supposed to talk about.

Q. To get the background emissions for this proposed site you went to Schiller Park and Naperville?

A. I didn't go there. That data is readily available on Illinois EPA's website.

01:52:04PM Q. You didn't try to establish actual background levels at the proposed site?

A. No. That would be CEC's

responsibility, not mine.

Q. Did you check background levels along Kirk Road?

A. No.

Q. The highest point you have is at the intersection of Kirk and Roosevelt, right?

A. Correct.

Q. Did you check background levels there?

A. No.

01:52:28PM Q. It would have been possible to go out with a monitoring rig and do it, right?

A. Yeah. But to collect appropriate data to get a comparable dataset is get a year's worth of data.

Q. How long do emissions stay at low altitude, meaning, you know, below a hundred feet after they've come out of a truck?

A. I don't have that information.

Q. Well, there is an issue of the

01:53:09PM duration of the emission, isn't it?

A. Uh-huh.

Q. You don't know what the duration of

those emissions might be?

A. I'd have to go back into the data and look at what we included, but no.

Q. You understand garbage has to go somewhere, right?

A. Correct.

Q. If it's not at this transfer station, it will be at another transfer station, right?

A. Correct.

01:54:05PM Q. Correct?

A. Yeah, that's what I said.

Q. And emissions would be the same issue there as here?

A. It depends on where the trucks are going.

Q. I mean, the best way to reduce truck emissions would be to reduce the amount of garbage that has to be trucked, right?

A. Sure.

01:54:28PM Q. The second best way would be to have all electric trucks?

A. It might be the second best way.

Q. Is there anything specifically wrong with the location that Lakeshore has proposed for this transfer station?

A. I'm not sure I understand the question.

Q. Well, the criterion is whether it's located so as to be protective of the public health, safety, and welfare. Is there anything specifically wrong with the proposed location?

01:55:12PM A. With the site itself?

Q. Yeah.

A. No.

Q. What coefficient of dispersion did you use in your modeling?

A. I'd have to go into the details. I don't have it off the top of my head.

Q. You didn't review that?

A. Before coming here?

Q. Yes.

01:55:50PM A. No.

Q. The answer is you didn't review it?

A. I said "no."

Q. Okay. You read the applicant's testimony or the report to indicate that they believe they are going to reduce overall emissions because there's going to be less mileage transferring waste using this location, correct?

A. Not based on what you just said. That's not what the basis is. It's based upon reducing the single-use truck traffic, not the transfer vehicles. It's only -- The only thing that was documented in the analysis was carbon dioxide.

Q. Do you agree with that documentation?

A. Those parameters, yes.

Q. If we're reducing carbon dioxide, wouldn't it be logical it would probably also be reducing nitrogen oxide in a similar amount?

A. For those trucks in particular, yes.

Q. If we're reducing carbon dioxide, wouldn't it also be logical that we're probably also reducing particulate emissions in a similar amount?

A. Yes.

MR. MUELLER: Thank you, sir.

HEARING OFFICER PRICE: City, Mr. Callaghan?

CROSS-EXAMINATION

BY MR. CALLAGHAN:

Q. The criterion that you talked about, it talks about --

HEARING OFFICER PRICE: I need you to speak up.

01:58:14PM

MR. CALLAGHAN: Sorry.

BY MR. CALLAGHAN:

Q. (Continuing.) -- it focuses on the facility, correct?

Go back to the criterion that you're testifying about?

A. For Criterion 2?

Q. Yes.

A. Yes.

01:58:26PM

Q. It doesn't say anything about trucks?

A. No.

Q. It doesn't say anything about

locations, other than where the facility is located, correct?

A. Not implicitly, no.

Q. It doesn't say explicitly either, does it?

A. Well, I mean, the way I interpreted it, it's how it's located. And part of the whole process is the trucks come in and the trucks come out. That's part of the process.

01:58:51PM Q. But the focus is on the facility?

A. That's very true.

Q. Do you know if there's a criterion that looks at traffic?

A. There was, yeah, Criterion 6.

Q. All right. Do you know that people have testified about Criterion 6?

A. Correct.

Q. And that has to do with the impact on traffic patterns?

01:59:13PM A. Correct, as I understand it.

Q. It doesn't say anything about pollutants coming from trucks?

A. No.
Q. Do you know what the definition of facility is in the Environmental Protection Act?
A. I do not.
Q. Now, the background levels that you provided, that means what's out there today?
A. Correct.
Q. And you did a model that came up with the cumulative impact, meaning adding this
01:59:56PM site -- the trucks from this site to the background level?
A. Correct.
Q. The trucks that you added, is that the total number of trucks from this facility?
A. No. Just the transfer trucks.
Q. Only transfer trucks?
A. Correct.
Q. And do you know which waste transfer stations LRS has been using because they don't
02:00:19PM have their own?
A. From what I gather, it's Batavia.
Q. Okay. Where is Batavia located?

A. South of the site and to the west.
Q. It's over by Kirk Road?
A. I'm not familiar with the site.
Q. You don't know where it's located?
A. No.
Q. What about Groot?
A. Groot is just north of LRS.
Q. So do you believe these are going to -- that this facility will create the need
02:00:46PM for more transfer trailer traffic in this area if it is approved?
A. Well, no one took a look at the reduction in transfer activities from all of the sites based upon this application, to the best of my knowledge. The other thing it didn't take into account were other sources that are new and not part of the background, such as Pheasant Run.
Q. I guess any -- You're familiar with
02:01:13PM this area where the proposed facility would be located?
A. Yes.

Q. Would you agree that it's an industrial area?
A. Where the site is the proposed?
Q. Yes.
A. Yes.
Q. Okay. And any use within this area zoned industrial is going to have trucks, correct?
A. I would say that's pretty apparent, yes.
Q. So when property is zoned industrial and I own the property and I want to use it, are you saying before I can use the property, I have to do an air dispersion model?
A. Yeah. Actually, I have a situation where I had a client that owned a piece of property in southern Illinois. He said I don't need permits to do this solar farm. Well, a core of engineers disagreed with him significantly.
Q. And they made him do an air dispersion model for --

A. Not an air dispersion model but he had to do an environmental impact study of solar farming.

Q. That is not a criterion --

A. I understand that. But I'm giving you an example. In the City of Chicago today if you were siting this same facility, you would have to do an air quality impact analysis today.

Q. Because this -- Because the city staff would tell you you have to do it?

02:02:28PM

A. No. There's an ordinance.

Q. That just passed, correct?

A. No. It's been out there for two years.

Q. That's what I mean, relatively recently?

A. Well, it's impacting my clients.

Q. But that's the City of Chicago, that's not here?

02:02:46PM

A. True.

Q. I guess the point on the other transfer stations is if this facility were to

take some of the waste from those, there would be a reduction in the overall impact of all the transfer stations, correct?

A. If they are ultimately reducing the location and where they are going with the waste, yes.

MR. CALLAGHAN: That's all I have. Thanks.

HEARING OFFICER PRICE: Mr. Walsh?

02:03:21PM MR. WALSH: No questions, Mr. Price.

HEARING OFFICER PRICE: Any redirect, Mr. Meza?

REDIRECT EXAMINATION

BY MR. MEZA:

Q. Let me just ask you this, Mr. Powell: The standards that you used, who came up with the standards?

A. U.S. EPA.

MR. MEZA: That's all.

02:03:36PM HEARING OFFICER PRICE: Any recross on that question, Mr. Mueller?

MR. MUELLER: No.

HEARING OFFICER PRICE: PODER?
MR. WEINSTOCK: No.
HEARING OFFICER PRICE: City?
MR. CALLAGHAN: None.
HEARING OFFICER PRICE: Thank you, Mr. Powell.
THE WITNESS: Thank you.
HEARING OFFICER PRICE: Mr. Meza, Mr. Leutkehans, any other witnesses?
02:03:52PM MR. LEUTKEHANS: One further witness.
MR. MEZA: We have one fact witness. We're going to call Colin Hale.
(Witness sworn.)
WHEREUPON:
COLIN HALE,
called as a witness herein, having been first duly sworn, was examined and testified as follows:
DIRECT EXAMINATION
BY MR. MEZA:
Q. Can you state your name for the record and say it loud enough so we can all hear you.

A. My name is Colin Hale. For the record, C-o-l-i-n, H-a-l-e.

Q. Where do you live, sir?

A. I live on National Street here in West Chicago.

Q. How long have you lived in West Chicago?

A. My entire life.

Q. Did your parents grow up in West Chicago?

02:04:56PM

A. They did not grow up here. They have lived in West Chicago since 1984.

Q. Where do you currently work, Colin?

A. I work at Blachford Acoustics Laboratory at 1445 Powis Road.

Q. Can you spell that for the court reporter, please.

A. Blachford is B-l-a-c-h-f-o-r-d.

Q. What do you do at Blachford Acoustics?

02:05:18PM

A. I'm a new product introduction engineer for Blachford Acoustics Group but, like I said, I'm stationed at Blachford Acoustics

Laboratory. I have been there about seven years.

Q. What is the address again of that the location?

A. 1445 Powis.

Q. About how far away are you from 1655 Powis?

A. I think it's about 200 yards.

Q. Are you familiar with the current site at 1655 Powis? 02:05:45PM

A. To some extent, yes.

Q. Is that the current LRS site?

A. Yeah.

Q. Now, how long have you worked at Blachford Acoustics, how many years?

A. Nearly seven.

Q. Now, during that time period, did you have occasion to see or observe litter in or around your area, including by the LRS site?

A. On several occasions. Well, 02:06:15PM continually, yes, we have had quite an issue with litter around our property, which includes

a natural wetland area which is pretty well-peppered with trash. We found several occasions where, you know, we have got Lakeshore Recycling stickers that I think I submitted pictures of, as well as plenty of other stuff that blows out of trucks. I mean, personally witnessed, as well as other people at the company, blowing directly out of Lakeshore trucks, which are full and tarped, full and untarped, and then something I think that's generally unaccounted for here is the untarped vehicles that have the remainder of waste still blowing out of them, you know, little light things usually.

02:06:48PM

Q. Have you taken photographs of this waste?

A. I have.

Q. How are you able to tell that it's, in fact, LRS waste?

02:07:06PM

A. Like I said, on some occasions I have witnessed it. I just spent some time actually watching the trucks go by a few days ago to, you

know, refresh memory of this happening. But some of the pictures I have submitted, like I said, include Lakeshore Recycling stickers, which is pretty direct, I feel like.

Q. I'm going to show you what's been marked as Exhibit PWC 707. Can you tell us what Exhibit PWC 707 is?

(PWC Exhibit No. 707 marked for identification.)

02:07:48PM BY THE WITNESS:

A. These pictures were actually submitted to the city in April -- I think it was April 2021. And this is right after we were cited for litter on our property, and we argued this litter is not our litter. You know, we don't generate waste like this at the lab. We hardly generate any trash at all. This isn't even as bad as it was a few days ago. I just took some more pictures. I guess some of these

02:08:12PM at the end might be --

Q. Let's look at the picture on -- Picture 3 out of 14, Page 3 out of 14, tell us

what that depicts.

A. On page --

Q. Page 3 of 14.

A. Page 3. So this is back from April -- like I said, I think that was 2021. And that is the frontage -- I'm standing on Powis Road or maybe the shoulder and the driveway to the lab is just off and to the right out of view.

Q. All right. Can you flip to Page 4 of 14. What are we seeing on 4 of 14?

02:08:44PM

A. That is Powis Road, and I'm standing in the driveway of the lab.

Q. Do you see litter there?

A. Some there, yes.

Q. Now go to Page 4 of 14.

A. That's looking north on Powis. That's the lab on the right.

Q. 6 of 14?

A. This is just a poorly taken photograph of some of the trash that's in kind of like -- I don't know. I call it the meadow. It's just a brush natural area between the lab and Powis.

02:09:07PM

Q. Now, let's go ahead and flip to Page 9 of 14. Tell us what's depicted in 9 of 14?

A. 9 of 14 is a City of Geneva waste sticker and that is for Lakeshore Recycling Systems. It's one of the Lakeshore stickers.

Q. Where was this found?

A. That's in that same brush patch between the lab and Powis, which is probably 30 feet off the road, I'm guessing, maybe 50.

02:09:43PM Q. Go to Page 10 out of 14.

A. The location of that one is also -- actually I think -- This is just from a couple days ago. This is right across the street from the lab, looking south towards Hawthorne, I believe, but on Powis.

Q. Okay. Then the last couple photographs on 13 and 14, those, again, depict photos you took of the trash in and around the area; is that correct?

02:10:11PM A. Yeah. So 11 is also -- It's right across the street from the lab. 12 -- On Page 12, that is specifically, is in front of

the Lakeshore facility, also a couple of days ago. And then Page 13 -- I believe these were Thursday morning. 13 is at the lab from across the street and you can kind of see that natural area, which is just full of stuff, full of trash from blowing out of trucks. And then the wetland area I referenced is on the opposite side of the lab at that treeline there, which is maybe a hundred yards from the road. The last
02:10:42PM picture is also of the frontage of the lab from nearly the same position same day.

Q. Now, in addition to taking these photographs, have you communicated to the City of West Chicago and has your company communicated to the City of West Chicago?

A. So considering -- Considering this kind of stuff we're looking at here, Blachford Incorporated has been in contact with the City of West Chicago before. Basically what we were
02:11:09PM told is it's litter on your property, you're responsible for it, which made the president of our company pretty unhappy. That started kind

of a whirlwind of trying to hold people accountable, so we did end up getting Lakeshore to come help clean up on our property. And at that time also I think it must have -- a bunch of other people -- this is only a guess -- a bunch of other people must have gotten a citation because they were on both sides of the street everywhere helping to clean up. We were able to get their help that time but usually
02:11:45PM after at least a little bit of a struggle.

If it's pertinent, I also have a new --

Q. I want to show you what's been marked as Exhibit 706. Is this communication from your company to West Chicago relating to the litter?

(PWC Exhibit No. 706 marked for identification.)

BY THE WITNESS:

A. Yes. This is specifically on behalf
02:12:09PM of Blachford. There is a follow-up letter I just submitted, you know, maybe an hour ago that I do have a copy of, if that's also pertinent,

that describes a little more specifically relating to the litter issue. Yes, this is from Blachford Incorporated to the city.

MR. MEZA: Just a second, Mr. Hearing Officer.

BY MR. MEZA:

Q. Mr. Hale, just to clarify the photographs that are in the exhibit, I think it's 706 -- is that right -- 707.

02:13:06PM What were the dates of those photographs taken?

A. Until page -- Pages 1 through 9, those are from April of 2021. And then Pages 10 through 14 are from last Thursday.

Q. Okay. So 1 through 9 is from 2021 and then 10 through 14 are the most recent, right?

A. Yes.

MR. MEZA: We have no further questions.

02:13:33PM HEARING OFFICER PRICE: Thank you.

PODER?

CROSS-EXAMINATION

BY MR. WEINSTOCK:

Q. Hi, Mr. Hale. Thank you for being here. Just a couple questions.

You mentioned at the beginning of your testimony your job is -- about how far is it from the LRS facility where you work?

A. I think it's, like, 200 yards.

Q. It's on Powis Road as well?

02:13:51PM A. Yes, same side.

Q. Same side. Do you know if the zoning of the place where you work is also zoned industrial?

A. I don't know.

Q. Okay. Do you and the people you work with sometimes stand outside of your workplace?

A. Yes, regularly.

Q. Is that -- Does that happen more frequently in the morning, in the evening,

02:14:11PM coming and going at rush hours?

A. It depends. I often find myself out there, you know, midafternoon, 2:00/2:30.

Traffic usually ramps up a lot then, not specifically truck traffic. That seems pretty well random. To me, anyway. I haven't studied that.

Q. Fair enough. You do spend sometime -- Do you ever take lunch outside?

A. Yes.

Q. Do you know other people who do similar things?

02:14:36PM A. Yes.

Q. You mentioned before you're a resident of West Chicago?

A. Yes.

Q. I'm going to ask you a question that's going to sound really stupid. When you're standing outside, are you breathing in and out?

A. I try to.

Q. That's right. And are you breathing in and out, even though you're standing in what might be zoned an industrial property?

02:14:50PM A. Sure. Yes.

MR. WEINSTOCK: Thank you. No further

questions.

HEARING OFFICER PRICE: Mr. Mueller?

CROSS-EXAMINATION

BY MR. MUELLER:

Q. Mr. Hale, how is it that you came to be a witness here?

A. I had contacted Protect West Chicago stating my interest in describing the issues that Blachford Incorporated has with the continual litter on our property.

02:15:16PM

Q. When did you first contact them?

A. Oh, I don't know. It was last week, I think. It was recent. I guess I have contacted them before learning from the mass e-mails probably months ago, but not in the relation to anything at these hearings. I have only been to this hearing and two before it.

Q. Who have you been dealing with at Protect West Chicago?

02:15:38PM

A. Mr. Meza. And then the person I was e-mailing with, his name was Nick. I don't remember his last name, but we have been in

contact a couple times completely unrelated to this.

Q. Ever deal with someone from Protect West Chicago named Mr. Biel (phonetic)?

A. I don't recognize that name.

Q. How far is your company from the Waste Connections site?

A. I'd only be guessing. I'm guessing it's, like, three quarters of a mile at 64 and Powis there.

02:16:16PM

Q. Now, you keep talking about there's trash and litter on the road, right?

A. Yes.

Q. Are you aware that Lakeshore does not haul trash to or from that site?

A. I can't speak to what Lakeshore is known to carry by whatever, you know -- whatever you guys are known to carry. What I know is from watching things blow out of trucks. I don't know what's supposed to be going to and from Lakeshore. I just know things blow in and out of the trucks.

02:16:53PM

Q. What kind of truck do things blow out of?

A. To give you the most recent example, on Thursday, watching from the roof of the lab, I was watching a truck that's orange on the top, white on the doors, more orange on the bottom. What I think used to be a Hoving truck but LRS must have purchased. It's colors just like those, but with the big blue LRS dumpster on the back. I watched some that were tarped with stuff in them and some that were untarped with what I would presume to be called and empty load. But I did witness on several occasions just Thursday smaller, lightweight pieces of trash blowing out of those empty containers, which is part of my concern and, of course, Blachford's concern, that those things aren't be accounted for.

02:17:15PM

02:17:38PM

And specifically referencing Page 2 -- sorry -- Criterion 2 on 2-31, my interest is the concept of litter blowing from those trucks. I understand that perhaps there

may be other trucks that litter and people who the litter and whatever else. I'm speaking specifically in relation to these hearings and what I see happening from Lakeshore and on behalf of Blachford that we have a big issue with that and we don't feel it's appropriately or entirely addressed as it stands right now.

Q. Let's look at your exhibits. Page 3 of -- Page 2 of 14.

02:18:16PM A. Sure.

Q. It looks like there's a COVID-style mask and a driver's license?

A. That's right.

Q. Whose license is that?

A. I don't know. We probably should have blurred that or something. Apparently his name is Daniel Duncan.

Q. Do you know whether he's an LRS employee?

02:18:41PM A. I have no idea.

Q. Could he be a Waste Connections employee?

A. He could be an employee of anybody.
Q. So you don't know where that license and surgical mask came from, do you?
A. I don't know where specifically any individual piece of this trash came from; however, I have pretty good reason to believe that the Lakeshore Recycling stickers probably originated from Lakeshore.
Q. Well, I'm not seeing a Lakeshore recycling sticker on 2 of 14. Am I missing something?
02:19:10PM
A. No, not on 2 of 14.
Q. Okay. 3 of 14.
A. Yes.
Q. Can you point to any specific piece of litter that you know came from a Lakeshore vehicle?
A. I cannot point to any specific piece of litter coming from a Lakeshore vehicle on that picture.
02:19:30PM
Q. All right. Let's go to 4 of 14. Can you point to any specific piece of litter that

you know came from a Waste Connections -- I mean, a Lakeshore vehicle?

A. Not on Page 4 of 14.

Q. Page 5 of 14, can you point to any specific litter that you know came from a Lakeshore vehicle?

A. For the sake of everybody's time, I'm going to point out --

Q. I didn't ask you about people's times. I asked if you can point to any specific litter that came from a Lakeshore truck?

02:20:03PM

A. No.

Q. Page 6 of 14. Can you identify anything from Lakeshore on there?

A. No.

Q. Page 7 of 14. Can you identify anything from Lakeshore on there?

A. As with any of these pages, I don't go out and write down exactly what piece of trash I saw fly out of what truck; however, as I have mentioned, I have watched trash fly out of Lakeshore trucks as recently as Thursday.

02:20:36PM

Q. So the answer to that question is, no, you can't identify anything in 7 of 14, right?
A. That's correct.
Q. Page 8 of 14. Do you know what that is?
A. It's some kind of plant information from a Planter's Palette.
Q. So it must have blown off a plant?
A. Must have blown off, presumably, the
02:21:25PM truck carrying the trash from Planter's Palette, but ...
Q. Do you know whether that was a Lakeshore vehicle?
A. I do not know.
Q. Now, on Page 9 of 14 there is a Lakeshore sticker depicted?
A. Yes.
Q. Is that a yard waste sticker, if you know?
02:21:54PM A. It just says "waste sticker." I don't know if that's for yard waste or if it's like the stickers we used to have in West Chicago for

trash cans. I'm not sure. I don't use garbage stickers.

Q. Page 10 of 14. Can you identify anything that came from Lakeshore on that picture?

A. So on this picture, I can say that one of those things down there in that little culvert area, the lower area, one of those I know is because I watched it blow out. But, like I said, I did not specifically take count which one that was.

02:22:23PM

Q. Which one do you know that came -- that you saw blow off?

A. I know it was a sheet of paper-ish-sized white thing, and there's a few of those that I can see, so I can't say which one. Anywhere right in this little space is about where it would have landed based on what it looked like from the roof.

02:22:42PM

Q. Page 11 of 14. Anything you can link to Lakeshore there?

A. Not specifically.

Q. 12 of 14. Anything you can link to Lakeshore?

A. The thing I can link to Lakeshore that I didn't think to take a picture of at the time was the grime coming in and out of the driveway, but I was paying attention to trash than the grody stuff that leaks out of vehicles.

MR. MUELLER: Mr. Price, I'm going to move to strike that answer as nonresponsive.

02:23:13PM HEARING OFFICER PRICE: Overruled.

Move on.

BY MR. MUELLER:

Q. Page 13 of 14. Anything you can link to Lakeshore there?

A. Not specifically, no.

Q. So Exhibit 707 with its 14 pictures has one Lakeshore sticker and nothing else that you can link to Lakeshore, correct?

A. Other than one of those things on 02:23:53PM whatever page that was. Like I said, I'm not sure which one it might be, from Page 10.

Q. Now, the Waste Connections trucks go

up and down Powis Road, too, don't they?

A. Right. Yes.

Q. Do you know whether litter ever blows off of them?

A. They also have the same problem.

MR. MUELLER: That's all I have. Thank you, Mr. Hale.

HEARING OFFICER PRICE: Mr. Callaghan.

MR. CALLAGHAN: One question.

02:24:30PM CROSS-EXAMINATION

BY MR. CALLAGHAN:

Q. Across the street and a little bit south from the Blachford, there's a Secretary of State truck-driving test facility?

A. It was for a long time.

MR. CALLAGHAN: That's all I have.

CROSS-EXAMINATION

BY MR. WALSH:

Q. Mr. Hale, are you being paid to be

02:24:51PM here today?

A. No.

MR. WALSH: Thank you. That's all I

have.

HEARING OFFICER PRICE: Any redirect, Mr. Meza?

REDIRECT EXAMINATION

BY MR. MEZA:

Q. Mr. Hale, when did you first meet me?

A. I think it was Tuesday, right? Whatever the first meeting of last week during the week was.

02:25:04PM Q. And you understand I don't represent you; is that right?

A. Right.

Q. You asked to testify; is that correct?

A. Yes. To be perfectly clear, my interest is just that the litter coming out of trucks I don't think is being appropriately addressed in the way the text is currently and maybe even in the way that it's being legally enforced or not, and the accountability of,

02:25:24PM really, both waste handling companies but Lakeshore included. Since they are the topic of this hearing, that's the one I'm particularly

interested in at the moment. If we have the power to make sure that they are held accountable for whatever trash is associated with them in the future that we build that into conditions or things like that. I don't want to be unreasonable for anything. If something blows out of your truck, we do have ordinances which if you give me a second, I'll grab something from my phone. But we have multiple
02:25:52PM ordinances in place that are specifically related to if something blows out of your vehicle, you're responsible for it. I think Lakeshore's intention is as anybody's would be is to control their trash and not have it blow all over the town. The fact of the matter is that still happens.

So how dot we control that and what's the course of action once that has happened? Because I currently don't see either
02:26:15PM of those companies, but including Lakeshore, you know, walking up and down the street every so often. Street sweeping is not going to cover

that because we're not talking about the road surface but the culverts, recessed areas, and anywhere else that trash would blow around and collect. That's anywhere from a parking lot to natural wetland areas or, you know, it can blow into the residential areas or wherever you can point it. I think regular cleanup efforts should be considered.

Q. Did anybody try to convince you not to testify today?

02:26:43PM

A. No.

MR. MEZA: No further questions.

HEARING OFFICER PRICE: PODER?

MR. WEINSTOCK: No.

HEARING OFFICER PRICE: Mr. Mueller?

RECROSS-EXAMINATION

BY MR. MUELLER:

Q. Very briefly. Mr. Hale, you talked about street sweeping. You have seen the Lakeshore street sweeper out there on Powis Road, right?

02:26:58PM

A. I believe I have.

Q. Have you ever seen one from Waste Connections out there?

A. No. But what I also haven't seen would be, you know, hordes of people cleaning up the areas where the trash collects.

Q. I was going to ask you: Have you ever seen pickers in the ditch picking up paper?

A. On the one occasion that I mentioned in April of 2021 where we were cited and I think
02:27:23PM the surrounding companies were also cited for trash that was not ours.

Q. Lakeshore routinely sends pickers out there to try to keep the road and the berms clean, don't they?

A. I have not seen them, except for that the occasion.

MR. MUELLER: That's all I have. Thank you.

HEARING OFFICER PRICE: Mr. Callaghan?

02:27:42PM MR. CALLAGHAN: No questions.

HEARING OFFICER PRICE: Mr. Walsh?

MR. WALSH: Nothing. Thank you.

HEARING OFFICER PRICE: Thank you, Mr. Hale.

Does that conclude Protect West Chicago's case in chief?

MR. LEUTKEHANS: Yes, it does.

HEARING OFFICER PRICE: Then the exhibits introduced as part of the case in chief include 155, 156, 157, 51, 352, 800, 801, 602, 350, 603, 603-A, 49, 702, 707, and 706.

02:28:16PM Are there any objections to any of those being made part of the record?

MR. MUELLER: Nope.

HEARING OFFICER PRICE: They are all in, then. Thank you.

We now turn to PODER. It is your opportunity to put on your case in chief.

MR. WEINSTOCK: Thank you, Mr. Price. We will be calling two witnesses this afternoon. Before we do that, I might ask for a very brief

02:28:37PM break. The primary purpose for it is to send copies of Excel documents that are going to be attached to one of our exhibits to counsel in

the room and anybody who needs them, I suppose, so they have those electronic copies. They are Excel documents. Had we printed them, we would have been talking about --

HEARING OFFICER PRICE: Do you have them on a thumb drive and you can put them on the screen?

MR. WEINSTOCK: We don't plan to -- They are a technical backup for a document that we made a summary document. I wanted everyone to have them. I can send them out afterwards. We are not going to ask any questions about these documents. Frankly, they are hard to read but because they are the technical backup.

02:29:07PM

HEARING OFFICER PRICE: Send them later.

MR. WEINSTOCK: Could we have just a moment to use the restroom and get our witnesses ready?

02:29:21PM

HEARING OFFICER PRICE: We'll take ten minutes now, given the 4:30 stop, and we'll start again at 2:40.

(A short break was had.)

(Witness sworn.)

MR. WEINSTOCK: Good afternoon. My name is Robert Weinstock. I'm an attorney with the Northwestern University Environmental Advocacy Center. I'm appearing today for the limited purpose of helping the PODER witnesses present their direct testimony and to try to help them do so as efficiently as possible with
02:42:10PM a strong understanding of the legal process involved here as we can.

Before we begin, I do have two other introductory issues I just want to put on the record. First, as I was communicating with the hearing officer, I would just like to request a little bit of leeway in the direct testimony in terms of form and format from the PODER witnesses. Obviously, they are not used to testifying in this sort of forum, which, you
02:42:37PM know, I do recognize has more relaxed rules for testimony than a judicial forum. But I would appreciate the advanced patience and

flexibility, particularly, for our first witness, Ms. Garcia, which English is not her first language, but Ms. Garcia has been forced to participate in this hearing without the aid of Spanish interpretation at any point in the process. I would just ask for a little leeway. Ms. Garcia is ready and will do her best.

Second, I'd just like to note an objection for the record to this hearing being held on Dr. Martin Luther King, Jr., Day, which is, obviously, a national holiday during which time any witnesses or member of the public may have to, say, care for their children who are home from school and which is, of course, intended to honor and recognize the contributions of a civil rights leader for whom fighting the prejudicious effects of the solid waste transfer industry on minority communities was a key part of his legacy of work.

02:43:08PM

02:43:35PM

Recognizing that the hearing is being held today, we are prepared to participate and, as I said, I would just note that objection for the

record.

WHEREUPON:

JULIETA ALCÁNTAR-GARCIA,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WEINSTOCK:

Q. Ms. Garcia, can you please state your name for the record?

02:43:49PM

A. My name is Julieta Alcántar-Garcia.

Q. Where do you live, Ms. Garcia?

A. I live in West Chicago.

Q. Could you talk a little bit more about your experience in West Chicago, how long you have lived here, that sort of thing?

A. Actually, I was born here. I was born December 20, 1969. My parents are Luis Alcántar and Carmen Alcántar. My mom is no longer with us, but my dad is. It's a lovely town. I love it. I love the community. We all get along so well. Everywhere I am, hello, no matter who it

02:44:17PM

is. Everybody comes together when we need to. We all have the same concern and worries regardless of what the our ethnic background is. We get together a lot.

I'm currently the BPAC president for West Chicago District 94, and I'm always for the community. I'm always -- That's the way I have been all my life. I like to do what is right for our community, especially West Chicago.

02:45:19PM

Q. You mentioned you're the board president for -- I didn't catch what the organization was?

A. BPAC is Bilingual Parents Advisory Committee. So our children bilingual, most parents are not. I am. So we try to have this community that the -- actually, ISBE encourages us to have. It's a very good environment here in West Chicago.

02:45:55PM

Q. So it sounds like that's one way you're involved in community affairs in West Chicago. Are you also involved in an

organization called People Opposing DuPage Environmental Racism?

A. Yes. Yes, I am. PODER is an environmental community for immigrants of the area of DuPage.

Q. You have to speak up a little bit.

A. Our mission is to educate, empower, and advocate for the struggle of Latino and immigrant communities.

02:46:39PM Q. When you say "Latino and immigrant communities," where -- are you talking about in West Chicago? Can you tell me a little bit more about who PODER and ISD represent?

A. Here in DuPage County this organization, Immigrants Solidarity DuPage, began in 2007, and I joined them in 2011. And then PODER began about 2012, 2013, when members of West Chicago came to us with a different issue.

02:47:24PM Q. So PODER formed -- Well, PODER was formed in response to concerns in West Chicago?

A. Yes.

Q. But the title of the organization talks about DuPage?

A. DuPage, yes.

Q. Can you explain that? If it's West Chicago focused, why are you identifying DuPage in the name of the organization?

A. Because DuPage County is a county where the largest population probably is Latino, it's an immigrant community. It's probably -- I want to say it's in the census. Unfortunately, in the census, not everybody was counted recently. But I am sure this is our status, in DuPage County we are a majority of Latinos and immigrant communities.

02:48:05PM

Q. West Chicagoans are?

A. Yes, West Chicagoans.

(PODER Exhibit No. 1 marked for identification.)

BY MR. WEINSTOCK:

Q. I'm going to ask you to pull up what's been marked PODER Exhibit 1. You mentioned a moment ago census data and the notion that West

02:48:28PM

Chicago is the center of many of the Hispanic or Latino community within DuPage as a whole. Is that what this exhibit depicts?

A. Pretty much. To an extent where I know so many of our community were not counted but, yes, we are at the top. I do agree we are the largest population, especially here in West Chicago.

Q. Is there anything else about this chart that you think reflects your experience in West Chicago and why PODER is organized the way it is?

A. Well, because it's a Latino community. It's an immigrant community. Also, there's low-income, people of low income, there's poverty, and many people who do not speak English at home.

Q. Thank you, Ms. Garcia. So fair to say that this chart, based on the census data that you asked your attorneys to prepare, reflects, in general, your experience of the way West Chicago compares to DuPage County overall?

A. Yes.

Q. Noting the point that the census likely undercounts the foreign-born person and Latino members?

A. Yes.

Q. As part of your work with PODER -- Well, strike that.

When -- We're here today, obviously, to talk about a proposal on the table from LRS. When and how did you become aware of the proposed LRS facility that's at issue in these hearings?

A. I became aware during the first time -- I believe they submitted the -- this LRS -- The permit for the siting, the first time they came around. I want to say it was before the pandemic, and members of West Chicago came discussing this issue, and they brought it to our attention. There were some meetings around 2019 where I listened in to what was being spoken of, and that's where I learned a little more of what the LRS was and what they were

planning to do.

Q. Those meetings in 2019, were they public meetings that LRS was presenting at? Were they meetings you were hosting? I'd just like to know --

A. It was a -- It was a community organization. It may have been the citizens advocacy but, later on, we had visits at our -- at our center in Wheaton of concerned West Chicagoans that were also concerned at this -- they were concerned, actually, at the silence after it appeared that they were not approved. So they were very concerned at the silence from anything, anything about this.

02:51:59PM

Q. So you became aware of this in 2019. And, after that, you expressed a concern about the fact that the public wasn't aware of what was going on with this after 2019 for some period?

02:52:28PM

A. Right. Exactly.

Q. At a certain point, did you become aware again of what was going on with this

proposal?

A. I did become aware a bit after the pandemic started. I did periodically listen to people or there were people presenting this where I would go shop at Jimenez here and there were concerned citizens about it there. That's where I started to say, This is happening. You know, this is coming up again. It interested me to make sure I knew and got involved.

02:53:24PM Q. So you mentioned meetings in 2019. You mentioned shortly after the start of the pandemic you heard about it from some other people in the community. Were any of those people affiliated, to your knowledge, with Protect West Chicago?

A. No. No.

Q. Have you -- Are you affiliated with Protect West Chicago?

A. Not at all. I mean -- I have heard of

02:53:52PM them recently because they are in this, but I have no idea who they were or whose funding them or anything.

Q. Do you, yourself, PODER or ISD have any official relationship or connection to Protect West Chicago?

A. We do not at all.

Q. How about to Waste Connections?

A. No. I guess that's Groot. I didn't even know they were Waste Connections.

Q. That was my next question. Any connections between yourself, PODER, or ISD with Groot?

02:54:24PM

A. No, not at all.

Q. You mentioned that members of PODER have concerns about the Lakeshore proposal at issue here today?

A. Yes.

Q. Would you just introduce, sort of in general terms, what are the concerns of PODER and its members with respect to the application of LRS?

02:54:45PM

A. Well, the impact. The impact it's going to have on our community. I do hear we're going to have more trucks coming in. I do

hear -- Listening here, there's so much in concern. So many red flags waving. My concern is we're not being listened to.

Q. Thank you, Ms. Garcia. PODER and its members had these concerns with the LRS facility. Did you -- Have you taken any steps to do any investigations on your own to understand what the -- what the affects of the facility might be?

02:55:44PM A. Very interested in this. We all -- PODER, our organization, we all started to do -- My physical participation was air monitoring and the counting of diesel trucks.

Q. We're going to take those one at a time. We're going to start with the counting of diesel trucks?

A. Okay.

Q. So, first, when you mention we did -- you were engaged in the counting of diesel

02:56:17PM trucks. Who specifically counted trucks?

A. Me.

Q. You, personally?

A. I did.
Q. Anybody else?
A. No.
Q. Could you maybe talk about, in general, how you counted the trucks, where were you, when, and we'll try to get a complete picture of it?
A. Well, I began counting trucks actually in the month of December. It was difficult for
02:56:43PM me -- I have kids, my oldest with autism -- to just go out and do all of this while they were going in school, but December seemed better. I was able to be there, like, for an hour, up to three hours sometimes, if it was possible. I would sit in the front of each facility LRS and Groot, and I would count the trucks that would come into their facility and out.
Q. So you counted entering and exit?
A. Yes.
02:57:21PM Q. Did you take any notes while you were out there to make sure you were keeping tabs on what you were seeing?

A. Well, yeah. It was little tallies -- little notes with tallies so I wouldn't miss. That's what I would do, my own old-school style.

Q. I think that's pretty much how anybody counts trucks. Did you -- did you -- Can you take a look at Exhibit 2 -- what's in the folder as Exhibit 2. Just take a moment to flip through it. And my question for you, Ms. Garcia, is just going to be: Are those the handwritten notes you mentioned?

02:57:58PM

(PODER Exhibit No. 2 marked for identification.)

BY THE WITNESS:

A. Yes. Yes, they are.

Q. Thank you. When you were counting them, when you were marking them down -- So you would count separately at each of the two facilities; is that right?

A. Yes.

02:58:17PM

Q. So you would sit out front of the facility --

A. Yes.

Q. -- and just count the trucks coming and going.

How did you know they were exiting or entering a particular facility?

A. Watching them. Yeah.

Q. Understood. How did you know -- Could you describe the trucks? What kinds of trucks were coming in and out?

A. The garbage trucks that each company has, the semi trucks, they were pretty big trucks. And there were other companies, I guess. I couldn't -- Like, Groot had Republic and LRS had other trucks come in that probably were weren't LRS, but there were other, maybe, companies independent. I don't know.

Q. In your notes you counted every truck, no matter what sort of company name was on the side?

A. Yes. No matter what was, it's counted.

Q. You didn't differentiate between -- Let me ask that a different way. I'm sorry.

Did you differentiate in your counting between, like, 18-wheel semi trucks and garbage trucks you might see in the neighborhood, or did you just count every --

A. I just counted every truck.

Q. Did you count, like, passenger cars?

A. No. No. Just, you know, the garbage trucks and up, the big things -- big rigs.

Q. I think big rigs is about how I would describe it also. Thank you.

02:59:50PM

So I'm going to ask you now to look at what's been marked PODER Exhibit 3 and PODER Exhibit 4.

Do you see those in front of you?

(PODER Exhibit Nos. 3 and 4 marked for identification.)

BY THE WITNESS:

A. Yes.

Q. Do these appear to be summaries of the notes that we looked at as Exhibit 2 that you asked myself and my team to prepare for you?

03:00:05PM

A. Yes. Yes, they are.

Q. I'd like to just ask you to just to quickly, if you could --

MR. WEINSTOCK: Well, I guess, Hearing Officer Price, I would have her walk through and testify to the fact that she saw the number of trucks indicated on each day and maybe skip over that and move these into admission if that's more efficient for everybody.

HEARING OFFICER PRICE: Put on the case you want to put on. I'll have the objections at the end when you're done with your case in chief.

03:00:41PM

MR. WEINSTOCK: Thank you, sir.

BY MR. WEINSTOCK:

Q. Ms. Garcia, do you remember being out at the LRS facility on December 6, 2022?

A. Yes.

Q. Do you remember how many trucks -- Well, do you remember how long you were out at that facility on that day?

03:01:01PM

A. An hour, yes.

Q. Do you remember how many trucks you

saw go in and out?

A. 137.

Q. Same sets of questions: Were you there on December 7th at the LRS facility?

A. Yes.

Q. About how many trucks did you see either entering or exiting?

A. 132.

Q. I guess I'll stop and ask a question. Those numbers, 132, that's both going in and going out?

03:01:21PM

A. Yes.

Q. Maybe it's the same truck counted twice because it came in and out, maybe not; it's just the number of vehicles you saw go through the gate?

A. Right. Correct.

Q. On December 13th, were you at the LRS facility?

03:01:38PM

A. Yes.

Q. About how long were you there that day?

A. December 13th?
Q. Yes, ma'am.
A. I was there 90 minutes.
Q. About how many trucks did you see entering and exiting that day?
A. 153.
Q. How about December 19th, were you at the LRS that day?
A. Yes.
03:01:55PM Q. About how long?
A. 70 minutes.
Q. About how many trucks in that span?
A. 157.
Q. How about December 19th?
A. I was there for 62 minutes.
Q. About how many trucks did you see enter or exit during that time?
A. 148.
Q. Same question on December 28th,
03:02:14PM Ms. Garcia?
A. 64 minutes. And the trucks were 170 trucks.

Q. 1:45 in the afternoon, that's -- Do you know, offhand, is Powis Road generally really busy in the middle of a day like that?

A. It looked busy, yeah. I was shocked that at that time it was busy but, yes, it was pretty busy.

Q. On December 30th, 2022, were you at the LRS facility?

A. Yes.

03:02:50PM Q. About how long were you there that day?

A. I was there 62 minutes.

Q. About how many trucks did you observe?

A. 144.

Q. I'm going to ask you the same questions about Exhibit 4.

A. Yes.

Q. Exhibit 4 represents your notes from your truck watching at the Groot facility or the

03:03:09PM Waste Connections facility; is that right?

A. Yes. Exactly.

Q. Were you out there at that facility --

the Groot or Waste Connections facility on December 8th?

A. Yes, I was.

Q. For about how long?

A. 72 minutes.

Q. How many trucks did you observe entering or exiting?

A. 141.

Q. On December 12th, 2022, were you at the Groot or Waste Connections facility? 03:03:27PM

A. Yes.

Q. How many -- About how long were you there?

A. 100 minutes.

Q. About how many trucks -- Excuse me. How many trucks? Not about how many.

A. 173.

Q. On December 21st, were you at the Groot facility?

A. Yeah. I was only there 35 minutes because it was very freezing. 03:03:41PM

Q. I think we all remember the weather

that the day. How many trucks did you see in that 35-minute session in the morning?

A. 72.

Q. Did you go back out in the afternoon that day?

A. No. I wanted to, but there was no way. It was too cold. Wait a minute. Yes, I did. From -- I remember. From 1:39 to 2:45. It was 66 minutes. And I did count 202 cars -- trucks.

03:04:23PM

Q. Thank you.

A. I remember, because I was shocked, and I had a phone call from Cristobal and he was like, 202 trucks today?

Q. That's a lot of trucks in an hour on a cold day.

A. So yes.

Q. Did you go back out on December 29th to the Groot facility?

03:04:46PM

A. Yes, I did. 82 minutes and 166 trucks.

Q. Thank you, Ms. Garcia. You can put

down the exhibits now.

What -- When you were out there over the span of those days at the two facilities observing the trucks coming in and out, what were your impressions? What did these results mean to you?

A. They are alarming to me. It's a lot. Then learning that we're going to get more. How much more? And what the impact is going to be, you know, it's -- it's frightening for me.

03:05:26PM

Q. Are you aware -- Well, I'll put it this way: On Page 2 of the Criteria 6 submission from LRS, the KLOA report, LRS claims that their proposed facility will result in fewer trips by certain trucks because they are LRS trucks that currently deliver municipal waste somewhere else and then drive back to the facility on Powis Road to park overnight and LRS is claiming that those trucks wouldn't have to go somewhere else so there will be fewer entrances and exits at the Powis Road facility because LRS can just dump the transfer and park

03:06:07PM

them in the same location. LRS states that it's a reduction in truck traffic of a certain kind.

Do you believe that that change is a benefit to the community?

MR. MUELLER: I'm going to object to her beliefs.

HEARING OFFICER PRICE: She doesn't have a foundation for this either. Sustained.

BY MR. WEINSTOCK:

03:06:38PM Q. Ms. Garcia, did you review the LRS application materials?

A. Yes, I did.

Q. Did you look at their traffic study submitted by KLOA for Criterion 6?

A. I did.

Q. Did you observe that that report indicates what I mentioned a moment ago?

A. Yes.

Q. What was your reaction when you saw

03:07:00PM LRS's claim?

A. That's not going -- It's not convenient for the community. It's convenient

for LRS.

Q. So I understand that Powis Road runs through a relatively industrial area?

A. Yes.

Q. The fact that the Powis Road is not directly a residential road, does that address any of your concerns with the amount of truck traffic that you just described?

A. Not really. It does not. It's just that when I'm doing this observation, I do see that at various times it's very windy, it's very windy. You know, the emissions of trucks or anything that's there is not going to just stay idling there. There's wind. It's going to blow. Where is that wind blowing all of that pollution? That is my concern because there are respiratory issues, asthma, in children. So I am a mom and, also, where I do -- what I do with the schools, I hear lots of concern. It's -- It's sad to see that this issue is being ignored. So as a mom, I do worry. Fellow moms worry that this is going to multiply the

03:07:43PM

03:08:43PM

diseases of -- respiratory diseases in children are going to multiply.

Q. As someone who has reviewed the LRS application materials, as a community leader in the schools in West Chicago, as a mother, do you believe that LRS has addressed concerns about where diesel pollution from within their facility or the trucks driving to it, where that pollution would end up?

03:09:26PM MR. MUELLER: I'm going to object. She clearly is not qualified.

HEARING OFFICER PRICE: I agree, but she is not an expert and is not qualified to talk about the expert opinions rendered. But the question did limit her to her experience as a citizen of West Chicago and as a mom. With the very limited scope of the question as asked, I'm going to overrule your objection.

To be clear for the record, she is 03:09:52PM not an expert and not qualified to give opinions about other expert testimony.

BY MR. WEINSTOCK:

Q. From your perspective, Ms. Garcia, do you believe LRS has analyzed or addressed the concerns about where diesel pollution would end up from the their facility?

A. No, they have not.

Q. Let's move on now to the second action you took to investigate the LRS application yourself. You mentioned air monitoring?

03:10:26PM A. Yes.

Q. Can you tell us about the air monitoring efforts you undertook?

A. Yes. We were trained to use the AirBeam device that is downloaded on our phones, the application. And then we go out there, we make sure we fully charge our device, and then as we are out there to pick our site. We go to our app, we activate a reading -- we make it active. We put the area where it's at, the map

03:11:17PM comes up, and then we initiate the session.

Q. Okay.

A. We move around a bit so the device

starts to read. And it's going into our phones. It's an application that's keeping all the graphs and maps.

Q. Again, for the record, that's the AirCasting application?

A. Yes, it is.

Q. It connects to a sensor. Is that the AirBeam sensor?

A. Yes, it is.

03:11:47PM Q. Do you -- I'm going to ask you a couple questions about how that works building off of what you just said.

A. Uh-huh.

Q. First, you mentioned you charge the device. That means you charge both the sensor and your phone, I guess?

A. Yes, of course. Yeah.

Q. When you do that -- When you activate the app -- I think you said activate or turn it

03:12:10PM on -- do you have to do anything else when -- When you're out there to take monitoring on a particular day, let's say, what steps do you as

the user need to take to start to monitoring or actually do the monitoring?

A. Well, I have to take -- Like, I filled out the form, the temperature, how the wind is blowing, these little details, and I put it in the monitor where I'm doing my air monitoring, my name, and then basically that's it. When we're done, we have to finish the session, and then we keep that until we're able to e-mail to

03:13:00PM who we need to give us that information, those sheets.

Q. When you say "finish the session," what do you need to do to finish the session?

A. To finish it, well, send it. There's, like, three dots. When we're done, we push the three dots and finish recording.

Q. So just press a button and turn it off?

A. Uh-huh.

03:13:22PM Q. Did you receive any special training to use this app or do you have any technical background?

A. Yes. I don't have any technical background, but our forest preserve commissioner, Jeffrey Gahris, trained us to use this device and how to use it appropriately so it reads. This is -- He came to us for other matters, but also this came in at the right opportunity for what I wanted to do.

Q. So who paid for the app and the monitor itself?

03:14:00PM A. This was something that was donated to us -- I would want to say to PODER.

Q. Do you know who donated it?

A. Yes. Jeffrey Gahris from -- He's a forest preserve commissioner.

Q. So when you got the app, by the way, do you need any special license or do you have to interact with the company that does the app at all or can anyone just download it?

03:14:36PM A. Well, we had to have just the training but, like, one of our coordinators, Rafael Villa, he's the one that when we want to add someone else or recruit someone else, he downloads it,

he informs us how to use it and watches us use it, so when we're out there, we use it correctly so that it reads correctly.

Q. Based on what you have seen about this app and the materials you read -- Well, I guess, did you read any of the materials from the app or instructions from the app itself when you started using it?

A. Yes.

03:15:08PM Q. Based on the things you read from the app creator, do you believe this is a device that's intended for anyone to be able to use it or is it intended only for technically trained experts?

A. I believe it's intended for anyone to use it. There have been instances where we have heard other community organizations tell workers to use it where they are working to monitor the air quality there in other instances, not here.

03:15:46PM Q. Again, I just want to backtrack so we all have a clear understanding of how this monitoring works. So you have downloaded the

app, you have been trained on it, both by people who know how to use it and by reading the materials?

A. Yes. Correct.

Q. When you go out to monitor, you enter the air temperature?

A. When you go into the app, you know, you have to turn on the device. It has you connect first. Connecting the device has you do steps to connect your phone to the device.

03:16:25PM

Q. Like Bluetooth or something?

A. Yes, Bluetooth. Then there's a screen where you put your name, the place you're monitoring -- air monitoring, LRS or Groot, and the next -- there's a little -- where you can put if it's a certain intersection, if there's a light, or the temperature, you can put it's very windy today, it's very cold and all these details. Then you turn on the session.

03:17:07PM

Q. Then you leave it on --

A. You leave it on.

Q. -- for a certain period of time?

A. Yes.

Q. During that time, the monitor -- do you know what the monitor is doing, just generally?

A. It's reading. We have to move around a little bit when we're walking, and then it starts reading. It's a very interesting device. It is.

Q. Can you see the readings as they are coming in?

03:17:34PM

A. Yes. Yes. When I'm looking on my phone sometimes, I look and make sure I see it's going on and it is. It's very interesting. Very interesting to see the spikes going up. And when we began doing this, I was out there without a mask. As a precaution, I wear a mask because there's a lot going on out there.

Q. For it to take the readings, do you have to do anything as the user or does the monitor just take them automatically?

03:18:20PM

A. It does it by itself.

Q. Do you know how often it takes a

reading?

A. Maybe a second and a half.

Q. Do you know what air pollutants it monitors?

A. The one that I know for sure is the PM2.5.

Q. Do you know anything about PM2.5?

A. I do know that it's -- Can I use this?

Q. Just try to answer first based on your knowledge, as you sit here today?

03:19:04PM

A. Well, it's -- It's what is being used because it impacts public health -- it affects public health and it's very dangerous if it exceeds a certain level.

Q. To get back to sort of the way the app works. It's automatically recording, the monitoring you think it's about every one second or one-and-a-half seconds?

A. Yes.

03:19:35PM

Q. It records Particulate Matter 2.5, among other things. Then I think you mentioned before, the app, then, saves the data in some

format; is that right?

A. Yes, it does.

Q. Are you able to export that data?

A. Yes. It's still there, everything I have. At any time I can export information.

Q. I'm going to ask you a little bit about the particulars of that data in a moment. Before we do that, I just want to tee up a couple things.

03:20:06PM Have you ever downloaded that data to some format you can share with other people?

A. Well, it does have the option for me to share data. In the past I did share the sessions to our forest preserve commissioner Jeffrey Gahris and then recently to our lawyers today.

Q. When you shared that data with me, did you change any of the data before you sent it to me?

03:20:43PM A. I don't think that's possible.

Q. Do you know how I received that data? You hit send on the app, I take it. Do you know

how it showed up for me?

A. Yeah. I sent it from my app. That's how I was told I could share it.

Q. So you -- Did you even download that data yourself?

A. No.

Q. It went directly from the app to me?

A. Yes.

MR. WEINSTOCK: I'd like to now ask you to look at what's been marked PODER Exhibit 5. I'll represent for the record that this exhibit is the automated messages that my office received from Ms. Garcia's app directly. What we did -- I'll ask Ms. Garcia to talk about what these numbers are in a moment.

But just for the record, what we did was download those files directly from the app. I believe the e-mail name was AirCasting.com where I received it from. Then we just packaged up what were extremely voluminous Excel files and put the numbers here. As I indicated before the break, we are happy to

provide those Excel files to all of the parties at the hearing. We just didn't believe anybody needed stacks of Excel paper that's misformatted.

MR. MUELLER: Mr. Price, maybe counsel should testify and not Ms. Garcia, since he's the one that prepared the exhibits.

HEARING OFFICER PRICE: Ask the witness.

03:22:19PM (PODER Exhibit No. 5 marked for identification.)

MR. WEINSTOCK: I was getting to that, Mr. Mueller.

BY MR. WEINSTOCK:

Q. Ms. Garcia, you took the data; is that right?

A. Yes.

Q. I'll start with this: On PODER Exhibit 5, you see there are two -- two tables,

03:22:37PM the top table says, "PM2.5 at the LRS facility."

Do you see that?

A. Yes.

Q. And then there are -- On the leftmost column, do you see where it says "date" and "time"?

A. Uh-huh.

Q. Going down that row, do you remember going to the LRS facility on December 6th at about 9:41 and starting one of these air monitoring sessions then?

A. Yes.

03:23:01PM Q. On December 7th, do you remember going to the LRS facility at about 10:07 a.m. and starting one of these AirBeam sessions then?

A. Yes.

Q. On December 8th, at about 12:36 p.m., do you remember going to the LRS facility and starting one of these AirBeam sessions then?

A. December 8th we were inside the LRS facility. Cristobal and I were asked to come in to talk to the people at LRS, and I had the

03:23:28PM monitor on.

Q. Oh. So December 8th, those readings reflect the air quality inside the LRS building?

A. Yes, inside.

Q. I see. Okay. December 13th, do you remember going to the LRS facility and initiating an AirBeam monitoring session around 10:31 a.m.?

A. Yes.

Q. On December 19th, do you remember going to the LRS facility and starting a monitoring session around 9:09 a.m.?

03:23:56PM A. Yes, I did.

Q. December 19th, do you remember starting another session around 11:22 a.m.?

A. Yes.

Q. On December 28th, do you remember going to the LRS facility and starting a session around 1:39 p.m.?

A. Yes.

Q. On December 30th, do you remember going to the LRS facility and starting a session

03:24:16PM around 10:56 a.m.?

A. Yes.

Q. For those -- Other than the

December 8th readings, could you generally describe where you were when you turned on the AirBeam monitor?

A. There's like this front -- I'm going to call it the front lot. The LRS -- There's a gate, and I would park a bit closet to the stop sign -- there's a stop sign there -- and that's where I was, in front of the facility.

Q. Outside the gate?

03:24:49PM A. Yes.

Q. Right in front of the facility?

A. Yes.

Q. I'm going to ask you same set of questions about the Groot facility just so we know these readings are your readings?

A. Sure.

Q. On December 8th, did you start a reading at the Groot facility around -- I think there's a typo there -- 9:19 a.m.?

03:25:11PM A. Yes.

Q. On December 12th, do you recall going to the Groot facility and starting an AirBeam

session around 1:30 p.m.?

A. Yes.

Q. On December 21st, do you remember going to the Groot facility and starting a session around 9:06 a.m.?

A. Yes, I do.

Q. On December 21st, I believe that was the very cold day, did you start another session at 1:37?

03:25:32PM A. Yes, I did.

Q. On December 29th, did you go to the Groot facility and start an AirBeam session around 10:36 a.m.?

A. Yes.

Q. Did you -- Do you remember ever going to either facility on another day and doing an AirBeam session?

A. No.

Q. Ms. Garcia, I'm going to ask you to

03:26:01PM help us interpret this chart a little bit. So we have been through the left-hand column. Each of those numbers in the left hand column

represents an AirBeam monitoring session that you, yourself, started on the date specified that began at the time specified?

A. Yes.

Q. And did it at the time specified?

A. Yes.

Q. Was at the facility that's specified at the top of the table?

A. Yes. Yes, correct.

03:26:24PM Q. The headers for the table and the header for the document says "PM2.5"?

A. Uh-huh.

Q. Let's take you all the way to the column on the right side that says "Maximum." What do you understand that column to be representing?

A. Well, the highest number of that particular pollutant in our air that is being in the air at that time.

03:26:52PM Q. How about the next column in, the one that says "Minimum" at the top, what did you understand that to be?

A. Well, again, it would be the minimum, the least amount of the 2.5 pollutant.

Q. How about one more column to the left, "Average"? What do you understand that to be representing?

A. The average. I mean, throughout the time I was there, that's what was present in the air that my monitor picked up.

Q. Can you explain how the monitor works? Do you know how the monitor works?

03:27:32PM

A. No. All I know is how to use it. I was trained to use it for air monitoring.

Q. So when you took these results and you looked at them, what did these results mean to you?

MR. MUELLER: I'm going to object.

HEARING OFFICER PRICE: Sustained.

BY MR. WEINSTOCK:

Q. Ms. Garcia, based on someone who lives in West Chicago, who is active in the community, who is a leader at the schools in the community, as a mother in the community, someone who is

03:27:58PM

trained to use this app, when you saw these numbers, what did they mean to you?

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

HEARING OFFICER PRICE: Sustained.

MR. WEINSTOCK: May I ask why, your Honor?

HEARING OFFICER PRICE: You may not ask why, but I'll tell you why. She's not a trained scientist. The app has not been recognized by any court in the land. I just did a search. None of this is scientifically relevant. I appreciate the effort. She did what she did. I can't stop it from coming in as comment or, in this case, testimony. But she is not qualified to talk about -- She doesn't even know how the app works. She said so. You just laid that foundation. And she's not shown to be an expert in any of these things. So we're moving on.

She's not going to render an opinion about the science. That's not her value here. Her value is as a mom, she has made it

clear she's concerned about the pollutants. She is not qualified to talk about how polluted the air is based on an app that no court has recognized yet. Until you bring in a scientist to cite the proper foundation using the proper educated formulas for how you get in expert testimony, we're not going to do it. No.

Sustained. Next question.

MR. WEINSTOCK: Thank you, your Honor.

03:29:17PM BY MR. WEINSTOCK:

Q. Ms. Garcia, are you aware of any federal agency that issues standards that determine how much Particulate Matter 2.5 in the air is too much for public health and welfare?

A. The United States EPA.

MR. WEINSTOCK: I'd like to point you to what's been marked as PODER Exhibit 6. Your Honor -- Hearing Officer Price, I'm sorry, that -- PODER Exhibit 6 is a U.S. EPA fact sheet

03:29:52PM that is published by U.S. EPA, by the agency. I would ask you to take administrative notice of the document.

(PODER Exhibit No. 6 marked for identification.)

HEARING OFFICER PRICE: Nope. It's a proposed rulemaking, which means it's not a regulatory standard yet and it's got, for some reason, in the columns on the side is the environmental justice stuff, which I've told you is not part of 39.2. So, no, I'm not taking any notice of PODER Exhibit 6.

03:30:16PM You can do what you want right now and when it comes time to determine whether I'm going to admitted it as a piece of evidence, we'll do that. I'm not taking notice of a proposed rulemaking.

MR. WEINSTOCK: I'm not asking you to take notice of the proposed rulemaking --

HEARING OFFICER PRICE: That's what this fact sheet is. On January 6th the U.S. EPA announced a proposed rulemaking. That was only

03:30:37PM a week ago.

MR. WEINSTOCK: I'm asking you to take notice of what the EPA is saying in the

document, how they are the describing the standards.

HEARING OFFICER PRICE: It's not a regulation yet. It's a proposed rulemaking. Bring me an expert who wants to testify as to what the recognized standard is and that with the proper measurement that's violated, do that, but that's not this witness.

MR. WEINSTOCK: Okay.

03:30:59PM BY MR. WEINSTOCK:

Q. Ms. Garcia, earlier today in this hearing there was a witness, Mr. Powell, who testified on behalf of PWC. I'll offer that Mr. Powell testified that the health-based primary U.S. EPA standard for PM2.5 was 12 µg/m3?

A. Yes.

Q. I believe the record will reflect that.

03:31:23PM A. Uh-huh.

Q. As a member of the community, as a mother, not as an expert, what is your reaction

when you compare the levels on this chart to Mr. Powell's testimony that 12 µg/m3 is what is necessary to protect health and welfare?

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

HEARING OFFICER PRICE: Sustained. There's really no basis that we know that it was over 12. She's concerned about pollution as a mom and as a member of the community. We have established that. She has no basis to talk about anything technical.

Sustained.

BY MR. WEINSTOCK:

Q. Ms. Garcia, I'm going to move on because that's what we're going to get there.

You testified earlier that you have been following this proposal from -- I believe you said 2019?

A. Roughly, yeah. From the last time that it didn't go through.

Q. So you have been following this proposal. Would you -- You're aware that

Criteria 2 of the statute indicates that LRS must prove that the facility would protect public health and welfare?

A. Yes.

Q. To your knowledge, as a leader in the community, someone who has followed this proposal for several years, what steps are you aware of that LRS has taken to determine what the public health or welfare is in West Chicago?

03:33:06PM A. I don't see they tried. I don't see they even tried to talk to the community.

Q. Are you aware of any instances by LRS to solicit input from the public or regarding the potential health, safety, and welfare effects of its proposed facility?

A. No.

Q. You did mention that you were invited on December 8th, I believe, for a meeting at the LRS facility?

03:33:35PM A. Yes, we were.

Q. Can you please describe your impressions of that meeting or your recollection

of that meeting?

A. I was in there, and then we had -- It was a table with many representatives from LRS. Cristobal and I came in to see a bit of pressure from a couple of our colleagues and elected officials, but we did come in. We thought, okay, let's see what they will say. They gave us, well, all this propaganda. There was coffee, there was cookies, there was food. But

03:34:27PM everybody was talking and Cristobal and I, we couldn't even get a comment in.

In the end, Cristobal had to leave, he had something -- you know, we're busy. I stayed, I listened, and we both suggested -- it wasn't that we told them to do it -- that they -- if they honestly wanted the community, to go out to the community, go out and reach out to them, make a forum and communicate what you're doing. It started where Cristobal and I

03:35:14PM received two e-mails and then that was done.

They apparently planned to make a community forum right before New Year's or after

Christmas. We were here in city hall advocating to have these public hearings these days in January, which, thankfully, that's what happened because the concern is our community -- I'm sorry. You know, it may bother people that I'm talking about Latino communities. But in our community we are very involved with Guadalupe, with many things we do as Catholics or Christians and believers that we are. We also
03:36:04PM go visit family, maybe in Mexico and everything. We we're not going to be able to be here between the dates of Christmas. We weren't going to be able to be here December 15th or something like that.

The idea to hold a community forum, probably -- what was it -- December 29th or something. I'm getting a text from two of our colleagues. It wasn't a phone call from LRS or something -- a professional protocol to come
03:36:48PM invite us. When we have a community forum, we are inviting people, we are putting it on Facebook, we are doing everything so people

come, and we're not the professionals, as I have been told. If we would have gotten a phone call, we would have brought the community to this as much as we could. Okay. But that was the sole intention of not allowing our community to come and listen.

Then this -- These public hearings right here, I wish our Latino was included. I wish this was all in Spanish and there was every effort to go out there so that my community knows what's going on here. I may not be a professional, as I have been told.

I am a mom. I am a Latina. Born and raised in West Chicago. There's every effort to silence me because I am voicing my community. I'm sorry. I got really sentimental here but I don't know what else to do today and I just hope that what Martin Luther King once said, When it's time to do the right thing, do the right thing. Do it. There's always time to do the right thing.

03:37:39PM

03:38:31PM

MR. WEINSTOCK: Thank you, Ms. Garcia.

I'm sorry. Does someone have a tissue? I don't have one with me. I'm sorry.

BY MR. WEINSTOCK:

Q. Thank you for that, Ms. Garcia. I do have just a couple more questions. And this is going to seem really trivial at this point, but you mentioned a couple of times you attended a meeting with someone named Christoval. Can you just say who he is?

03:39:12PM A. He's our coordinator, one of the founders of Immigrant Solidarity DuPage and --

Q. Just a couple more questions. I promise. As a person who has followed this closely since 2019 -- around about 2019, as a leader in the community, are you aware of any effort made by LRS to understand how the public health, safety, and welfare impacts of its proposed facility might interact or combine with other current or historic pollution sources in

03:40:08PM the West Chicago community?

A. I'm sorry, but I have not.

MR. MUELLER: I'm going to object to

that.

HEARING OFFICER PRICE: She got her answer in.

Overruled.

BY MR. WEINSTOCK:

Q. In your opinion, as a community leader, not as an expert of any sort, do you believe it would have been important for LRS to examine the potential impacts of its proposed facility in connection and in combination with other stressors -- environmental stressors, past and current, on the community of West Chicago?

03:40:32PM

A. Yes.

Q. LRS claims that overall truck traffic will be reduced sort of overall because some of the trucks that currently drive to a facility in Batavia will now drive to this facility in West Chicago. I think the record has reflected that.

What is your -- As a resident of West Chicago, the public that this facility will be located next to, what is your reaction to the argument that it's in the public benefit because

03:41:09PM

trucks will no longer go to Batavia but will come to West Chicago instead?

A. This will benefit LRS, not our community. The idea, if I understood correctly, there will be times these trucks are going to be parked there, so, you know, that's not what we -- what we want. You know, their trucks park here. This is -- It's not it's not convenient for our community at all. Everything is

03:42:09PM community -- for LRS, the company who wants to cut costs.

Q. Ms. Garcia, you have followed this application, you said, for a long time, do you happen to know what day the application was submitted to formally kick start this process?

A. September -- I think like -- oh, gosh. A week -- A week after -- I want to say the Monday after they had the Mexican Independence Day festival, which was only one day, on

03:42:51PM Saturday. The Monday, I believe, that's when -- In September, that's when it came out. That's when I -- That week I read it came out on the

West Chicago city website.

MR. WEINSTOCK: Ms. Garcia, time is short. I want to thank you very much for your testimony today. Some of the other lawyers may have questions for you. I'll be sitting right over there.

HEARING OFFICER PRICE: Protect West Chicago?

MR. MEZA: No questions.

03:43:24PM HEARING OFFICER PRICE: Mr. Mueller.

MR. MUELLER: Can I have 60 seconds outside with my client and Mr. Hock, just to maybe cut all of this short?

HEARING OFFICER PRICE: Sure.

(Discussion off the record.)

HEARING OFFICER PRICE: Mr. Mueller?

MR. MUELLER: Thank you.

CROSS-EXAMINATION

BY MR. MUELLER:

03:45:18PM Q. Ms. Garcia, you said LRS gave you propaganda?

A. Yes.

Q. That was in the form of coffee and cookies?

A. If that's what they want to say it was, sure.

Q. But they invited you in and answered your questions and were pretty friendly, weren't they?

A. They were friendly, yes.

Q. Do you remember being telephoned by Katie Neary and talking to her briefly?

03:45:48PM

A. Nope.

Q. When you were taking readings at the Groot facility, they did not invite you in, did they?

A. No.

Q. They asked you for ID and made you feel unwelcome, right?

A. There was the one time I was asked for ID, but I thought that was fine, you know.

03:46:32PM

Q. How far do you live from the LRS facility?

A. I personally live on Center Street

here in West Chicago.

Q. All right. Did you ever take any readings at your house?

A. No, because I wasn't told to take readings of my house.

Q. Okay. And the person that trained you on this device is a forest preserve commissioner?

A. Yes, Jeffrey Gahris.

03:47:07PM Q. You don't know what specialized knowledge he has, do you?

A. He is part of the Sierra Club, and he also -- he's in public health.

Q. You said he's with the Sierra Club?

A. Well, I see him with -- collaborating with the Sierra Club and he collaborates with us on other issues.

Q. You're aware the Sierra Club supports this proposal?

03:47:45PM A. Recently, yes.

MR. MUELLER: Thank you, Mr. Garcia. I have nothing else.

HEARING OFFICER PRICE: Mr. Callaghan?
MR. CALLAGHAN: No questions.
HEARING OFFICER PRICE: Mr. Walsh.
MR. WALSH: No questions.
HEARING OFFICER PRICE: Mr. Weinstock, any redirect?

REDIRECT EXAMINATION

BY MR. WEINSTOCK:

Q. Just a really quick question because I think something may have been lost in your testimony. Mr. Mueller said that -- Mr. Mueller said that when LRS invited you in, that they answered your questions.

Do you remember when Mr. Mueller just said that?

A. Yeah.

Q. When you went in to LRS, did LRS actually answer any questions that you asked?

A. They were just talking -- They presented the PowerPoint and they were all talking, but we really couldn't ask questions. It's not that maybe -- I don't know. Maybe they

just didn't think of allowing us to speak. Maybe the pressure that we were in there. But Cristobal and I weren't asked to ask questions, to address our concerns to them. We just saw everything they were planning to do.

MR. WEINSTOCK: That's all I have, Mr. Price.

HEARING OFFICER PRICE: Protect?

MR. MEZA: No.

03:49:10PM HEARING OFFICER PRICE: Mr. Mueller?

MR. MUELLER: No, thank you.

HEARING OFFICER PRICE: All right. Thank you, Ms. Garcia.

MR. WEINSTOCK: PODER is going to ask Mr. Steve DeLaRosa to testify.

(Witness sworn.)

MR. WEINSTOCK: Thank you, Mr. Price.

WHEREUPON:

STEVE DeLaROSA,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WEINSTOCK:

Q. Mr. DeLaRosa, can you please state your full name for the record and introduce yourself?

A. My name is Steve DeLaRosa. I'm a long-time DuPage County resident.

Q. Are you active in PODER?

A. Yes, I am. Because I am a volunteer with Immigrant Solidarity DuPage. It's been a local award-winning community organization that has received awards from the City of Wheaton for being a good community partner. And basically I have known them since their beginning, from when I was a board member of the Citizen's Advocacy Center, which I'm no longer on.

03:50:24PM

Q. As part of your work with ISD and PODER, did you become aware -- At some point, did you become aware of the proposed LRS facility we're all here talking about?

03:51:09PM

A. Basically it came to my attention in the fall of 2022, when we became aware that the

City of West Chicago was planning to host public meetings addressing the permitting process here in the City of West Chicago.

Q. After you learned about the LRS proposal in the fall of 2022, did you take any steps to learn about the proposal?

A. Yes, I did.

Q. Could you describe those steps, please?

03:51:53PM A. Basically I began to bolster up my knowledge about how DuPage County has historically produced a solid waste plan for DuPage County.

Q. Did you also look at any of LRS's materials related to the proposed operations of the facility?

A. I really didn't have any access to any of the Lakeside -- Lakeshore information because I wasn't an attorney privileged to get discovery

03:52:35PM items that have been shared with the other members of the city and besides being represented here. As a public citizen it sure

would have been nice to have those documents. As a resident, my uncle lives in West Chicago, I have other family members that live in West Chicago, and I, myself, am impacted by the permitting process which we're talking about here today.

Q. You're aware, though, that LRS did -- I guess the city posted LRS's application materials on the website?

03:53:26PM A. Yes.

Q. Did you review those posted application materials?

A. Yes, I did. But let me just say that while I may have reviewed those documents on the city website, you have to remember I am a private citizen and I am not an employee of the City of West Chicago, nor am I an attorney retained to process this quasi judicial process that we're involved in.

03:54:04PM Q. Mr. DeLaRosa, you looked at the application materials on the website. And as you were looking at them, understanding you're a

private citizen, didn't have the access to all of the materials that maybe were exchanged earlier in the hearing, did you have any professional background, though, that helped you understand what LRS was proposing?

A. Well, yes. I retired from being a manufacturing wrench supervisor/manager in the food processing industry in the greater Chicagoland area for a number of years in Burr Ridge, also a municipality of DuPage County; here in West Chicago, a municipality, as we all know, of DuPage County; and other places that have basically given me training and knowledge about how to take care of employees and how to motivate employees and how to keep employees in the same shape that they came into the building so they can go home to their families. That's how I've trained myself to act as a manager because it's a principal idea in my mind, because I have been on both sides of the table working as a wrench, as a maintenance mechanic, trained in electronics and PLC controls and HVAC

03:54:55PM

03:55:51PM

systems. I worked for Chiquita brands in Franklin Park, where we utilized different ways to clean fresh vegetables that we packaged and produced for home consumption under the Chiquita and Fresh Express label. And for a time at Chiquita, we worked in partnership with Praxair to develop a process for ozone sanitation of fresh vegetables as a way to get away from using the chemicals that we were using at the time to process these vegetables. I learned a lot working in that partnership with Praxair.

03:56:56PM

Q. Just so I have it right, the project with Praxair, that was about indoor air quality in the workspace; do I have that right?

A. Well, specifically it was dealing with the creation of and generating of ozone as a chemical property to topically apply to the surface of fresh vegetables. But I can recall Mr. Hock talking about the viability of the ozone HVAC process that he alluded to in his testimony of rooftop units to be used in the proposed facility.

03:57:37PM

Does anybody have a glass -- a bottle of water? There isn't a drinking fountain out there, and I don't want to squeak at you. I don't want to give you too much comedy -- I'm sorry. I lost my place.

Q. Maybe that was a good place, actually, for me to ask another question. I guess, can you -- You don't have it in front of you. I'm bringing you what's been marked PODER Exhibit 7, which everyone else should have in their folders.

03:58:51PM

Is that a copy of your most recent -- I'm sorry. Mr. DeLaRosa, is Exhibit 7 a copy of your most recent resume?

(PODER Exhibit No. 7 marked for identification.)

BY THE WITNESS:

A. Yes, it is my most recent resume.

Q. I'm going to ask the question that I know Mr. Mueller asked a couple nights ago.

03:59:21PM

Why does it stop in 2011?

A. Well, I didn't want to work anymore

and thought I should retire, so I did that the in 2018. I retired from being a maintenance mechanic with M&M Mars in Burr Ridge where I worked a total of ten years before I retired from them. While I was with M&M Mars, I was a part of an incipient fire brigade that was made up of volunteer employees who said that they wanted to get trained in the use of subcutaneous breathing apparatuses because we warehoused over 04:00:15PM 100,000 pounds of liquid ammonia onsite to refrigerate our ice cream manufacturing line.

Pardon me while I take a sip here.

Q. Please. So you were at Mars from 2011 to 2018, you had been there previously, as reflected on your resume; is that right?

A. Let me just take another look at this because this really is the resume that I used to come back to Mars.

Q. Sure.

04:00:54PM A. Because I worked for Mars from '90 to '95 in my first stint, and then Mars -- as corporate employees typically do at certain

points in time, is they eliminate half of their workforce in order to generate profits or, in the Mars instance, for the family; and in corporate instances, for their shareholders. So I was eliminated. Then I went onto find work for other food processors as the resume attests to.

I was just going to say that -- Because I wanted to follow up about the incipient fire brigade. So that fire brigade training, we were trained by the Illinois Fire Protection Service in air quality and monitoring because we had processes that can deplete oxygen within a confined space in a process line.

We used liquid nitrogen to freeze down ice cream to take it from soft serve to rock hard within a minute using liquid nitrogen being sprayed over the ice cream in a tunnel. When you run a process like that, you have to have air quality monitoring because the nitrogen isn't 100 percent contained in this vessel. So we had oxygen sensors within this room to

04:01:44PM
04:02:35PM

basically tell us when it was alarm time and people needed to leave. Because if the oxygen dropped beneath 19 percent, it's not good for humans and it's time for them to leave. So we had alarms set up that would go off, red lights flashing, horns sounding to get the heck out of there no matter what you were doing. Leave the line running if you want, shut it down, whatever, but leave the room to protect yourself as an employee.

04:03:22PM

I was struck by Mr. Hock's testimony about the state-of-the-art proposed facility that was going to be -- that is proposed to be built for this transfer station because I wondered --

Q. Mr. DeLaRosa, if I may stop you there for just one moment. I'm going to ask you to go back to that. I just want to ask -- Just to stay with your experience for just one more moment.

04:04:02PM

Have you -- So you described a number of experiences, professional experiences,

practical experiences. Have you received any training or certifications that relate in any way to indoor air quality issues in workplaces?

A. Yes, I have. Over the years, as my resume shows, I have received specific trainings and also I have just recently completed an OSHA 300 course regarding safety in the workplace and have a certificate from OSHA testifying to that training.

04:04:45PM MR. WEINSTOCK: I'm sorry. Mr. Price, we were unable to find the certificate. I'm going to show it to Mr. DeLaRosa to get him to authenticate it. I'll pass it around to everyone as soon as we can. We didn't have a chance to make copies.

(PODER Exhibit No. 8 marked for identification.)

HEARING OFFICER PRICE: This is 8?

MR. WEINSTOCK: This will be 8. I

04:05:04PM didn't want to put the sticker on because it's his only copy.

BY MR. WEINSTOCK:

Q. While I'm chauffeuring the certificate around, want to tell us what that certificate means, what did you do in order to obtain it?

A. Sure. This OSHA training basically was a refresher for me because I had received other OSHA training in my past work life. But this is the most recent one that I have taken because as a retired guy, and I don't know how

04:05:54PM many of you out there are getting close to the point of being -- I'm not looking at you --

MR. WEINSTOCK: I move to strike that discussion of retirement-aged individuals in the room.

(Laughter.)

HEARING OFFICER PRICE: Time is expiring. Let's focus, please.

BY THE WITNESS:

A. You pick and choose the things that

04:06:12PM you want to do. That's one of the joys of being retired. But it also is part of my work-life experience in terms of wanting to gain knowledge

about what the keeps people safe in a workplace. That's really why I was empowered to take this training and it was offered to me through Immigrant Solidarity DuPage because we had a benefactor that provided this training for us, because it's not cheap and you have to commit to being there for a whole week and you have to get up at a regular period of time and be there. And when you're retired, that's something special.

04:07:03PM

Q. You mentioned a benefactor paid for it. Do you know who that was?

A. You know, I don't -- I don't recall the name of the person who donated the training to Immigrant Solidarity DuPage, but I'm sure I can produce it if required.

Q. Do you know how much it costs, the training, roughly?

A. I think it was $1,200 per individual.

04:07:30PM

Q. Do you have any reason to believe that the individual who provided that funding has any connection to Protect West Chicago?

A. Well, seeing as I can't remember his name, I don't think that -- I can't say because I don't even remember what his name is, so it's like -- I can't answer that.

MR. WEINSTOCK: That's fair enough. I think Mr. Price would probably sustain that objection.

HEARING OFFICER PRICE: By the witness to his own testimony.

04:08:03PM BY MR. WEINSTOCK:

Q. Mr. DeLaRosa, with all that background on your experience, I'd now like to ask you to provide your reaction to the LRS proposal, the application materials you reviewed from the website, and Mr. Hock's testimony that you listened to at the hearings these past couple of weeks.

MR. MUELLER: I would object. He's not qualified as an expert in anything.

04:08:24PM HEARING OFFICER PRICE: I agree. It's very limited based on his experience. All we have asked for here is his reaction. He's not

purporting to provide an expert opinion and testimony. It's just based on his reaction. He is a participant, so I'm going to allow this question to be answered.

Overruled for now.

MR. WEINSTOCK: Thank you.

BY THE WITNESS:

A. Can you restate the question, please?

Q. Based on the professional experience you just described, the certifications you obtained, your review of the LRS materials on the website, and listening to Mr. Hock's testimony the past couple weeks on the hearings, I just want to know, simply, your reaction to their application materials?

MR. MUELLER: Same objection.

HEARING OFFICER PRICE: The objection is noted. For the record, Mr. DeLaRosa hasn't been present for all of Mr. Hock's testimony. But based on just his limited experience, I'm going to let him answer.

So, please, answer the question,

Mr. DeLaRosa.

BY THE WITNESS:

A. Okay. So I'm going to answer from the perspective of being a worker who has to perform functions in a facility where air quality is a primary concern, because you talked about having a state-of-the-art filtration system to protect your workers. But I know that you have the ability to have six different diesel operated machines indoors all running at the same time producing beaucoups -- a lot of noxious fumes in a facility. And I didn't -- I know as a worker, I'd want to know that there are air safety monitoring in place to know that the interior atmosphere within that room -- you don't have to be an expert to know this, because we're humans.

04:10:04PM

04:10:49PM

If you don't have 19 percent oxygen, you're going to start going faint you're going to start -- you're going to start not feeling normal and you could fall down trying to leave an area like that.

If I was working in a place as I

heard described and there were big front-end loaders working around me spewing stuff into the air, six different trucks coming in performing motions, tipping, dumping waste, waiting, and no system of operation for the doors to open and close. It's because -- From what I heard, they were going to rely on somebody pushing a button to open and close a door. To me, that's not very protective. Running a big front-end loader in an enclosed space that's -- with workers trying to do the best job that they can for the company. Wow. Having to keep their eyes and wits about them so that they don't run over anybody is a real challenge.

04:11:50PM

So -- And I know, from my work experience, that rooftop units only do so much work. Every time you open and close a door, you're creating an enormous inrush of air and you don't have to be an expert to know that. That's common sense. I mean, who doesn't tell their kid, Close that door or you're letting all the air-conditioning out or you're letting the

04:12:29PM

heat out. Who doesn't do that? I'm sorry. Maybe I'm a bad dad, but I do that. It's like I don't want to heat the neighborhood, I don't want to cool the neighborhood; and that same air that you're letting out, is the same air that you're talking about having ozone treat to get rid of odors and to take out particulate. So I would wonder about that.

Q. Mr. Gahris -- DeLaRosa -- I'm so sorry, Mr. DeLaRosa. 04:13:13PM

Mr. DeLaRosa, you -- noting that you haven't been able to be present for every moment of Mr. Hock's testimony, you were here -- I believe it was Tuesday night, when Mr. Hock testified --

HEARING OFFICER PRICE: We're not going to do this. He's not qualified to comment on Mr. Hock's testimony. Ask a real question.

MR. WEINSTOCK: Okay.

BY MR. WEINSTOCK: 04:13:42PM

Q. You mentioned a moment ago, Mr. DeLaRosa, that you were concerned about the

indoor air quality, based on your experience and based on your review of the application materials, what you had seen. One of the things I think you said --

MR. MUELLER: I'm going to object. That's not what his testimony was.

HEARING OFFICER PRICE: His testimony was what it was.

Ask a question.

04:13:59PM MR. WEINSTOCK: Yes, sir.

BY MR. WEINSTOCK:

Q. Diesel trucks will be inside this facility with the doors shut, maybe with the doors open. If the doors are shut, you expressed a concern about indoor air quality with those emissions; is that right?

A. Yes. I would be concerned, because as a manager -- And I had people working in a facility like that. As a manager and as a past

04:14:25PM safety officer, who I think the building manager for this site was sited to wear two hats: As a building manager and a safety manager. For a

safety manager, you really got to be on the work floor all the time because people that you have working for you do stupid things and you need to be around to see what's happening so nobody gets hurt. I know we used to keep an OSHA 300 log because we were required to keep an OSHA 300 log in our cafeteria or at a prominent site to be able to identify how many cuts, scrapes, and bruises took place within this facility within a
04:15:19PM year's time.

That was used to basically determine how safe of an organization we were creating. As a manager, that was important to me.

Q. Mr. DeLaRosa, understanding that you're not testifying here as an expert, but based on, again, the professional experience you described, the certifications you received, your review of the testimony and of the application
04:15:46PM materials, are there any measures you believe LRS should take to ensure the welfare of its workers and the people who may pass by or be

near the facility?

MR. MUELLER: He's not qualified to opine.

HEARING OFFICER PRICE: Sustained.

MR. WEINSTOCK: Mr. DeLaRosa, thank you very much. That's all I have.

HEARING OFFICER PRICE: Protect West Chicago?

MR. MEZA: No questions.

04:16:13PM HEARING OFFICER PRICE: Mr. Mueller?

CROSS-EXAMINATION

BY MR. MUELLER:

Q. Mr. DeLaRosa, you got that OSHA certificate this past December, right?

A. Yes.

Q. Was that because you wanted to be able to have that when you testified here?

A. Not at all.

Q. It's just a coincidence that you got

04:16:33PM it in December?

A. I'd be happy to answer that question.

Q. My question is: Was it just a

coincidence?

A. Can you ask that again?

Q. Was it a coincidence that you happened to get your three-day OSHA course in December? Or was that intended to help you at this hearing?

A. I had no idea I would be testifying at this hearing when I took the OSHA course.

Q. And you have been retired for a number of years, right?

04:17:10PM

A. Yes, since 2018.

Q. Mr. DeLaRosa, what is ozone?

A. Ozone? Ozone is an extra oxygen atom added to the oxygen particle.

Q. What's the chemical formula for it?

A. 03.

Q. You are not familiar with the technology that LRS proposes to use for air cleaning at their facility, are you?

04:18:08PM

A. Are you telling me or asking me? I don't understand the question.

Q. Are you familiar with the technical

aspects of their technology?

A. No. Because it hasn't been stated, except in general terms talking about ozone.

Q. At first, when you testified, you said that you didn't have access to all the information here, right?

A. Correct.

Q. But then you also said that you did have access to the entire application, which was online, right?

04:18:42PM

A. I don't recall specifically saying that, but I do recall looking online at what was available but not having access to all of these documents that I was able to receive coming for testimony. I didn't have access to that as a private citizen, no.

Q. You didn't register as a participant either, did you?

A. Yes, we did.

04:19:20PM

Q. PODER -- Who is "we"?

A. PODER.

Q. PODER has had access to all of the

documents that have been handed out in the hearing, right?

A. Within the hearing, but not before the hearing.

Q. What documents that were handed out before the hearing are you aware of that the public didn't have access to?

A. Everything that was given out at the hearing, produced by evidentiary proceedings

04:19:54PM that I'm thinking took place before the hearings took place, because you produced documents, Protect West Chicago produced documents. The city hasn't but ...

Q. PODER has gotten all those documents, right?

A. Well, we have gotten all of the documents at the hearings, yes.

Q. And you can't tell me a specific document that was released before the hearings

04:20:24PM that you didn't get, can you?

A. Not before the hearings, no.

MR. MUELLER: That's all I have.

HEARING OFFICER PRICE: Mr. Callaghan?
MR. CALLAGHAN: No questions.
HEARING OFFICER PRICE: Mr. Walsh?
MR. WALSH: Nothing, Mr. Price.
HEARING OFFICER PRICE: Redirect, Mr. Weinstock?

REDIRECT EXAMINATION

BY MR. WEINSTOCK:

Q. Mr. DeLaRosa, just a question on Mr. Mueller's question about ozone. Where did you learn about what ozone is and what the chemical formula is?

A. The joint venture that Fresh Express did with Fresh Express, Chiquita, Ready Cut did with Praxair. We had the availability of working with state-of-the-art vegetable cleaning at corporate, which the used ozone, and that's where I developed the background for my familiarity with ozone.

04:20:42PM

04:21:17PM

Q. Ozone is one of the indoor air pollutants that LRS has identified as being a problem in their potential -- Let me rephrase

that.

Is ozone one of the indoor air pollutants that LRS has identified as being relevant inside their proposed facility?

A. Well, they haven't identified it as a pollutant, but it can be. They have identified it as a component of their rooftop units that are supposed to scrub the air within this vast amount of space that's contained within the proposed site.

04:22:00PM

MR. WEINSTOCK: I understand now. Thank you. That's all I have.

HEARING OFFICER PRICE: Protect?

MR. LEUTKEHANS: Nothing.

HEARING OFFICER PRICE: Mr. Mueller?

MR. MUELLER: No, thank you.

HEARING OFFICER PRICE: Thank you, Mr. DeLaRosa.

MR. DeLaROSA: You're very welcome. And thank you for the water.

04:22:15PM

HEARING OFFICER PRICE: Do you have another witness, Mr. Weinstock?

MR. WEINSTOCK: That's it for PODER.
HEARING OFFICER PRICE: Mr. Callaghan, you would be next?
MR. CALLAGHAN: No witnesses.
HEARING OFFICER PRICE: All right. Does the city intend to call any?
MR. WALSH: No.
HEARING OFFICER PRICE: All right. What that means, unless the -- Applicant, do you
04:22:41PM intend to call anybody in rebuttal, Mr. Mueller?
MR. MUELLER: I don't believe so.
HEARING OFFICER PRICE: All right. What that means, then, is the evidentiary portion of the hearing is concluded. We'll be moving onto public comment. I'm going to excuse Mr. Walsh because he's got a prior commitment -- scheduled meeting.
The public comment will take place for the balance of the time today. That's until
04:23:16PM 5:00 o'clock. And then we'll resume Thursday at 1:00 in this room. Again, public comment is for those people who signed up for it, and I'll be

happy to take that. There's none of the usual time limits or anything on that. It's not subject to any cross. It's information that will be presented to you as part of the record to the city council.

And as a reminder to everybody, following the conclusion on Thursday of the oral public comment period, in receipt of that commentary, there will be -- I will close the hearing and there will be 30 days from Thursday for anyone and everyone to submit written comment to city council. 30 days includes a postmark on the 30th day, so if you mail it in if you're not here or something.

From there, stay tuned for the schedule of what the special meetings will be. I'm informed city council will have special meetings. That's not my call. That's the city council and their attorney's call. At the end of the 30 days, they are going to send me their proposed -- I'll set a schedule on Thursday -- their proposed findings of fact, their proposed

04:23:52PM

04:24:24PM

conclusions of law. I gather those things together in addition to them going to city council, I make a report and recommendation. And then, from there, city council does its job.

I thank everyone for coming. I know it's a holiday, the Open Meetings Act to the extent it applies, allows us to meet on special occasions on these holidays where a meeting is already scheduled, as it is today.

04:24:59PM With all of that, then, I know there were two people -- I'd like to handle them first -- who had to testify -- do their public commentary today. That was Ms. Layman's and -- I wrote it down -- and Mr. Dzierzanowski? Did you have to go today? Was there someone else that had to go today that talked to me earlier? Is there anybody here who needs to go today besides Ms. Laimins?

(No response.)

04:25:46PM All right. We'll go as long as we can go. Madame Court Reporter, we're on to public comment. And we'll begin with

Ms. Laimins.

MS. LAIMINS: My name is Barbara Laimins, L-a-i-m-i-n-s, a resident of West Chicago. Just to provide some background, my husband and I chose to raise our family in West Chicago over 50 years ago. We chose West Chicago so our son would grow up in a community that was culturally and economically diverse with excellent schools, a city government that welcomes citizen input, and had city (inaudible) that would provide a good quality of life.

04:26:23PM

While West Chicago has grown over the years, it has maintained the feeling of a small town where people care about each other. It is a community that celebrates and embraces its diversity. Excellent planning and vision by success of city leadership has grown our industrial base that has benefitted the citizens of West Chicago by maintaining our low property taxes, which are the envy of surrounding communities.

04:26:52PM

I learned about the proposed waste

transfer station through a headline in the Daily Herald that stated, West Chicago citizens fear their city will become the garbage capital of the western suburbs, experience lower home prices, and affect the quality of life for the citizens. Shortly after, a mass mailing arrived at home filled with assertions of increased odors, lower property values, and damage to our environment and encouraged residents to attend
04:27:21PM meetings.

As a result, I have attended all of the hearings. I have listened to the petitioner and the opponents and have concluded that the fear mongering, unfounded, unsubstantiated concerns raised by the opposition are more the danger to the perceptions held about West Chicago than the transfer station itself.

Testimony has been presented that demonstrated that the petitioner has met the
04:27:45PM required criteria for the siting of the transfer station and are willing to agree with additional caveats that have been identified. In fact, the

petitioner proposes a state-of-the-art facility that would seemingly exceed the procedures and practicing of the current transfer facility located a quarter mile away from the proposed site.

Importantly, the petitioner has shown there will be no increased odors, environmental impacts, or traffic on residential streets of West Chicago. The transfer station will support the DuPage County Solid Waste Plan of 2022 and the environment by increasing recycling opportunities for homeowners and those who live in apartments. West Chicago, DuPage County, and the DuPage Airport will benefit financially from the negotiated host agreements, which will, in turn, keep residential property taxes low.

04:28:16PM

04:28:41PM

The establishment of the waste transfer station will also allow for competition in the waste industry that will ultimately bring benefits to consumers through lower prices due to competitive bidding on waste hauling

contracts. A second waste transfer station located in the established industrial area of West Chicago will not negatively impact the property values of West Chicago residents. It is those who continue to malign West Chicago by negatively labeling the community as the garbage capital of the western suburbs that will do that.

My only concern and disappointment
04:29:12PM after attending the hearings is that the opposition group, Protect West Chicago, have not been transparent about their membership or released any financial information regarding donors and/or funding that would explain how they can support two lawyers, multiple experts, signs, and mass mailings. My request to the organization for this information has gone unanswered and, therefore, has created a lack of trust in my mind and in the minds of many about
04:29:41PM whose interest they are actually protecting.

In contrast, I have found the City of West Chicago to be fully transparent and, in

fact, the City of West Chicago has been commended by the Daily Herald for their efforts to inform and engage the community on this issue. As a result, I have faith and trust the City of West Chicago will do their due diligence in supervising the construction and operation of the facility to see that the site is developed and operated as proposed; therefore, the project has my full support and I will encourage my
04:30:15PM neighbors and friends in West Chicago to do the same. Thank you.

HEARING OFFICER PRICE: Thank you. The person who had contacted me was Nic Dzierzanowski. Is Nick here? Then I'll go -- People signed up. So I'll go in the order they signed up to see if they want to go today.

Bob Molenhouse.

MR. MOLENHOUSE: Here.

HEARING OFFICER PRICE: Want to got
04:30:42PM today?

MR. MOLENHOUSE: Just to let everybody know, I'm Bob Molenhouse. I was in the garbage

business --

HEARING OFFICER PRICE: Spell it.

MR. MOLENHOUSE: M-o-l-e-n-h-o-u-s-e, Robert.

(Continuing.) -- but my background is I was in the garbage business a lot of my life. I started the business with my brother Molenhouse Enterprises years ago, and I was out of it but I was back into it. And we,

04:31:12PM actually -- My brother sold the business to Lakeshore Recycling last year, and I actually worked as a contractor on the transition for them. I'm not on their payroll, never have been, but, you know, I was getting paid to do the transition, like, collect the revenues that were due.

Anyway, since I was in the business for a lot of years, I have a lot of knowledge about the business. And I, actually, heard

04:31:49PM years ago that Lakeshore in West Chicago was going to try to develop and open a waste transfer station. I was glad to hear this

because I was in the business, and it would create a much-needed competition. Free enterprise is the American way. I actually remember consciously thinking, Man, I'm impressed with West Chicago that they are even willing to consider this. Because a lot of places are like, no, I don't want that in my backyard. I also thought the location of the transfer station is perfect. It's an industrial
04:32:23PM park. It backs a rail line. It's next to an airport. It already has trucks driving to the many industrial buildings in the area. And there's no residential homes in the area, for the most part.

Why would you want another transfer station? Because I live in DuPage County, and I don't want to pay higher weekly disposal rates at my home in Wheaton because there's no competition. Over the many years Molenhouse
04:32:50PM Enterprises was in the waste hauling business and it was more and more difficult to survive. The industry has consolidated control of waste

disposal so much in DuPage County that it's very difficult to get competitive prices at the closest transfer stations. And, of course, higher dumping costs equal higher costs for DuPage and West Chicago residents.

I also care about the environment and I believe that a local transfer station -- and this is my, you know -- I'm not an expert in this, but it will help save the environment. As a former operator, I know how we operated. We would look for the best dumping rates to save money. If the closest transfer station costs too much, we would look to the next closest transfer station, which would inevitably be outside of DuPage County. We had to look at the costs to drive to the next closest site, we had to pay for labor, insurance, repairs, et cetera, and the big variable is fuel. If it was even a little bit cheaper to drive to the next closest transfer station, we would do it. How does this affect the environment? Well, Molenhouse was burning more fuel to go to a further dump site.

04:33:23PM

04:33:53PM

So do transfer stations, you know, they have to still take it to the dump. Well, because Molenhouse would save fuel, the transfer station -- at the transfer station, our disposal load is then combined with other garbage truckloads and loaded onto a transfer trailer. And I just asked somebody at Lakeshore: How many truckloads, like, from a residential truck can you fit into a transfer truck? It's
04:34:32PM basically three. So you can put three trucks' worth of garbage into one transfer trailer. So it's way cheaper per gallon or per ton for, you know, your mileage because you're getting three truckloads put in there.

Actually, when they showed that first thing about how -- the modeling and stuff. I'm like that modeling thing, to me, proves that it's worse to not have the transfer trailers because you can basically take and make it three
04:35:08PM times worse because you would have three times as many trucks running, you know, and all things equal. So it's way more efficient and way less

particulates blowing up into the air into our area around here. The fact of the matter is you have to have garbage service right now. We have a lot of garbage and that's just -- you know, you have to do it.

Anyway, basically -- I'll just tell you why -- I didn't believe this -- I thought it was very surprising, but a transfer trailer, it's just a big aluminum box. Most of them

04:35:45PM are -- There's no hydraulics on them. A transfer trailer, actually -- and truck weighs less than a garbage truck, believe it or not. You're like, hey, that thing is three times as big. It's because there's no hydraulics on it. There's no hydraulic cylinders. That all weighs a lot. That's why they can put three garbage truckloads into the thing and bring it to the dump. You know, that's a big -- a big plus for the environment.

04:36:15PM You know, in close, I just want to say they are just moving garbage from one truck to another truck. That's all they are doing.

And a smaller-capacity truck to a larger. They are not, like, storing garbage outside, and it's not blowing all over. With that being said, I fully support at second transfer station to keep our environment better and the competition better. Thanks.

HEARING OFFICER PRICE: Next one is Ms. Kathy Leski? Not here. All right.

Then I have Joshua Connell.

04:37:11PM MR. CONNELL: Good afternoon. My name is Josh Connell. Last name is C-o-n-n-e-l-l.

I am one of the cofounders and a current independent board member of LRS. What I wanted to do -- I have been here for every night of the hearings, listened to testimony, not only from our company and representatives, but also from the opposition. I just wanted to give a little history on the company.

At our roots, we are a small

04:37:43PM business. Are we today? No. I started Lakeshore Waste Services with one truck over 20 years ago. Also, my partners started their

company, Recycling Systems, a little over 20 years ago with one truck. We put our two companies together in 2012 to form Lakeshore Recycling Systems.

We have been a disrupter over the years. You know, we founded the company based on a need for necessary competition. In the late '90s, we had significant consolidation in the waste and recycling business.

04:38:18PM Mr. Molenhouse just elaborated on some of it. So we created a company based on great customer experience and we were a disrupter. We were very good at what we did. And for that reason, we have seen, you know, our -- at least one competitor put a lot of money and effort into fighting this facility.

Over the years -- And back in 2012, when we put the companies together, we did bring on private equity. Having private equity

04:38:47PM allowed us to build the facilities in the Chicago market. When you look at the Chicago market -- And we had great testimony on both

sides that I think said the same thing. In DuPage County we just don't have enough competition. On the periphery we do. We have a little bit of competition, our sites included. When you look at the vast majority of DuPage County, it's just not there. It's as close to a duopoly as you can have in a major metropolitan area.

When you look at the need -- and I can just tell you this from experience, when we grew our business in DuPage County starting in 2016, with residential contracts in Wheaton and Lisle and St. Charles and Geneva in Kane County, we did that because there was more competition at the time. We were able to secure good dumping rates at transfer stations in Batavia that were owned by Advanced Disposal.

04:39:17PM

You heard our testimony. When those facilities were bought by Waste Management, we have had nothing but massive price increases since. We have a neighbor that has capacity. We can't dump there. We have

04:39:47PM

never been able to dump at the Waste Connections facility that's a few hundred yards away. Believe me. I'd love to not spend 10 to $15 million on a waste transfer facility when we can go to our neighbor's facility. If that were the reality, we wouldn't be here having these hearings over the last couple of weeks. But it is necessary. And, as Mr. Molenhouse pointed out, it is necessary not only for West Chicago and its residents but also for DuPage County.

04:40:22PM

When you look at LRS, you know, one thing that we have done very, very well, and we'll continue to do, is be part of the community. We're always going to be a good neighbor. Are the we perfect? No, we're not perfect. Are there going to be situations where whether it's our litter or somebody else's litter, perceived litter, that's coming from our trucks, we want to be a good corporate citizen and make sure that we're taking care of those scenarios. Also, we'll do the same thing not only for our employees, but any of the residents

04:40:52PM

that are going to visit our facility for some of the free drop-offs and other benefits that this facility will bring.

At the end of the day, though, this facility is already there. All we're doing is adding another commodity, making, you know, huge upgrades to the facility that will make it better than it currently is while just bringing garbage into the facility. That's all we're doing. So I think it's a huge benefit for the City of West Chicago.

04:41:22PM

The revenue that they haven't seen before, added revenue to the community, which will help the tax base. And we'll be a good corporate citizen. We are a middle -- I guess, a middle range sized company now. We're not the small company that -- you know, from our roots but, you know, we're big enough to have the resources to solve problems and still be a disrupter in the market but small enough to know you and take care of problems and be available to the community as well.

04:41:52PM

Obviously, I support it. And I want to make myself available after the hearings for any questions or comments from concerned citizens or others. Thank you.

HEARING OFFICER PRICE: Thank you.

Next I have is Joy Rifkin.

MS. RIFKIN: Good afternoon, everyone, and happy Martin Luther King Day. My name is Joy Rifkin, R-i-f-k-i-n, and it's a pleasure to be with you all to offer a few words of support for our application to expand within West Chicago.

04:42:32PM

These are my independent comments in favor of the LRS expansion. At LRS, I help lead our sustainability, diversity, equity, and inclusion and social impact partnerships across the communities we serve.

I visit our West Chicago facility often because of our early employment program. As part of the program we mentor and train future mechanics that are currently in school at Universal Technical Institute. Our West Chicago

04:42:57PM

mechanics shop provides invaluable experience to these students allowing them to get hands-on job training on our diverse fleet of vehicles. When the students finish school and are hired full-time, we will provide up to $20,000 of tuition reimbursement, $4,000 a year for up to five years, and stable jobs with good benefits. We have already hired three of these students full-time at LRS, and I'm really proud of this program.

04:43:36PM

Combatting the climate crisis is one of the greatest challenges we'll face this generation, and I'm dedicated to being a part of this fight. Waste is an inextricably linked to climate change, and we are all part of the problem. We all create waste.

In fact, the average American creates over four-and-a-half pounds of waste a day. What happens to that waste is key. LRS prioritizes innovation and circularity. We cannot continue with business as usual. The West Chicago expansion offers an opportunity to

04:44:04PM

reduce greenhouse gas emissions, protect natural resources for future generations by recycling, and combat climate change.

Of course, we all want new projects to be net zero emissions, but the fact of the matter is we aren't there yet. We have to face the issues of our time with the resources at our fingertips. Electric garbage trucks are not readily available, as Mr. Powell mentioned

04:44:40PM incorrectly earlier.

Also, mining for lithium for batteries for electrification of trucks involves intense degradation of the environment. These trucks also don't have the battery capacity to manage the trash and recycling that we generate as American citizens. When electric trucks are readily available, environmentally sound, and have a longer battery life, LRS will be at the forefront of that transition.

04:45:08PM City council members, I respectfully ask you to please vote yes for LRS. We are a major local employer and a recognized

leader in environmental sustainability and the repurposing material away from ethane emitting landfills. Thank you so much for your time.

MR. BRZOSKA: My name is Dale Brzoska, B-r-z-o-s-k-a. I am one of the longest serving street sweepers operators for LRS Clean Sweep. I have been a street sweeper for more than 25 years. Today our crews clean and beautify more than 60 municipalities throughout Chicagoland. We have called West Chicago our home base since I was employed back in 2007 for K. Hoving.

04:45:55PM

The management employees are hands-on locally based and live in the communities that we service. LRS cares about their employees and the environment's wellbeing. They encourage diversity and provide well-run essential services all out of our West Chicago facilities.

04:46:22PM

I encourage the city council to vote yes today. This is a win-win for west Chicago's residents, businesses, the city, and

the county. Thank you.

HEARING OFFICER PRICE: Thank you.

Next I have Christina Grano.

MS. GRANO: Good afternoon. My name is Christina Grano, G-r-a-n-o. I have been with LRS for six years working as an internal operations administrator in our West Chicago location. I'm very passionate about recycling, and that is one of the many reasons I work for LRS.

04:47:03PM

LRS is passionate about recycling, too, with reusing and finding a second and third use for material we receive from scrap metal and wood to drywall and other building materials. This is an issue that's personally important to me and with a yes vote from the council, West Chicago will be not known as the garbage capital, but as a trusted environmental leader.

I couldn't be more excited and proud to hear that our LRS will be also offering West Chicago residents free recycling drop-off six days a week. Recycling is not an option, as

04:47:32PM

well as free electronic waste drop-off for the West Chicago residents, so please vote yes.

HEARING OFFICER PRICE: Thank you.

Next I have Jennifer Tormey.

MS. TORMEY: Good evening. My name is Jennifer Tormey, T, as in Tom, o-r-m, as in Mary, e-y.

I worked in the transportation and trucking and logistics industry for more than 20 years, and I currently run our all women-run street sweeping division. LRS Clean Sweep has built its reputation operating from West Chicago earning the trust and confidence for more than 60 municipal customers across -- and hundreds of commercial businesses across Chicagoland, and continuously growing year after year.

From the pandemic to changing weather patterns, we wake up extremely early and work very long days to safely clean and dispose of the street sweeping material. This includes the buildup of debris from winter salt residue, falling seedlings from the trees in the spring

to fine particulates and piles of leaves in the fall.

The majority of our crew is dispatched from West Chicago, and we all work very long hours doing an extremely tough job, and LRS couldn't be more proud to offer a valuable career path with the outstanding benefits.

I am truly grateful to be employed
04:48:59PM by LRS and to be operating from our West Chicago facility in an extremely fast-paced operations environment. I wholeheartedly encourage city council to vote an approval for this upgraded facility. LRS is committed to keeping West Chicago a clean community and we already clean Powis Road and several of our other areas -- other roads in the area on a regular basis.

As part of this application, we committed to regular and daily sweeps of Powis
04:49:26PM Road, ensuring the areas surrounding our facility and within our facility is clean. I also -- as a mom who has stepchildren who live

in West Chicago and my child goes to school nearby, I fully support this measure, and I hope you do, too. Please vote yes.

HEARING OFFICER PRICE: Thank you.

Next I have Jennifer Quinn Morales.

MS. QUINN MORALES: Hi, good afternoon. My name is Jennifer Quinn Morales. I joined LRS earlier this year -- Sorry.

Q-u-i-n-n, space, no hyphen, M-o-r-a-l-e-s. I'll start over.

04:50:09PM

Good afternoon. My name is Jennifer Quinn Morales. I joined LRS earlier this year as one of our HR directors. I have since fallen in love with the culture and the people that we have been building across our sites and with the incredible benefits to attract and retain our union and nonunion employees.

Our company is growing rapidly and we are excited to be able to expand and grow in West Chicago. I recently had the chance to speak with many West Chicagoans recently at

04:50:34PM

St. Andrew Lutheran Church at Frosty Fest last month. As we talked -- We sponsored a heated tent there and we talked recycling, best practices, and job opportunities in West Chicago, as well as the whole LRS -- the sites nationwide.

I am proud of the many inroads we have made to support and uplift the people of West Chicago.

04:51:04PM I am also bilingual, so I would like to do this in Spanish, so our Spanish speakers in the audience can understand it. Bear with me. I am not a native speaker, but I am bilingual.

(Comments made by Ms. Quinn Morales in Spanish.)

HEARING OFFICER PRICE: Thank you. I think we're going to call it there. I have ten left for Thursday.

04:52:19PM The ten I have left are: George Strom, Jim Engineer, Joseph Lucarelli, Travis Ralph, Brian Clinite, Andy Ferrer, Jose Franco,

Ricky Reyes, Mr. Dzierzanowski, and Ms. Leski.

Mr. Dzierzanowski, did you want to do yours tonight?

MR. DZIERZANOWSKI: Yes.

HEARING OFFICER PRICE: I called you a couple of times.

MR. DZIERZANOWSKI: I had to work. I'm sorry.

HEARING OFFICER PRICE: We'll conclude
04:52:57PM with Mr. Dzierzanowski. And you're going to need to spell that.

MR. DZIERZANOWSKI: It's Nicolas, with a C. Dzierzanowski is, D, like David, z, like zebra, i-e-r-z-a-n-o-w-s-k-i.

City council members, I stand in front of you with thousands and thousands of our citizens of West Chicago in opposition to this transfer station. During the hearings the words "need" and "want" seemed to be interchangeable
04:53:27PM with Mr. Hock, Mr. Mueller, and the cofounder. Is it needed for our community? Absolutely not. We already have two that are servicing in our

area, but it's needed by LRS to increase their corporate profits on the backs of our citizens, and that is ridiculous. There is no need. There is plenty of capacity. As it was stated under oath, a 122 percent more capacity is available for our community. That's No. 1., there is no need.

Number 8, the zoning. I sat on the City Council of West Chicago for 10 years, 10 years on the Development Committee. Time and time again developers would come in front of us and use the zoning to get what they wanted. Well, this time, it's zoned residential within a thousand feet. Yes, it is railroad crossing. Can it be developed? Probably not. But that doesn't matter. It's zoned residential. That precludes it from that as well.

As my council members know, you have to adhere to the zoning at the time that the application is put in. The city council -- I, by the way, voted to have that railroad right of way changed to residential to protect our

borders from nuisance businesses. And here we are, ten years later, with a nuisance business trying to expand on our border.

20 years ago another company tried to build another transfer station within our community. Again, thousands and thousands of residents got together and voiced their opposition to it. The last I checked, only three residents that live in the actual community of West Chicago support this transfer station.

04:55:18PM

Thousands and thousands of residents of West Chicago have communicated to the city council through various e-mails and letters that they are in opposition to this. The community doesn't want it. The community doesn't need it. It is not right to put this in our community.

City council members, if you look at the facts as stated in these hearings, the truth will come out. It is not needed, nor is it zoned properly for it to be sited there.

04:55:42PM

Thank you, city council members, for your consideration. Thank you.

HEARING OFFICER PRICE: All right. We will call it there for the evening. Thursday at 1:00 o'clock for the rest of those names I had.

Again, if you hadn't signed up to do public comment, it's not timely to allow you to do oral public comment. You're welcome to submit the written public comment in the 30-day period.

04:56:17PM

With that, we're concluded for this evening, and I'll see most of you on Thursday.

(WHEREUPON, the above-entitled cause was continued to January 19, 2023 at 1:00 p.m.)

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 30th 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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