

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

7 We're back here Thursday at
 8 1:00 o'clock for the rest of whatever testimony
 9 and then the rest of public comment. Hopefully,

01:00:58PM

10 we conclude Thursday by 5:00. Right now we're
 11 in the middle of the case being put on by
 12 Protect West Chicago. As I said before,
 13 remember, the elected officials aren't allowed
 14 to engage with you on this at this time, so
 15 please respect that. That's the usual warning.

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

18 MR. LEUTKEHANS: Mr. Meza will, please.

01:01:28PM

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

22 (Witness sworn.)

I N D E X
(Continued.)

E X H I B I T S

PWC EXHIBIT

ID

ADMITTED

Nos. 603 and 603-A 1142 1228
 No. 49 1169 1228
 No. 702 1170 1228
 No. 707 1206 1228
 No. 706 1210 1228
 No. 155 1228
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PODER EXHIBIT

ID

ADMITTED

No. 1 1235
 No. 2 1243
 Nos. 3 and 4 1245
 No. 5 1266
 No. 6 1275
 No. 7 1295
 No. 8 1299

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

7 HEARING OFFICER PRICE: Thank you.

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

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

12 WHEREUPON:

13 JAMES POWELL, QEP,
 14 called as a witness herein, having been first
 15 duly sworn, was examined and testified as
 16 follows:

17 DIRECT EXAMINATION

18 BY MR. MEZA:

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

01:03:20PM

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

22 Q. Mr. Powell, where do you work?

1 A. Mostardi Plat.
 2 MR. MEZA: I have handed out.
 3 HEARING OFFICER PRICE: Mr. Meza, one
 4 second. Can people hear? There are microphones
 5 that have speakers above the people in the
 6 back -- No? Then you're going to need to speak
 7 up. Mr. Powell, please project.
 8 THE WITNESS: I will try.
 9 BY MR. MEZA:
 10 Q. Mr. Powell, I have handed you what's
 11 been marked as PWC Exhibit 603. I don't know if
 12 you have that. That's your resume.
 13 Does that outline your background?
 14 A. Yes it does.
 15 Q. Can you summarize that for the hearing
 16 officer and the rest of us here today?
 17 A. Sure. I've got a bachelor's degree
 18 from the University of Iowa in general science
 19 and geography and an environmental engineering
 20 degree from the University of Florida. I have
 21 been working as a consulting engineer for over
 22 40 years and, specifically, in the field of air

01:03:43PM

01:04:11PM

1 pollution control the majority of that time.
 2 Q. What is your title?
 3 A. Director of emerging solutions.
 4 Q. What is the name of the company you
 5 work for?
 6 A. Mostardi Plat.
 7 Q. You said you're an environmental
 8 engineer; is that right?
 9 A. Correct.
 10 Q. Tell us what an environmental engineer
 11 does?
 12 A. I help organizations evaluate impacts
 13 of various projects on both sides, from an
 14 industrial perspective, as well as public. Most
 15 of my clients are industrial, very similar to
 16 LRS. We'll do permitting work associated with
 17 the various state and local agencies and U.S.
 18 EPA for that permitting group work. We do
 19 environmental modeling where we actually do
 20 dispersion modeling and simulate what the
 21 impacts are on a neighboring area.
 22 Q. You -- Prior to today, you created and

01:04:40PM

01:05:16PM

1 put together a PowerPoint; is that correct?
 2 A. That's correct.
 3 Q. That's been marked as Exhibit 603-A.
 4 You have that computer in front of you and you
 5 can control it through the computer; is that
 6 correct?
 7 A. That's correct.
 8 Q. Why don't we turn to Slide 2, I
 9 believe it is. Why don't you go ahead and tell
 10 us if that expands a little bit on your
 11 background. The next slide. There it is.
 12 So you told us you were an
 13 environmental engineer, you have 40 years of
 14 siting and permitting experience. Go ahead.
 15 A. Correct. My current position is
 16 director of emerging solutions. In that
 17 capacity, I'm looking at different technologies
 18 and systems to help better understand
 19 environmental issues. Some of those include
 20 sensor technology and personal monitoring. The
 21 other one is looking at the impact of PFAS and
 22 PFOA by community groups from an air quality

01:05:41PM

01:06:15PM

1 perspective. And then do overall environmental
 2 health and safety compliance monitoring.
 3 Q. Have you testified in relation to
 4 Criterion 2 before?
 5 A. Criteria 2 or similar before with
 6 Illinois EPA, Ohio EPA, and the Iowa Department
 7 of Natural Resources.
 8 Q. So those are the acronyms, they are
 9 IEPA, OEPA, and IDNR?
 10 A. Yes.
 11 Q. About how many times?
 12 A. Three times.
 13 Q. Let's continue to Slide 3. You're
 14 going to testify in the relation to Criterion 2;
 15 is that correct?
 16 A. Correct.
 17 Q. Let's go to Slide 4. Tell us what
 18 information is contained in Slide 4, and why you
 19 included it?
 20 A. This is direct information off the LRS
 21 website relative to the reduced miles and
 22 ultimately reduced emissions. I was evaluating

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01:07:16PM

1 this relative to the project impacts.
2 **Q.** This slide deals directly with the
3 proposed waste transfer station that they want
4 to site here in West Chicago; is that correct?

5 **A.** That's my supposition, yes.

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

9 **A.** Well, when I evaluate a project, I try
10 to determine if it's going to have a negative
11 impact either for the particular client or for
12 the neighbors around it. We use a technique
13 called modeling -- and it's mathematical
14 modeling -- to quantify impacts on an existing
15 air quality throughout the region impact.

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

19 **A.** Essentially we create a mathematical
20 program to evaluate the downwind distance and
21 impacts of various constituents.

22 **Q.** When you say "constituents," what do

1 you mean by that?

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

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

6 **A.** There's two ways to do it in ambient
7 air. You either do modeling or you do
8 monitoring. Monitoring is where you go out
9 physically to determine the source and what
10 their contributing at that particular point. In
11 this case, monitoring was not done because it's
12 a proposed facility. Generally, when that takes
13 place, you're looking at doing modeling because
14 it's predictive.

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

20 **A.** I guess, after reviewing Criterion 2
21 and some of the other documentation, I didn't
22 think it was fully addressed in the submittal,

1 and the specifics were public health and
2 welfare.

3 **Q.** Let's go ahead and turn to Slide 6.

4 Tell us the areas you evaluated and why?

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

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

13 **A.** Yes.

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

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

1 direction of those transfer vehicles.

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

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

17 **Q.** Right. So on this slide you talk
18 about PM2.5 and PM10. Let's go ahead and go to
19 the next slide. Is that a slide that kind of
20 tries to explain a little bit more about what
21 the PM2.5 and PM10 is?

22 **A.** Yeah. And it's difficult. I

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

01:12:08PM

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

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

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

18 **A.** Yes.

01:12:30PM

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

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

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

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

8 **A.** Correct.

01:13:05PM

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

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

14 **Q.** What is the PM2?

15 **A.** PM2.5 is --

16 **Q.** Sorry. PM2.5.

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

01:13:28PM

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

22 **A.** Correct.

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

01:14:01PM

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

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

13 **A.** Besides just looking at the particles,
 14 the PMs, again, this data is from U.S. EPA, over
 15 60 percent of all the nitrogen oxides that are
 16 produced are from diesel-powered vehicles. Not
 17 all of them are from trucks, of course, but a
 18 good bit of it. Particulate matters, similar
 19 things, especially 2.5, and the most surprising
 20 to me when I was doing this research was is

01:14:41PM

21 looking at ultra fine, which is less than 0.1
 22 micron, so it's really small. 80 percent coming

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

01:15:18PM

10 **Q.** Let's go to Slide 10, please, and tell
 11 us what's depicted in Slide 10 and why?

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

01:15:55PM

19 **Q.** All right. Let's go to Slide 11,
 20 please. So what -- What did you evaluate here
 21 as it relates to these particulates?

22 **A.** I looked at the proposed site relative

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

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

8 **A.** Right.

9 **Q.** Go ahead.

01:16:30PM

10 **A.** We used what's called air mod and it's
11 U.S. EPA and IEPA, Illinois EPA, approved model
12 technology. We use -- We input data. Besides
13 the traffic data that we look from the LRS
14 submittal, we looked at metrological data that
15 is recommended, five years of data from O'Hare
16 and five years from the Davenport, Iowa site,
17 because we looked at both surface conditions and
18 upper air conditions. Upper air is only
19 measured in certain areas in the U.S. Davenport
20 happens to be the closest site.

01:17:04PM

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

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

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

7 **A.** Correct. This is for the
8 single-stream recyclables.

9 **Q.** And Slide 16?

01:18:51PM

10 **A.** For the municipal solid waste.

11 **Q.** And Slide 17?

12 **A.** This is for the hydro-evacuation
13 waste.

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

17 **A.** Correct.

18 **Q.** Can you turn to Slide 18, please.

19 Tell us what else you did other than just using
20 the tables that were just on the screen?

01:19:15PM

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

1 this?

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

8 **Q.** So those were the tables. And if you
9 turn to the following slide, 14, these are the
10 tables that are in Criterion 2 that kind of

01:17:47PM

11 describe how many trucks would be arriving at
12 certain times and leaving; is that correct?

13 **A.** Correct.

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

18 **A.** The one thing that was confusing to me
19 and we weren't able to really totally resolve
20 it -- and I don't have the columns. I'm

01:18:15PM

21 sorry -- but our incoming, the number of trucks
22 is one thing but, to me, a trip is

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

5 **Q.** Why did you look at that information?

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

01:19:52PM

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

13 **A.** Correct.

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

16 **A.** We did a comparison of basically the
17 three -- four different areas, the Tables 2-1,
18 2-2, 2-3, and 2-4, the site throughput capacity,
19 the unloading time and queuing, and the related
20 traffic study.

01:20:19PM

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

1 Q. Give us an example.
 2 A. Well, if you compare the unloading
 3 time and cueing capacity to the other sections,
 4 there's a significant difference. I mean, it's
 5 about -- almost double the related traffic
 6 study. The other two seem to correspond pretty
 7 well but that one sticks out and it's one that I
 8 was confused by and couldn't figure out why
 9 there was such a big difference.

01:20:57PM

10 Q. Let's go to Slide 20. Now, Slide 20
 11 discusses a type of fuel. Tell us why you
 12 included this slide?

13 A. Well, right now all trucks generally
 14 are -- that are coming in and out of this
 15 facility are all diesel-based fuel. Now, that
 16 being said, you can go from regular diesel,
 17 which is ultra low sulfur or bio diesel. Now, a
 18 lot of people are switching to that because
 19 everybody seems to think it's more
 20 environmentally friendly, but it actually has
 21 more nitrogen dioxide emissions than regular
 22 diesel. Lower particulate but higher NOx. The

01:21:31PM

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

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

01:22:06PM

10 A. I was unable to find that.

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

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

01:22:48PM

20 Then we added to the LRS impact the
 21 background conditions that are already in
 22 existence out here. The backgrounds were based

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

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

8 A. Yes.

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

01:23:22PM

11 A. Right. That's correct.

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

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

01:23:49PM

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

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

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

01:24:35PM

11 I'll give you one example of this.

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

01:25:06PM

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

1 has set as standards; is that correct?
 2 **A.** Correct.
 3 **Q.** Was there anything else that you
 4 wanted to mention off of Slide 21?
 5 **A.** I don't believe so.
 6 **Q.** Okay. Let's go to Slide 22. This
 7 says, "Modeling Results." Tell us what the
 8 modeling results show. I know it's a little
 9 hard on the screen, but there's extra copies if
 10 someone wants to see them.
 11 **A.** Yes. I apologize for these
 12 screenshots. The model isn't real good relative
 13 to depicting these things. I guess the key
 14 thing you want to see is the site is situated up
 15 in this top right corner and the transfer trucks
 16 are going along North Avenue down Kirk to 88.
 17 And what this is depicting are the
 18 concentrations as they go on that route. And
 19 you see kind of a shaded kind of blue, that's
 20 the impact of those trucks going down the road.
 21 Being totally frank, up until about
 22 two, three years ago, we never modeled this sort

1 of thing this way. But the state and federal --
 2 well, and City of Chicago is requiring this for
 3 all new sites dealing with any truck traffic.
 4 **Q.** So all the numbers on the screen --
 5 And I know it's hard to see but there's, like,
 6 numbers on the screen: 57, 57, 59, 56.
 7 What do those numbers represent?
 8 **A.** The concentrations with background at
 9 that location.
 10 **Q.** Okay. Then you have an arrow with the
 11 word "max." What do you mean by that?
 12 **A.** That's the maximum concentration we
 13 found in that entire route.
 14 **Q.** Now, does that mean -- Does that
 15 include the proposed trucks that you modeled
 16 would lead to whatever those numbers are for the
 17 EPA standards?
 18 **A.** Yes.
 19 **Q.** Now, I know it's very hard to see, but
 20 it looks like a yellow line going north. What
 21 road is that? Is that --
 22 **A.** I'm not sure. Where are you seeing

1 yellow?
 2 **Q.** I'm not good with -- See if you can
 3 tell us where North Avenue is?
 4 **A.** This is North Avenue. This is Powis.
 5 **Q.** It's hard to see from the screen. I'm
 6 not sure if you -- Just try to describe it
 7 verbally as far as the numbers. Like, how many
 8 numbers down is it?
 9 **A.** Well, the transfer trailers are going
 10 north on Powis, generally west on North, south
 11 on Kirk to 88.
 12 **Q.** Okay. So what is -- So where you have
 13 "max," what is that intersection?
 14 **A.** That's Roosevelt Road and Kirk.
 15 **Q.** Okay. So that's when they have
 16 already gone down Kirk and they have hit
 17 Roosevelt?
 18 **A.** Correct.
 19 **Q.** Were you able to determine how or why
 20 that's the maximum?
 21 **A.** Yeah. It's primarily due to the
 22 trucks stopping at a signalized intersection and

1 idling at that location. So they are there
 2 for -- They aren't traveling through the area.
 3 They are actually sitting at the intersection
 4 for a while.
 5 **Q.** What town is that intersection in?
 6 **A.** Geneva.
 7 **Q.** Geneva, Illinois. Okay. So let's go
 8 to Slide 23. And tell us what Slide 23 depicts.
 9 **A.** It's looking at the same model results
 10 for PM10, instead of NO2.
 11 **Q.** It looks like the max is in the same
 12 area it was before; is that right?
 13 **A.** That's correct.
 14 **Q.** Is the max for NO2 the same for the
 15 prior?
 16 **A.** Same location.
 17 **Q.** Okay. This is PM10, right?
 18 **A.** Correct.
 19 **Q.** Let's go to Slide 24. What does
 20 Slide 24 depict?
 21 **A.** This is PM2.5 at the same location as
 22 you would expect.

1 Q. So the max is the same as the other
 2 slides for PM10 and NO, right?
 3 A. Right.
 4 Q. Do you have another slide? Okay.
 5 What is depicted here?
 6 A. This shows you the route of the
 7 transfer trailers. And I put on here the
 8 existing environmental justice areas that are
 9 situated near the site, as well as south on Kirk
 10 Road, and along 88.

01:29:38PM

11 Q. All right. Now, when you talk about
 12 environmental justice, are you -- are you aware
 13 that the Illinois EPA requires that a pollution
 14 control facility such as transfer stations be so
 15 designed to protect the public health and
 16 welfare?

17 A. Yes.

18 MR. MUELLER: I'm going to object to
 19 environmental justice testimony.

01:30:01PM

20 HEARING OFFICER PRICE: I'm going to
 21 sustain the objection. So, here, based on
 22 something Mr. Leutkehans said both in his

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

01:31:36PM

11 (PWC Exhibit No. 49 marked for
 12 identification.)

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

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

01:32:00PM

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

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

01:30:36PM

12 To my knowledge, having reviewed
 13 the case law, I do not see it as part of the
 14 39.2 siting process, and I'm going to sustain
 15 the objection that environmental justice is not
 16 relevant to the 39.2. You're welcome to put it
 17 in as comment, the elected officials are welcome
 18 to consider it as that, but it is not relevant
 19 criteria testimony. So I'm going to sustain the
 20 objection about discussions about environmental
 21 justice.

01:31:02PM

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

1 proof. That's the only reason it's in.
 2 So the city council understands the
 3 difference, it's in -- it's public testimony in
 4 the sense that it's public comment, but it's not
 5 testimony.

01:32:28PM

6 (PWC Exhibit No. 702 marked for
 7 identification.)

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

01:32:52PM

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

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

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

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

21 MR. WEINSTOCK: Understood.

22 HEARING OFFICER PRICE: I'm not going

01:33:22PM

01:33:47PM

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

3 MR. MEZA: Thank you. We'll pass

4 Mr. Powell.

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

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

9 HEARING OFFICER PRICE: This isn't --

10 MR. WEINSTOCK: Powell. I'm sorry.

11 CROSS-EXAMINATION

12 BY MR. WEINSTOCK:

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

19 First, before when you were talking
20 about diesel emissions and you mentioned that
21 there were different types of diesel and
22 different types of vehicle have different

01:35:12PM

01:35:33PM

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

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

11 HEARING OFFICER PRICE: Yes.

12 MR. WEINSTOCK: Thank you.

13 BY MR. MEZA:

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

17 A. Okay.

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

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

01:34:19PM

01:34:37PM

1 emission profiles.

2 Do you remember that?

3 A. Yes.

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

7 A. Correct.

8 Q. How would you describe that
9 difference?

10 A. They are basically -- Electric
11 vehicles wouldn't have any of these emissions.

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

14 A. Yep.

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

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

21 Q. Please.

22 A. On the trucks that they own, they can

01:35:51PM

01:36:14PM

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

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

8 **A.** Right.

01:36:37PM

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

16 **A.** Yes.

01:37:09PM

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

1 **Q.** How about in distance?

2 **A.** I'm not sure. 15, 20 miles.

3 **Q.** Okay. So for PM2.5, the best

4 available data you have for modeling was 15 or
5 20 miles away?

6 **A.** Correct.

7 **Q.** Would it have strengthened your

8 analysis to have monitoring of air quality right

9 at the current LRS facility?

01:38:34PM

10 **A.** Well, sure. That would be a benefit.

11 **MR. WEINSTOCK:** So I'll put this out,

12 Hearing Officer, as a hypothetical based on --

13 contingent on facts we'll put in later.

14 **BY MR. WEINSTOCK:**

15 **Q.** If you had air monitoring data that

16 showed existing levels of PM2.5 pollution at the

17 LRS facility that exceeded the annual average

18 level, for example, the current U.S. EPA level

19 of 12, if you had air monitoring data from the

01:39:03PM

20 LRS facility, say, as recent as a few weeks ago

21 that showed levels well in excess of 12

22 micrograms per cubic meter, how would that

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

01:37:43PM

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

14 **A.** Correct.

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

19 **A.** Yes.

01:38:08PM

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

22 **A.** Probably 25 minutes.

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

3 **MR. MUELLER:** I'm going to object.

4 Calls for speculation on a fact not in evidence.

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

7 For now, overruled.

8 You can answer.

9 **BY THE WITNESS:**

01:39:24PM

10 **A.** If the numbers were higher than the
11 standard, then the site would be outside -- in
12 violation of the ambient air quality standard.

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

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

01:39:48PM

20 **A.** It would make it even worse.

21 **MR. WEINSTOCK:** I think that's all I

22 have.

1 HEARING OFFICER PRICE: Okay.

2 Mr. Mueller?

3 CROSS-EXAMINATION

4 BY MR. MUELLER:

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

7 A. No.

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

01:40:14PM 10 A. Yes.

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

13 A. Yes, sir.

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

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

19 Q. Do you have to be licensed in any
20 state to call yourself a qualified environmental
21 professional?

01:40:46PM

22 A. It is U.S. based.

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

4 A. Yes.

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

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

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

01:42:06PM

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

13 Q. Well, then I'll ask another question.

14 I'll try to make them less hard.

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

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

19 A. Correct.

01:42:48PM

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

22 A. It depends on the height of the

1 Q. Is there a licensing for it?

2 A. Yes.

3 Q. Did you have to take an exam?

4 A. Yes.

5 Q. When did that happen?

6 A. 1994.

7 Q. Have you had to take continuing
8 education or update your credentials?

9 A. Yes.

01:41:09PM

10 Q. How frequently?

11 A. Every five years.

12 Q. Are you a health physicist, sir?

13 A. No.

14 Q. Are you an expert in the health
15 impacts of environmental emissions?

16 A. No.

17 Q. So you're assuming that there would be
18 negative impacts from nitrogen oxide in the air,
19 but you don't have any data to back that up, do
20 you?

01:41:36PM

21 A. I'm not sure I understand what you're
22 getting at.

1 emissions from the truck, speed.

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

4 A. Uh-huh.

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

7 A. In this building?

8 Q. Yes.

9 A. On the edge of the building, sure.

01:43:24PM

10 Q. How about in the here?

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

13 Q. You used something called a dispersion
14 model?

15 A. Yes.

16 Q. What is that?

17 A. It's a mathematical representation of
18 what the emission sources are going down a
19 roadway and what the downwind distance is to a
20 potential source, residents, another receptor, a
21 human.

01:43:46PM

22 Q. How far from the source does your

1 dispersion model tell you there can be an
 2 impact?
 3 **A.** The ones we saw were showing it on
 4 either side of the roadway into the residential
 5 areas.
 6 **Q.** What residential areas did you look at
 7 specifically?
 8 **A.** Along Kirk Road from North Avenue
 9 south to 88.
 10 **Q.** Did you look at any residential areas
 11 in West Chicago?
 12 **A.** Yes.
 13 **Q.** Which ones?
 14 **A.** We looked at the Timber Lake Apartment
 15 area. Then also the Wegner Elementary School.
 16 **Q.** Do you have the results of that
 17 modeling?
 18 **A.** Yes.
 19 **Q.** What did that show?
 20 **A.** Basically there's just a little bit of
 21 background levels. The key reason for that is
 22 we didn't model any of the emissions taking

1 place on the LRS site. We only modeled those --
 2 the traffic along Powis to North. So we didn't
 3 include any of the trucks idling on LRS.
 4 **Q.** Now you said that monitoring is more
 5 accurate than modeling because you have real
 6 data, correct?
 7 **A.** Correct.
 8 **Q.** Could you have monitored right in
 9 front of the LRS site on Powis Road?
 10 **A.** Sure.
 11 **Q.** Why didn't you do it?
 12 **A.** That wasn't what I was asked to do.
 13 **Q.** There is another transfer station up
 14 the road operated by -- I think it's Waste
 15 Connections. Are you familiar with Waste
 16 Connections?
 17 **A.** Yes.
 18 **Q.** Are they the ones paying you here?
 19 **A.** No.
 20 **Q.** Is Groot paying you? Groot?
 21 **A.** No.
 22 **Q.** Did you model the emissions from that

1 transfer station?
 2 **A.** No.
 3 **Q.** Do you expect they would have
 4 emissions?
 5 **A.** Yes.
 6 **Q.** In fact, their emissions would
 7 probably be more because they are handling more
 8 waste, right?
 9 **MR. MEZA:** Objection; speculation.
 10 **HEARING OFFICER PRICE:** Overruled.
 11 **BY MR. MUELLER:**
 12 **Q.** Do you understand my question?
 13 **A.** I didn't know I could answer.
 14 **HEARING OFFICER PRICE:** Yes.
 15 **BY THE WITNESS:**
 16 **A.** I mean, if they are handling more
 17 waste. But their routing right now is going
 18 through downtown St. Charles with the transfer
 19 trucks. The routing you're talking about for
 20 LRS is going down a whole different route.
 21 **Q.** Now, downtown St. Charles is an area
 22 with a lot of pedestrians and businesses right

1 on the road, right?
 2 **A.** Yep.
 3 **Q.** Would you consider it to be healthier
 4 to route your trucks down Kirk Road, which is a
 5 wide four-lane minimum road with minimal
 6 commercial activity along the side?
 7 **A.** Generally, yes.
 8 **Q.** By the way, do you agree with the
 9 applicant's findings with regard to reduced
 10 carbon dioxide emissions?
 11 **A.** I don't have a position either way. I
 12 couldn't verify the calculations.
 13 **Q.** Did you look at the appendices for
 14 Criterion 1?
 15 **A.** No.
 16 **Q.** Are you aware that some of that
 17 information and calculations were appended to
 18 Criterion 1?
 19 **A.** I was tasked with looking at
 20 Criterion 2.
 21 **Q.** So that's all you looked at?
 22 **A.** Yes.

1 Q. You have heard the phrase with regard
 2 to modeling, "garbage in, garbage out," haven't
 3 you?
 4 A. You bet.
 5 Q. What that means is that the result of
 6 your modeling is only as good as the quality of
 7 the input?
 8 A. Correct.
 9 Q. Do you agree with that statement?
 10 A. Yes.
 11 Q. You have never testified at a
 12 Section 39.2 siting hearing, have you?
 13 A. No.
 14 Q. Criterion 2 is whether the facility
 15 is -- Well, do you know what Criterion 2 says?
 16 A. Yes.
 17 Q. What's it say?
 18 A. The facility is so designed, located,
 19 and proposed to be operated so that the public
 20 health, safety, and welfare will be protected.
 21 Q. How would you change the design of
 22 this facility to improve the public health,

1 safety, and welfare?
 2 A. I would change the type of trucks
 3 being used.
 4 Q. What types of trucks would you use?
 5 A. Go with electric.
 6 Q. Electric trucks are not commonly
 7 available --
 8 A. That's not true.
 9 Q. -- in Illinois, are they?
 10 A. Yes, they are.
 11 Q. Now, when you charge an electric
 12 truck, where does the electricity come from?
 13 A. The electricity comes from Exelon.
 14 Q. Where does Exelon get their
 15 electricity?
 16 A. Nuclear.
 17 Q. Do they also get it from coal-fired
 18 plants?
 19 A. No, not Exelon.
 20 Q. So you're advocating that we use
 21 nuclear power rather than diesel?
 22 A. I would. It's better for the

1 environment.
 2 Q. What does a battery pack for an
 3 electric tractor -- in a semi tractor-trailer
 4 rig weigh?
 5 A. No idea.
 6 Q. Would it surprise you to know that
 7 those battery packs weigh -- can weigh
 8 10,000 pounds?
 9 A. It wouldn't surprise me.
 10 Q. Which means that they have a greater
 11 impact on roads, right?
 12 A. Not on the air emissions.
 13 Q. But they will have a harder impact on
 14 the pavement itself, wouldn't they?
 15 A. I'm not a transportation engineer.
 16 Q. So you can't even intuitively think
 17 that heavier trucks would be bad for the roads?
 18 MR. MEZA: Objection; argumentative.
 19 HEARING OFFICER PRICE: Overruled.
 20 You can answer, sir.
 21 BY THE WITNESS:
 22 A. Okay. Yeah, it's possible.

1 Q. Okay. If you get 3,000 feet away from
 2 an idling truck, you're not likely to get any of
 3 the emissions, are you?
 4 A. I wouldn't expect so.
 5 Q. You're aware that the nearest
 6 residential subdivision to the proposed facility
 7 is over 3,000 feet away?
 8 A. That's what you're submittal
 9 indicated.
 10 Q. Do you have any reason to disagree
 11 with that?
 12 A. Only thing -- I can't talk about it
 13 because it's in the subject I'm not supposed to
 14 talk about.
 15 Q. To get the background emissions for
 16 this proposed site you went to Schiller Park and
 17 Naperville?
 18 A. I didn't go there. That data is
 19 readily available on Illinois EPA's website.
 20 Q. You didn't try to establish actual
 21 background levels at the proposed site?
 22 A. No. That would be CEC's

- 1 responsibility, not mine.
- 2 **Q.** Did you check background levels along
- 3 Kirk Road?
- 4 **A.** No.
- 5 **Q.** The highest point you have is at the
- 6 intersection of Kirk and Roosevelt, right?
- 7 **A.** Correct.
- 8 **Q.** Did you check background levels there?
- 9 **A.** No.
- 01:52:28PM 10 **Q.** It would have been possible to go out
- 11 with a monitoring rig and do it, right?
- 12 **A.** Yeah. But to collect appropriate data
- 13 to get a comparable dataset is get a year's
- 14 worth of data.
- 15 **Q.** How long do emissions stay at low
- 16 altitude, meaning, you know, below a hundred
- 17 feet after they've come out of a truck?
- 18 **A.** I don't have that information.
- 19 **Q.** Well, there is an issue of the
- 01:53:09PM 20 duration of the emission, isn't it?
- 21 **A.** Uh-huh.
- 22 **Q.** You don't know what the duration of

- 1 those emissions might be?
- 2 **A.** I'd have to go back into the data and
- 3 look at what we included, but no.
- 4 **Q.** You understand garbage has to go
- 5 somewhere, right?
- 6 **A.** Correct.
- 7 **Q.** If it's not at this transfer station,
- 8 it will be at another transfer station, right?
- 9 **A.** Correct.
- 01:54:05PM 10 **Q.** Correct?
- 11 **A.** Yeah, that's what I said.
- 12 **Q.** And emissions would be the same issue
- 13 there as here?
- 14 **A.** It depends on where the trucks are
- 15 going.
- 16 **Q.** I mean, the best way to reduce truck
- 17 emissions would be to reduce the amount of
- 18 garbage that has to be trucked, right?
- 19 **A.** Sure.
- 01:54:28PM 20 **Q.** The second best way would be to have
- 21 all electric trucks?
- 22 **A.** It might be the second best way.

- 1 **Q.** Is there anything specifically wrong
- 2 with the location that Lakeshore has proposed
- 3 for this transfer station?
- 4 **A.** I'm not sure I understand the
- 5 question.
- 6 **Q.** Well, the criterion is whether it's
- 7 located so as to be protective of the public
- 8 health, safety, and welfare. Is there anything
- 9 specifically wrong with the proposed location?
- 01:55:12PM 10 **A.** With the site itself?
- 11 **Q.** Yeah.
- 12 **A.** No.
- 13 **Q.** What coefficient of dispersion did you
- 14 use in your modeling?
- 15 **A.** I'd have to go into the details. I
- 16 don't have it off the top of my head.
- 17 **Q.** You didn't review that?
- 18 **A.** Before coming here?
- 19 **Q.** Yes.
- 01:55:50PM 20 **A.** No.
- 21 **Q.** The answer is you didn't review it?
- 22 **A.** I said "no."

- 1 **Q.** Okay. You read the applicant's
- 2 testimony or the report to indicate that they
- 3 believe they are going to reduce overall
- 4 emissions because there's going to be less
- 5 mileage transferring waste using this location,
- 6 correct?
- 7 **A.** Not based on what you just said.
- 8 That's not what the basis is. It's based upon
- 9 reducing the single-use truck traffic, not the
- 01:57:05PM 10 transfer vehicles. It's only -- The only thing
- 11 that was documented in the analysis was carbon
- 12 dioxide.
- 13 **Q.** Do you agree with that documentation?
- 14 **A.** Those parameters, yes.
- 15 **Q.** If we're reducing carbon dioxide,
- 16 wouldn't it be logical it would probably also be
- 17 reducing nitrogen oxide in a similar amount?
- 18 **A.** For those trucks in particular, yes.
- 19 **Q.** If we're reducing carbon dioxide,
- 01:57:43PM 20 wouldn't it also be logical that we're probably
- 21 also reducing particulate emissions in a similar
- 22 amount?

1 A. Yes.
 2 MR. MUELLER: Thank you, sir.
 3 HEARING OFFICER PRICE: City,
 4 Mr. Callaghan?
 5 CROSS-EXAMINATION
 6 BY MR. CALLAGHAN:
 7 Q. The criterion that you talked about,
 8 it talks about --
 9 HEARING OFFICER PRICE: I need you to
 10 speak up.
 11 MR. CALLAGHAN: Sorry.
 12 BY MR. CALLAGHAN:
 13 Q. (Continuing.) -- it focuses on the
 14 facility, correct?
 15 Go back to the criterion that
 16 you're testifying about?
 17 A. For Criterion 2?
 18 Q. Yes.
 19 A. Yes.
 20 Q. It doesn't say anything about trucks?
 21 A. No.
 22 Q. It doesn't say anything about

1 locations, other than where the facility is
 2 located, correct?
 3 A. Not implicitly, no.
 4 Q. It doesn't say explicitly either, does
 5 it?
 6 A. Well, I mean, the way I interpreted
 7 it, it's how it's located. And part of the
 8 whole process is the trucks come in and the
 9 trucks come out. That's part of the process.
 10 Q. But the focus is on the facility?
 11 A. That's very true.
 12 Q. Do you know if there's a criterion
 13 that looks at traffic?
 14 A. There was, yeah, Criterion 6.
 15 Q. All right. Do you know that people
 16 have testified about Criterion 6?
 17 A. Correct.
 18 Q. And that has to do with the impact on
 19 traffic patterns?
 20 A. Correct, as I understand it.
 21 Q. It doesn't say anything about
 22 pollutants coming from trucks?

1 A. No.
 2 Q. Do you know what the definition of
 3 facility is in the Environmental Protection Act?
 4 A. I do not.
 5 Q. Now, the background levels that you
 6 provided, that means what's out there today?
 7 A. Correct.
 8 Q. And you did a model that came up with
 9 the cumulative impact, meaning adding this
 10 site -- the trucks from this site to the
 11 background level?
 12 A. Correct.
 13 Q. The trucks that you added, is that the
 14 total number of trucks from this facility?
 15 A. No. Just the transfer trucks.
 16 Q. Only transfer trucks?
 17 A. Correct.
 18 Q. And do you know which waste transfer
 19 stations LRS has been using because they don't
 20 have their own?
 21 A. From what I gather, it's Batavia.
 22 Q. Okay. Where is Batavia located?

1 A. South of the site and to the west.
 2 Q. It's over by Kirk Road?
 3 A. I'm not familiar with the site.
 4 Q. You don't know where it's located?
 5 A. No.
 6 Q. What about Groot?
 7 A. Groot is just north of LRS.
 8 Q. So do you believe these are going
 9 to -- that this facility will create the need
 10 for more transfer trailer traffic in this area
 11 if it is approved?
 12 A. Well, no one took a look at the
 13 reduction in transfer activities from all of the
 14 sites based upon this application, to the best
 15 of my knowledge. The other thing it didn't take
 16 into account were other sources that are new and
 17 not part of the background, such as Pheasant
 18 Run.
 19 Q. I guess any -- You're familiar with
 20 this area where the proposed facility would be
 21 located?
 22 A. Yes.

1 Q. Would you agree that it's an
 2 industrial area?
 3 A. Where the site is the proposed?
 4 Q. Yes.
 5 A. Yes.
 6 Q. Okay. And any use within this area
 7 zoned industrial is going to have trucks,
 8 correct?
 9 A. I would say that's pretty apparent,
 10 yes.
 11 Q. So when property is zoned industrial
 12 and I own the property and I want to use it, are
 13 you saying before I can use the property, I have
 14 to do an air dispersion model?
 15 A. Yeah. Actually, I have a situation
 16 where I had a client that owned a piece of
 17 property in southern Illinois. He said I don't
 18 need permits to do this solar farm. Well, a
 19 core of engineers disagreed with him
 20 significantly.
 21 Q. And they made him do an air dispersion
 22 model for --

02:01:35PM

02:02:03PM

1 take some of the waste from those, there would
 2 be a reduction in the overall impact of all the
 3 transfer stations, correct?
 4 A. If they are ultimately reducing the
 5 location and where they are going with the
 6 waste, yes.
 7 MR. CALLAGHAN: That's all I have.
 8 Thanks.
 9 HEARING OFFICER PRICE: Mr. Walsh?
 10 MR. WALSH: No questions, Mr. Price.
 11 HEARING OFFICER PRICE: Any redirect,
 12 Mr. Meza?
 13 REDIRECT EXAMINATION
 14 BY MR. MEZA:
 15 Q. Let me just ask you this, Mr. Powell:
 16 The standards that you used, who came up with
 17 the standards?
 18 A. U.S. EPA.
 19 MR. MEZA: That's all.
 20 HEARING OFFICER PRICE: Any recross on
 21 that question, Mr. Mueller?
 22 MR. MUELLER: No.

02:03:21PM

02:03:36PM

1 A. Not an air dispersion model but he had
 2 to do an environmental impact study of solar
 3 farming.
 4 Q. That is not a criterion --
 5 A. I understand that. But I'm giving you
 6 an example. In the City of Chicago today if you
 7 were siting this same facility, you would have
 8 to do an air quality impact analysis today.
 9 Q. Because this -- Because the city staff
 10 would tell you you have to do it?
 11 A. No. There's an ordinance.
 12 Q. That just passed, correct?
 13 A. No. It's been out there for two
 14 years.
 15 Q. That's what I mean, relatively
 16 recently?
 17 A. Well, it's impacting my clients.
 18 Q. But that's the City of Chicago, that's
 19 not here?
 20 A. True.
 21 Q. I guess the point on the other
 22 transfer stations is if this facility were to

02:02:28PM

02:02:46PM

1 HEARING OFFICER PRICE: PODER?
 2 MR. WEINSTOCK: No.
 3 HEARING OFFICER PRICE: City?
 4 MR. CALLAGHAN: None.
 5 HEARING OFFICER PRICE: Thank you,
 6 Mr. Powell.
 7 THE WITNESS: Thank you.
 8 HEARING OFFICER PRICE: Mr. Meza,
 9 Mr. Leutkehans, any other witnesses?
 10 MR. LEUTKEHANS: One further witness.
 11 MR. MEZA: We have one fact witness.
 12 We're going to call Colin Hale.
 13 (Witness sworn.)
 14 WHEREUPON:
 15 COLIN HALE,
 16 called as a witness herein, having been first
 17 duly sworn, was examined and testified as
 18 follows:
 19 DIRECT EXAMINATION
 20 BY MR. MEZA:
 21 Q. Can you state your name for the record
 22 and say it loud enough so we can all hear you.

02:03:52PM

1 **A.** My name is Colin Hale. For the
 2 record, C-o-l-i-n, H-a-l-e.
 3 **Q.** Where do you live, sir?
 4 **A.** I live on National Street here in West
 5 Chicago.
 6 **Q.** How long have you lived in West
 7 Chicago?
 8 **A.** My entire life.
 9 **Q.** Did your parents grow up in West
 10 Chicago?
 11 **A.** They did not grow up here. They have
 12 lived in West Chicago since 1984.
 13 **Q.** Where do you currently work, Colin?
 14 **A.** I work at Blachford Acoustics
 15 Laboratory at 1445 Powis Road.
 16 **Q.** Can you spell that for the court
 17 reporter, please.
 18 **A.** Blachford is B-l-a-c-h-f-o-r-d.
 19 **Q.** What do you do at Blachford Acoustics?
 20 **A.** I'm a new product introduction
 21 engineer for Blachford Acoustics Group but, like
 22 I said, I'm stationed at Blachford Acoustics

1 Laboratory. I have been there about seven
 2 years.
 3 **Q.** What is the address again of that the
 4 location?
 5 **A.** 1445 Powis.
 6 **Q.** About how far away are you from
 7 1655 Powis?
 8 **A.** I think it's about 200 yards.
 9 **Q.** Are you familiar with the current site
 10 at 1655 Powis?
 11 **A.** To some extent, yes.
 12 **Q.** Is that the current LRS site?
 13 **A.** Yeah.
 14 **Q.** Now, how long have you worked at
 15 Blachford Acoustics, how many years?
 16 **A.** Nearly seven.
 17 **Q.** Now, during that time period, did you
 18 have occasion to see or observe litter in or
 19 around your area, including by the LRS site?
 20 **A.** On several occasions. Well,
 21 continually, yes, we have had quite an issue
 22 with litter around our property, which includes

1 a natural wetland area which is pretty
 2 well-peppered with trash. We found several
 3 occasions where, you know, we have got Lakeshore
 4 Recycling stickers that I think I submitted
 5 pictures of, as well as plenty of other stuff
 6 that blows out of trucks. I mean, personally
 7 witnessed, as well as other people at the
 8 company, blowing directly out of Lakeshore
 9 trucks, which are full and tarped, full and
 10 untarped, and then something I think that's
 11 generally unaccounted for here is the untarped
 12 vehicles that have the remainder of waste still
 13 blowing out of them, you know, little light
 14 things usually.
 15 **Q.** Have you taken photographs of this
 16 waste?
 17 **A.** I have.
 18 **Q.** How are you able to tell that it's, in
 19 fact, LRS waste?
 20 **A.** Like I said, on some occasions I have
 21 witnessed it. I just spent some time actually
 22 watching the trucks go by a few days ago to, you

1 know, refresh memory of this happening. But
 2 some of the pictures I have submitted, like I
 3 said, include Lakeshore Recycling stickers,
 4 which is pretty direct, I feel like.
 5 **Q.** I'm going to show you what's been
 6 marked as Exhibit PWC 707. Can you tell us what
 7 Exhibit PWC 707 is?
 8 (PWC Exhibit No. 707 marked for
 9 identification.)
 10 **BY THE WITNESS:**
 11 **A.** These pictures were actually submitted
 12 to the city in April -- I think it was
 13 April 2021. And this is right after we were
 14 cited for litter on our property, and we argued
 15 this litter is not our litter. You know, we
 16 don't generate waste like this at the lab. We
 17 hardly generate any trash at all. This isn't
 18 even as bad as it was a few days ago. I just
 19 took some more pictures. I guess some of these
 20 at the end might be --
 21 **Q.** Let's look at the picture on --
 22 Picture 3 out of 14, Page 3 out of 14, tell us

1 what that depicts.
 2 A. On page --
 3 Q. Page 3 of 14.
 4 A. Page 3. So this is back from April --
 5 like I said, I think that was 2021. And that is
 6 the frontage -- I'm standing on Powis Road or
 7 maybe the shoulder and the driveway to the lab
 8 is just off and to the right out of view.
 9 Q. All right. Can you flip to Page 4 of
 10 14. What are we seeing on 4 of 14?
 11 A. That is Powis Road, and I'm standing
 12 in the driveway of the lab.
 13 Q. Do you see litter there?
 14 A. Some there, yes.
 15 Q. Now go to Page 4 of 14.
 16 A. That's looking north on Powis. That's
 17 the lab on the right.
 18 Q. 6 of 14?
 19 A. This is just a poorly taken photograph
 20 of some of the trash that's in kind of like -- I
 21 don't know. I call it the meadow. It's just a
 22 brush natural area between the lab and Powis.

1 Q. Now, let's go ahead and flip to Page 9
 2 of 14. Tell us what's depicted in 9 of 14?
 3 A. 9 of 14 is a City of Geneva waste
 4 sticker and that is for Lakeshore Recycling
 5 Systems. It's one of the Lakeshore stickers.
 6 Q. Where was this found?
 7 A. That's in that same brush patch
 8 between the lab and Powis, which is probably
 9 30 feet off the road, I'm guessing, maybe 50.
 10 Q. Go to Page 10 out of 14.
 11 A. The location of that one is also --
 12 actually I think -- This is just from a couple
 13 days ago. This is right across the street from
 14 the lab, looking south towards Hawthorne, I
 15 believe, but on Powis.
 16 Q. Okay. Then the last couple
 17 photographs on 13 and 14, those, again, depict
 18 photos you took of the trash in and around the
 19 area; is that correct?
 20 A. Yeah. So 11 is also -- It's right
 21 across the street from the lab. 12 -- On
 22 Page 12, that is specifically, is in front of

1 the Lakeshore facility, also a couple of days
 2 ago. And then Page 13 -- I believe these were
 3 Thursday morning. 13 is at the lab from across
 4 the street and you can kind of see that natural
 5 area, which is just full of stuff, full of trash
 6 from blowing out of trucks. And then the
 7 wetland area I referenced is on the opposite
 8 side of the lab at that treeline there, which is
 9 maybe a hundred yards from the road. The last
 10 picture is also of the frontage of the lab from
 11 nearly the same position same day.
 12 Q. Now, in addition to taking these
 13 photographs, have you communicated to the City
 14 of West Chicago and has your company
 15 communicated to the City of West Chicago?
 16 A. So considering -- Considering this
 17 kind of stuff we're looking at here, Blachford
 18 Incorporated has been in contact with the City
 19 of West Chicago before. Basically what we were
 20 told is it's litter on your property, you're
 21 responsible for it, which made the president of
 22 our company pretty unhappy. That started kind

1 of a whirlwind of trying to hold people
 2 accountable, so we did end up getting Lakeshore
 3 to come help clean up on our property. And at
 4 that time also I think it must have -- a bunch
 5 of other people -- this is only a guess -- a
 6 bunch of other people must have gotten a
 7 citation because they were on both sides of the
 8 street everywhere helping to clean up. We were
 9 able to get their help that time but usually
 10 after at least a little bit of a struggle.
 11 If it's pertinent, I also have a
 12 new --
 13 Q. I want to show you what's been marked
 14 as Exhibit 706. Is this communication from your
 15 company to West Chicago relating to the litter?
 16 (PWC Exhibit No. 706 marked for
 17 identification.)
 18 BY THE WITNESS:
 19 A. Yes. This is specifically on behalf
 20 of Blachford. There is a follow-up letter I
 21 just submitted, you know, maybe an hour ago that
 22 I do have a copy of, if that's also pertinent,

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

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

6 BY MR. MEZA:

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

02:13:06PM

10 What were the dates of those
11 photographs taken?

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

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

17 A. Yes.

18 MR. MEZA: We have no further
19 questions.

02:13:33PM

20 HEARING OFFICER PRICE: Thank you.

21 PODER?

22

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

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

7 A. Yes.

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

02:14:36PM

10 A. Yes.

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

13 A. Yes.

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

17 A. I try to.

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

02:14:50PM

21 A. Sure. Yes.

22 MR. WEINSTOCK: Thank you. No further

1 CROSS-EXAMINATION

2 BY MR. WEINSTOCK:

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

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

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

9 Q. It's on Powis Road as well?

02:13:51PM

10 A. Yes, same side.

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

14 A. I don't know.

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

17 A. Yes, regularly.

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

02:14:11PM

20 coming and going at rush hours?

21 A. It depends. I often find myself out

22 there, you know, midafternoon, 2:00/2:30.

1 questions.

2 HEARING OFFICER PRICE: Mr. Mueller?

3 CROSS-EXAMINATION

4 BY MR. MUELLER:

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

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

02:15:16PM

11 Q. When did you first contact them?

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

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

02:15:38PM

20 A. Mr. Meza. And then the person I was
21 e-mailing with, his name was Nick. I don't

22 remember his last name, but we have been in

1215

1 contact a couple times completely unrelated to
2 this.

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

5 A. I don't recognize that name.

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

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

02:16:16PM

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

13 A. Yes.

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

16 A. I can't speak to what Lakeshore is
17 known to carry by whatever, you know -- whatever
18 you guys are known to carry. What I know is
19 from watching things blow out of trucks. I

02:16:53PM

20 don't know what's supposed to be going to and
21 from Lakeshore. I just know things blow in and
22 out of the trucks.

1217

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

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

02:18:16PM

10 A. Sure.

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

13 A. That's right.

14 Q. Whose license is that?

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

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

02:18:41PM

20 A. I have no idea.

21 Q. Could he be a Waste Connections
22 employee?

1216

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

3 A. To give you the most recent example,
4 on Thursday, watching from the roof of the lab,
5 I was watching a truck that's orange on the top,
6 white on the doors, more orange on the bottom.
7 What I think used to be a Hoving truck but LRS
8 must have purchased. It's colors just like
9 those, but with the big blue LRS dumpster on the

02:17:15PM

10 back. I watched some that were tarped with
11 stuff in them and some that were untarped with
12 what I would presume to be called and empty
13 load. But I did witness on several occasions
14 just Thursday smaller, lightweight pieces of
15 trash blowing out of those empty containers,
16 which is part of my concern and, of course,
17 Blachford's concern, that those things aren't be
18 accounted for.

19 And specifically referencing

02:17:38PM

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

1218

1 A. He could be an employee of anybody.

2 Q. So you don't know where that license
3 and surgical mask came from, do you?

4 A. I don't know where specifically any
5 individual piece of this trash came from;
6 however, I have pretty good reason to believe
7 that the Lakeshore Recycling stickers probably
8 originated from Lakeshore.

02:19:10PM

9 Q. Well, I'm not seeing a Lakeshore
10 recycling sticker on 2 of 14. Am I missing
11 something?

12 A. No, not on 2 of 14.

13 Q. Okay. 3 of 14.

14 A. Yes.

15 Q. Can you point to any specific piece of
16 litter that you know came from a Lakeshore
17 vehicle?

18 A. I cannot point to any specific piece
19 of litter coming from a Lakeshore vehicle on
20 that picture.

02:19:30PM

21 Q. All right. Let's go to 4 of 14. Can
22 you point to any specific piece of litter that

1 you know came from a Waste Connections -- I
 2 mean, a Lakeshore vehicle?
 3 A. Not on Page 4 of 14.
 4 Q. Page 5 of 14, can you point to any
 5 specific litter that you know came from a
 6 Lakeshore vehicle?
 7 A. For the sake of everybody's time, I'm
 8 going to point out --
 9 Q. I didn't ask you about people's times.
 10 I asked if you can point to any specific litter
 11 that came from a Lakeshore truck?
 12 A. No.
 13 Q. Page 6 of 14. Can you identify
 14 anything from Lakeshore on there?
 15 A. No.
 16 Q. Page 7 of 14. Can you identify
 17 anything from Lakeshore on there?
 18 A. As with any of these pages, I don't go
 19 out and write down exactly what piece of trash I
 20 saw fly out of what truck; however, as I have
 21 mentioned, I have watched trash fly out of
 22 Lakeshore trucks as recently as Thursday.

1 Q. So the answer to that question is, no,
 2 you can't identify anything in 7 of 14, right?
 3 A. That's correct.
 4 Q. Page 8 of 14. Do you know what that
 5 is?
 6 A. It's some kind of plant information
 7 from a Planter's Palette.
 8 Q. So it must have blown off a plant?
 9 A. Must have blown off, presumably, the
 10 truck carrying the trash from Planter's Palette,
 11 but ...
 12 Q. Do you know whether that was a
 13 Lakeshore vehicle?
 14 A. I do not know.
 15 Q. Now, on Page 9 of 14 there is a
 16 Lakeshore sticker depicted?
 17 A. Yes.
 18 Q. Is that a yard waste sticker, if you
 19 know?
 20 A. It just says "waste sticker." I don't
 21 know if that's for yard waste or if it's like
 22 the stickers we used to have in West Chicago for

1 trash cans. I'm not sure. I don't use garbage
 2 stickers.
 3 Q. Page 10 of 14. Can you identify
 4 anything that came from Lakeshore on that
 5 picture?
 6 A. So on this picture, I can say that one
 7 of those things down there in that little
 8 culvert area, the lower area, one of those I
 9 know is because I watched it blow out. But,
 10 like I said, I did not specifically take count
 11 which one that was.
 12 Q. Which one do you know that came --
 13 that you saw blow off?
 14 A. I know it was a sheet of
 15 paper-ish-sized white thing, and there's a few
 16 of those that I can see, so I can't say which
 17 one. Anywhere right in this little space is
 18 about where it would have landed based on what
 19 it looked like from the roof.
 20 Q. Page 11 of 14. Anything you can link
 21 to Lakeshore there?
 22 A. Not specifically.

1 Q. 12 of 14. Anything you can link to
 2 Lakeshore?
 3 A. The thing I can link to Lakeshore that
 4 I didn't think to take a picture of at the time
 5 was the grime coming in and out of the driveway,
 6 but I was paying attention to trash than the
 7 grody stuff that leaks out of vehicles.
 8 MR. MUELLER: Mr. Price, I'm going to
 9 move to strike that answer as nonresponsive.
 10 HEARING OFFICER PRICE: Overruled.
 11 Move on.
 12 BY MR. MUELLER:
 13 Q. Page 13 of 14. Anything you can link
 14 to Lakeshore there?
 15 A. Not specifically, no.
 16 Q. So Exhibit 707 with its 14 pictures
 17 has one Lakeshore sticker and nothing else that
 18 you can link to Lakeshore, correct?
 19 A. Other than one of those things on
 20 whatever page that was. Like I said, I'm not
 21 sure which one it might be, from Page 10.
 22 Q. Now, the Waste Connections trucks go

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

2 **A.** Right. Yes.

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

5 **A.** They also have the same problem.

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

8 **HEARING OFFICER PRICE:** Mr. Callaghan.

9 **MR. CALLAGHAN:** One question.

02:24:30PM

10 **CROSS-EXAMINATION**

11 **BY MR. CALLAGHAN:**

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

15 **A.** It was for a long time.

16 **MR. CALLAGHAN:** That's all I have.

17 **CROSS-EXAMINATION**

18 **BY MR. WALSH:**

19 **Q.** Mr. Hale, are you being paid to be
20 here today?

02:24:51PM

21 **A.** No.

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

1 interested in at the moment. If we have the

2 power to make sure that they are held

3 accountable for whatever trash is associated

4 with them in the future that we build that into

5 conditions or things like that. I don't want to

6 be unreasonable for anything. If something

7 blows out of your truck, we do have ordinances

8 which if you give me a second, I'll grab

9 something from my phone. But we have multiple

02:25:52PM

10 ordinances in place that are specifically

11 related to if something blows out of your

12 vehicle, you're responsible for it. I think

13 Lakeshore's intention is as anybody's would be

14 is to control their trash and not have it blow

15 all over the town. The fact of the matter is

16 that still happens.

17 **So how do we control that and**

18 **what's the course of action once that has**

19 **happened? Because I currently don't see either**

02:26:15PM

20 **of those companies, but including Lakeshore, you**

21 **know, walking up and down the street every so**

22 **often. Street sweeping is not going to cover**

1 have.

2 **HEARING OFFICER PRICE:** Any redirect,
3 Mr. Meza?

4 **REDIRECT EXAMINATION**

5 **BY MR. MEZA:**

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

7 **A.** I think it was Tuesday, right?

8 Whatever the first meeting of last week during
9 the week was.

02:25:04PM

10 **Q.** And you understand I don't represent
11 you; is that right?

12 **A.** Right.

13 **Q.** You asked to testify; is that correct?

14 **A.** Yes. To be perfectly clear, my
15 interest is just that the litter coming out of

16 trucks I don't think is being appropriately

17 addressed in the way the text is currently and

18 maybe even in the way that it's being legally

19 enforced or not, and the accountability of,

02:25:24PM

20 really, both waste handling companies but

21 Lakeshore included. Since they are the topic of

22 this hearing, that's the one I'm particularly

1 that because we're not talking about the road

2 surface but the culverts, recessed areas, and

3 anywhere else that trash would blow around and

4 collect. That's anywhere from a parking lot to

5 natural wetland areas or, you know, it can blow

6 into the residential areas or wherever you can

7 point it. I think regular cleanup efforts

8 should be considered.

9 **Q.** Did anybody try to convince you not to

02:26:43PM

10 testify today?

11 **A.** No.

12 **MR. MEZA:** No further questions.

13 **HEARING OFFICER PRICE:** PODER?

14 **MR. WEINSTOCK:** No.

15 **HEARING OFFICER PRICE:** Mr. Mueller?

16 **RE-CROSS-EXAMINATION**

17 **BY MR. MUELLER:**

18 **Q.** Very briefly. Mr. Hale, you talked

19 about street sweeping. You have seen the

02:26:58PM

20 Lakeshore street sweeper out there on Powis

21 Road, right?

22 **A.** I believe I have.

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

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

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

8 A. On the one occasion that I mentioned
9 in April of 2021 where we were cited and I think
10 the surrounding companies were also cited for
11 trash that was not ours.

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

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

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

19 HEARING OFFICER PRICE: Mr. Callaghan?

20 MR. CALLAGHAN: No questions.

21 HEARING OFFICER PRICE: Mr. Walsh?

22 MR. WALSH: Nothing. Thank you.

1 HEARING OFFICER PRICE: Thank you,
2 Mr. Hale.

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

5 MR. LEUTKEHANS: Yes, it does.

6 HEARING OFFICER PRICE: Then the
7 exhibits introduced as part of the case in chief
8 include 155, 156, 157, 51, 352, 800, 801, 602,
9 350, 603, 603-A, 49, 702, 707, and 706.

10 Are there any objections to any of
11 those being made part of the record?

12 MR. MUELLER: Nope.

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

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

17 MR. WEINSTOCK: Thank you, Mr. Price.
18 We will be calling two witnesses this afternoon.
19 Before we do that, I might ask for a very brief
20 break. The primary purpose for it is to send
21 copies of Excel documents that are going to be
22 attached to one of our exhibits to counsel in

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

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

8 MR. WEINSTOCK: We don't plan to --
9 They are a technical backup for a document that
10 we made a summary document. I wanted everyone
11 to have them. I can send them out afterwards.

12 We are not going to ask any questions about
13 these documents. Frankly, they are hard to read
14 but because they are the technical backup.

15 HEARING OFFICER PRICE: Send them
16 later.

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

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

1 (A short break was had.)
2 (Witness sworn.)

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

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

1 flexibility, particularly, for our first
 2 witness, Ms. Garcia, which English is not her
 3 first language, but Ms. Garcia has been forced
 4 to participate in this hearing without the aid
 5 of Spanish interpretation at any point in the
 6 process. I would just ask for a little leeway.
 7 Ms. Garcia is ready and will do her best.
 8 Second, I'd just like to note an
 9 objection for the record to this hearing being
 10 held on Dr. Martin Luther King, Jr., Day, which
 11 is, obviously, a national holiday during which
 12 time any witnesses or member of the public may
 13 have to, say, care for their children who are
 14 home from school and which is, of course,
 15 intended to honor and recognize the
 16 contributions of a civil rights leader for whom
 17 fighting the prejudicious effects of the solid
 18 waste transfer industry on minority communities
 19 was a key part of his legacy of work.
 20 Recognizing that the hearing is being held
 21 today, we are prepared to participate and, as I
 22 said, I would just note that objection for the

02:43:08PM

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1 is. Everybody comes together when we need to.
 2 We all have the same concern and worries
 3 regardless of what the our ethnic background is.
 4 We get together a lot.
 5 I'm currently the BPAC president
 6 for West Chicago District 94, and I'm always for
 7 the community. I'm always -- That's the way I
 8 have been all my life. I like to do what is
 9 right for our community, especially West
 10 Chicago.
 11 **Q.** You mentioned you're the board
 12 president for -- I didn't catch what the
 13 organization was?
 14 **A.** BPAC is Bilingual Parents Advisory
 15 Committee. So our children bilingual, most
 16 parents are not. I am. So we try to have this
 17 community that the -- actually, ISBE encourages
 18 us to have. It's a very good environment here
 19 in West Chicago.
 20 **Q.** So it sounds like that's one way
 21 you're involved in community affairs in West
 22 Chicago. Are you also involved in an

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1 record.
 2 WHEREUPON:
 3 JULIETA ALCÁNTAR-GARCIA,
 4 called as a witness herein, having been first
 5 duly sworn, was examined and testified as
 6 follows:
 7 DIRECT EXAMINATION
 8 BY MR. WEINSTOCK:
 9 **Q.** Ms. Garcia, can you please state your
 10 name for the record?
 11 **A.** My name is Julieta Alcántar-Garcia.
 12 **Q.** Where do you live, Ms. Garcia?
 13 **A.** I live in West Chicago.
 14 **Q.** Could you talk a little bit more about
 15 your experience in West Chicago, how long you
 16 have lived here, that sort of thing?
 17 **A.** Actually, I was born here. I was born
 18 December 20, 1969. My parents are Luis Alcántar
 19 and Carmen Alcántar. My mom is no longer with
 20 us, but my dad is. It's a lovely town. I love
 21 it. I love the community. We all get along so
 22 well. Everywhere I am, hello, no matter who it

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02:44:17PM

1 organization called People Opposing DuPage
 2 Environmental Racism?
 3 **A.** Yes. Yes, I am. PODER is an
 4 environmental community for immigrants of the
 5 area of DuPage.
 6 **Q.** You have to speak up a little bit.
 7 **A.** Our mission is to educate, empower,
 8 and advocate for the struggle of Latino and
 9 immigrant communities.
 10 **Q.** When you say "Latino and immigrant
 11 communities," where -- are you talking about in
 12 West Chicago? Can you tell me a little bit more
 13 about who PODER and ISD represent?
 14 **A.** Here in DuPage County this
 15 organization, Immigrants Solidarity DuPage,
 16 began in 2007, and I joined them in 2011. And
 17 then PODER began about 2012, 2013, when members
 18 of West Chicago came to us with a different
 19 issue.
 20 **Q.** So PODER formed -- Well, PODER was
 21 formed in response to concerns in West Chicago?
 22 **A.** Yes.

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1 Q. But the title of the organization
 2 talks about DuPage?
 3 A. DuPage, yes.
 4 Q. Can you explain that? If it's West
 5 Chicago focused, why are you identifying DuPage
 6 in the name of the organization?
 7 A. Because DuPage County is a county
 8 where the largest population probably is Latino,
 9 it's an immigrant community. It's probably -- I
 10 want to say it's in the census. Unfortunately,
 11 in the census, not everybody was counted
 12 recently. But I am sure this is our status, in
 13 DuPage County we are a majority of Latinos and
 14 immigrant communities.
 15 Q. West Chicagoans are?
 16 A. Yes, West Chicagoans.
 17 (PODER Exhibit No. 1 marked for
 18 identification.)
 19 BY MR. WEINSTOCK:
 20 Q. I'm going to ask you to pull up what's
 21 been marked PODER Exhibit 1. You mentioned a
 22 moment ago census data and the notion that West

02:48:05PM

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1 A. Yes.
 2 Q. Noting the point that the census
 3 likely undercounts the foreign-born person and
 4 Latino members?
 5 A. Yes.
 6 Q. As part of your work with PODER --
 7 Well, strike that.
 8 When -- We're here today,
 9 obviously, to talk about a proposal on the table
 10 from LRS. When and how did you become aware of
 11 the proposed LRS facility that's at issue in
 12 these hearings?
 13 A. I became aware during the first
 14 time -- I believe they submitted the -- this
 15 LRS -- The permit for the siting, the first time
 16 they came around. I want to say it was before
 17 the pandemic, and members of West Chicago came
 18 discussing this issue, and they brought it to
 19 our attention. There were some meetings around
 20 2019 where I listened in to what was being
 21 spoken of, and that's where I learned a little
 22 more of what the LRS was and what they were

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02:51:12PM

1 Chicago is the center of many of the Hispanic or
 2 Latino community within DuPage as a whole. Is
 3 that what this exhibit depicts?
 4 A. Pretty much. To an extent where I
 5 know so many of our community were not counted
 6 but, yes, we are at the top. I do agree we are
 7 the largest population, especially here in West
 8 Chicago.
 9 Q. Is there anything else about this
 10 chart that you think reflects your experience in
 11 West Chicago and why PODER is organized the way
 12 it is?
 13 A. Well, because it's a Latino community.
 14 It's an immigrant community. Also, there's
 15 low-income, people of low income, there's
 16 poverty, and many people who do not speak
 17 English at home.
 18 Q. Thank you, Ms. Garcia. So fair to say
 19 that this chart, based on the census data that
 20 you asked your attorneys to prepare, reflects,
 21 in general, your experience of the way West
 22 Chicago compares to DuPage County overall?

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1 planning to do.
 2 Q. Those meetings in 2019, were they
 3 public meetings that LRS was presenting at?
 4 Were they meetings you were hosting? I'd just
 5 like to know --
 6 A. It was a -- It was a community
 7 organization. It may have been the citizens
 8 advocacy but, later on, we had visits at our --
 9 at our center in Wheaton of concerned West
 10 Chicagoans that were also concerned at this --
 11 they were concerned, actually, at the silence
 12 after it appeared that they were not approved.
 13 So they were very concerned at the silence from
 14 anything, anything about this.
 15 Q. So you became aware of this in 2019.
 16 And, after that, you expressed a concern about
 17 the fact that the public wasn't aware of what
 18 was going on with this after 2019 for some
 19 period?
 20 A. Right. Exactly.
 21 Q. At a certain point, did you become
 22 aware again of what was going on with this

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1 proposal?

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

02:53:24PM

10 **Q.** So you mentioned meetings in 2019.
11 You mentioned shortly after the start of the
12 pandemic you heard about it from some other
13 people in the community. Were any of those
14 people affiliated, to your knowledge, with
15 Protect West Chicago?

16 **A.** No. No.

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

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

02:53:52PM

20 them recently because they are in this, but I
21 have no idea who they were or whose funding them
22 or anything.

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

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

02:55:44PM

10 **A.** Very interested in this. We all --
11 PODER, our organization, we all started to do --
12 My physical participation was air monitoring and
13 the counting of diesel trucks.

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

17 **A.** Okay.

18 **Q.** So, first, when you mention we did --
19 you were engaged in the counting of diesel
20 trucks. Who specifically counted trucks?

02:56:17PM

21 **A.** Me.

22 **Q.** You, personally?

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

4 **A.** We do not at all.

5 **Q.** How about to Waste Connections?

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

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

02:54:24PM

11 **A.** No, not at all.

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

15 **A.** Yes.

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

02:54:45PM

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

1 **A.** I did.

2 **Q.** Anybody else?

3 **A.** No.

4 **Q.** Could you maybe talk about, in
5 general, how you counted the trucks, where were
6 you, when, and we'll try to get a complete
7 picture of it?

8 **A.** Well, I began counting trucks actually
9 in the month of December. It was difficult for
10 me -- I have kids, my oldest with autism -- to
11 just go out and do all of this while they were
12 going in school, but December seemed better. I
13 was able to be there, like, for an hour, up to
14 three hours sometimes, if it was possible. I
15 would sit in the front of each facility LRS and
16 Groot, and I would count the trucks that would
17 come into their facility and out.

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18 **Q.** So you counted entering and exit?

19 **A.** Yes.

20 **Q.** Did you take any notes while you were
21 out there to make sure you were keeping tabs on
22 what you were seeing?

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

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

02:57:58PM

11 (PODER Exhibit No. 2 marked for
12 identification.)

13 BY THE WITNESS:

14 **A.** Yes. Yes, they are.

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

19 **A.** Yes.

02:58:17PM

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

22 **A.** Yes.

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

5 **A.** I just counted every truck.

6 **Q.** Did you count, like, passenger cars?

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

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

02:59:50PM

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

14 Do you see those in front of you?

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

17 BY THE WITNESS:

18 **A.** Yes.

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

03:00:05PM

22 **A.** Yes. Yes, they are.

1 **Q.** -- and just count the trucks coming
2 and going.

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

5 **A.** Watching them. Yeah.

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

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

02:58:44PM

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

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

02:59:21PM

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

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

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

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

03:00:41PM

13 MR. WEINSTOCK: Thank you, sir.

14 BY MR. WEINSTOCK:

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

17 **A.** Yes.

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

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21 **A.** An hour, yes.

22 **Q.** Do you remember how many trucks you

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1 saw go in and out?
 2 A. 137.
 3 Q. Same sets of questions: Were you
 4 there on December 7th at the LRS facility?
 5 A. Yes.
 6 Q. About how many trucks did you see
 7 either entering or exiting?
 8 A. 132.
 9 Q. I guess I'll stop and ask a question.
 10 Those numbers, 132, that's both going in and
 11 going out?
 12 A. Yes.
 13 Q. Maybe it's the same truck counted
 14 twice because it came in and out, maybe not;
 15 it's just the number of vehicles you saw go
 16 through the gate?
 17 A. Right. Correct.
 18 Q. On December 13th, were you at the LRS
 19 facility?
 20 A. Yes.
 21 Q. About how long were you there that
 22 day?

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1 Q. 1:45 in the afternoon, that's -- Do
 2 you know, offhand, is Powis Road generally
 3 really busy in the middle of a day like that?
 4 A. It looked busy, yeah. I was shocked
 5 that at that time it was busy but, yes, it was
 6 pretty busy.
 7 Q. On December 30th, 2022, were you at
 8 the LRS facility?
 9 A. Yes.
 10 Q. About how long were you there that
 11 day?
 12 A. I was there 62 minutes.
 13 Q. About how many trucks did you observe?
 14 A. 144.
 15 Q. I'm going to ask you the same
 16 questions about Exhibit 4.
 17 A. Yes.
 18 Q. Exhibit 4 represents your notes from
 19 your truck watching at the Groot facility or the
 20 Waste Connections facility; is that right?
 21 A. Yes. Exactly.
 22 Q. Were you out there at that facility --

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03:03:09PM

1248

1 A. December 13th?
 2 Q. Yes, ma'am.
 3 A. I was there 90 minutes.
 4 Q. About how many trucks did you see
 5 entering and exiting that day?
 6 A. 153.
 7 Q. How about December 19th, were you at
 8 the LRS that day?
 9 A. Yes.
 10 Q. About how long?
 11 A. 70 minutes.
 12 Q. About how many trucks in that span?
 13 A. 157.
 14 Q. How about December 19th?
 15 A. I was there for 62 minutes.
 16 Q. About how many trucks did you see
 17 enter or exit during that time?
 18 A. 148.
 19 Q. Same question on December 28th,
 20 Ms. Garcia?
 21 A. 64 minutes. And the trucks were 170
 22 trucks.

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1250

1 the Groot or Waste Connections facility on
 2 December 8th?
 3 A. Yes, I was.
 4 Q. For about how long?
 5 A. 72 minutes.
 6 Q. How many trucks did you observe
 7 entering or exiting?
 8 A. 141.
 9 Q. On December 12th, 2022, were you at
 10 the Groot or Waste Connections facility?
 11 A. Yes.
 12 Q. How many -- About how long were you
 13 there?
 14 A. 100 minutes.
 15 Q. About how many trucks -- Excuse me.
 16 How many trucks? Not about how many.
 17 A. 173.
 18 Q. On December 21st, were you at the
 19 Groot facility?
 20 A. Yeah. I was only there 35 minutes
 21 because it was very freezing.
 22 Q. I think we all remember the weather

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1 that the day. How many trucks did you see in
 2 that 35-minute session in the morning?
 3 A. 72.
 4 Q. Did you go back out in the afternoon
 5 that day?
 6 A. No. I wanted to, but there was no
 7 way. It was too cold. Wait a minute. Yes, I
 8 did. From -- I remember. From 1:39 to 2:45.
 9 It was 66 minutes. And I did count 202 cars --
 10 trucks.

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11 Q. Thank you.
 12 A. I remember, because I was shocked, and
 13 I had a phone call from Cristobal and he was
 14 like, 202 trucks today?
 15 Q. That's a lot of trucks in an hour on a
 16 cold day.
 17 A. So yes.
 18 Q. Did you go back out on December 29th
 19 to the Groot facility?
 20 A. Yes, I did. 82 minutes and 166
 21 trucks.
 22 Q. Thank you, Ms. Garcia. You can put

03:04:46PM

1 down the exhibits now.
 2 What -- When you were out there
 3 over the span of those days at the two
 4 facilities observing the trucks coming in and
 5 out, what were your impressions? What did these
 6 results mean to you?
 7 A. They are alarming to me. It's a lot.
 8 Then learning that we're going to get more. How
 9 much more? And what the impact is going to be,
 10 you know, it's -- it's frightening for me.
 11 Q. Are you aware -- Well, I'll put it
 12 this way: On Page 2 of the Criteria 6
 13 submission from LRS, the KLOA report, LRS claims
 14 that their proposed facility will result in
 15 fewer trips by certain trucks because they are
 16 LRS trucks that currently deliver municipal
 17 waste somewhere else and then drive back to the
 18 facility on Powis Road to park overnight and LRS
 19 is claiming that those trucks wouldn't have to
 20 go somewhere else so there will be fewer
 21 entrances and exits at the Powis Road facility
 22 because LRS can just dump the transfer and park

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1 them in the same location. LRS states that it's
 2 a reduction in truck traffic of a certain kind.
 3 Do you believe that that change is
 4 a benefit to the community?
 5 MR. MUELLER: I'm going to object to
 6 her beliefs.
 7 HEARING OFFICER PRICE: She doesn't
 8 have a foundation for this either. Sustained.
 9 BY MR. WEINSTOCK:
 10 Q. Ms. Garcia, did you review the LRS
 11 application materials?
 12 A. Yes, I did.
 13 Q. Did you look at their traffic study
 14 submitted by KLOA for Criterion 6?
 15 A. I did.
 16 Q. Did you observe that that report
 17 indicates what I mentioned a moment ago?
 18 A. Yes.
 19 Q. What was your reaction when you saw
 20 LRS's claim?
 21 A. That's not going -- It's not
 22 convenient for the community. It's convenient

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03:07:00PM

1 for LRS.
 2 Q. So I understand that Powis Road runs
 3 through a relatively industrial area?
 4 A. Yes.
 5 Q. The fact that the Powis Road is not
 6 directly a residential road, does that address
 7 any of your concerns with the amount of truck
 8 traffic that you just described?
 9 A. Not really. It does not. It's just
 10 that when I'm doing this observation, I do see
 11 that at various times it's very windy, it's very
 12 windy. You know, the emissions of trucks or
 13 anything that's there is not going to just stay
 14 idling there. There's wind. It's going to
 15 blow. Where is that wind blowing all of that
 16 pollution? That is my concern because there are
 17 respiratory issues, asthma, in children. So I
 18 am a mom and, also, where I do -- what I do with
 19 the schools, I hear lots of concern. It's --
 20 It's sad to see that this issue is being
 21 ignored. So as a mom, I do worry. Fellow moms
 22 worry that this is going to multiply the

03:07:43PM

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1 diseases of -- respiratory diseases in children
 2 are going to multiply.
 3 **Q.** As someone who has reviewed the LRS
 4 application materials, as a community leader in
 5 the schools in West Chicago, as a mother, do you
 6 believe that LRS has addressed concerns about
 7 where diesel pollution from within their
 8 facility or the trucks driving to it, where that
 9 pollution would end up?

03:09:26PM

10 **MR. MUELLER:** I'm going to object. She
 11 clearly is not qualified.

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

03:09:52PM

19 To be clear for the record, she is
 20 not an expert and not qualified to give opinions
 21 about other expert testimony.
 22

1 starts to read. And it's going into our phones.

2 It's an application that's keeping all the
 3 graphs and maps.

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

6 **A.** Yes, it is.

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

9 **A.** Yes, it is.

03:11:47PM

10 **Q.** Do you -- I'm going to ask you a
 11 couple questions about how that works building
 12 off of what you just said.

13 **A.** Uh-huh.

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

17 **A.** Yes, of course. Yeah.

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

03:12:10PM

20 on -- do you have to do anything else when --
 21 When you're out there to take monitoring on a
 22 particular day, let's say, what steps do you as

1 BY MR. WEINSTOCK:

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

6 **A.** No, they have not.

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

03:10:26PM

10 **A.** Yes.

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

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

03:11:17PM

20 comes up, and then we initiate the session.

21 **Q.** Okay.

22 **A.** We move around a bit so the device

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

3 **A.** Well, I have to take -- Like, I filled
 4 out the form, the temperature, how the wind is
 5 blowing, these little details, and I put it in
 6 the monitor where I'm doing my air monitoring,
 7 my name, and then basically that's it. When
 8 we're done, we have to finish the session, and
 9 then we keep that until we're able to e-mail to
 10 who we need to give us that information, those
 11 sheets.

03:13:00PM

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

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

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

19 **A.** Uh-huh.

03:13:22PM

20 **Q.** Did you receive any special training
 21 to use this app or do you have any technical
 22 background?

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

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

03:14:00PM

10 **A.** This was something that was donated to
11 us -- I would want to say to PODER.

12 **Q.** Do you know who donated it?

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

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

03:14:36PM

19 **A.** Well, we had to have just the training
20 but, like, one of our coordinators, Rafael Villa,
21 he's the one that when we want to add someone
22 else or recruit someone else, he downloads it,

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

4 **A.** Yes. Correct.

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

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

03:16:25PM

11 **Q.** Like Bluetooth or something?

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

03:17:07PM

20 **Q.** Then you leave it on --

21 **A.** You leave it on.

22 **Q.** -- for a certain period of time?

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

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

9 **A.** Yes.

03:15:08PM

10 **Q.** Based on the things you read from the
11 app creator, do you believe this is a device
12 that's intended for anyone to be able to use it
13 or is it intended only for technically trained
14 experts?

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

03:15:46PM

20 **Q.** Again, I just want to backtrack so we
21 all have a clear understanding of how this
22 monitoring works. So you have downloaded the

1 **A.** Yes.

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

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

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

03:17:34PM

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

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

03:18:20PM

21 **A.** It does it by itself.

22 **Q.** Do you know how often it takes a

1 reading?

2 **A.** Maybe a second and a half.

3 **Q.** Do you know what air pollutants it

4 monitors?

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

6 PM2.5.

7 **Q.** Do you know anything about PM2.5?

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

9 **Q.** Just try to answer first based on your

03:19:04PM 10 knowledge, as you sit here today?

11 **A.** Well, it's -- It's what is being used

12 because it impacts public health -- it affects

13 public health and it's very dangerous if it

14 exceeds a certain level.

15 **Q.** To get back to sort of the way the app

16 works. It's automatically recording, the

17 monitoring you think it's about every one second

18 or one-and-a-half seconds?

19 **A.** Yes.

03:19:35PM 20 **Q.** It records Particulate Matter 2.5,

21 among other things. Then I think you mentioned

22 before, the app, then, saves the data in some

1 format; is that right?

2 **A.** Yes, it does.

3 **Q.** Are you able to export that data?

4 **A.** Yes. It's still there, everything I

5 have. At any time I can export information.

6 **Q.** I'm going to ask you a little bit

7 about the particulars of that data in a moment.

8 Before we do that, I just want to tee up a

9 couple things.

03:20:06PM 10 Have you ever downloaded that data

11 to some format you can share with other people?

12 **A.** Well, it does have the option for me

13 to share data. In the past I did share the

14 sessions to our forest preserve commissioner

15 Jeffrey Gahris and then recently to our lawyers

16 today.

17 **Q.** When you shared that data with me, did

18 you change any of the data before you sent it to

19 me?

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

21 **Q.** Do you know how I received that data?

22 You hit send on the app, I take it. Do you know

1 how it showed up for me?

2 **A.** Yeah. I sent it from my app. That's

3 how I was told I could share it.

4 **Q.** So you -- Did you even download that

5 data yourself?

6 **A.** No.

7 **Q.** It went directly from the app to me?

8 **A.** Yes.

9 **MR. WEINSTOCK:** I'd like to now ask you

03:21:11PM 10 to look at what's been marked PODER Exhibit 5.

11 I'll represent for the record that this exhibit

12 is the automated messages that my office

13 received from Ms. Garcia's app directly. What

14 we did -- I'll ask Ms. Garcia to talk about what

15 these numbers are in a moment.

16 **But just for the record, what we**

17 **did was download those files directly from the**

18 **app. I believe the e-mail name was**

19 **AirCasting.com where I received it from. Then**

03:21:49PM 20 **we just packaged up what were extremely**

21 **voluminous Excel files and put the numbers here.**

22 **As I indicated before the break, we are happy to**

1 provide those Excel files to all of the parties

2 at the hearing. We just didn't believe anybody

3 needed stacks of Excel paper that's

4 misformatted.

5 **MR. MUELLER:** Mr. Price, maybe counsel

6 should testify and not Ms. Garcia, since he's

7 the one that prepared the exhibits.

8 **HEARING OFFICER PRICE:** Ask the

9 witness.

03:22:19PM 10 **(PODER Exhibit No. 5 marked for**

11 **identification.)**

12 **MR. WEINSTOCK:** I was getting to that,

13 **Mr. Mueller.**

14 **BY MR. WEINSTOCK:**

15 **Q.** Ms. Garcia, you took the data; is that

16 right?

17 **A.** Yes.

18 **Q.** I'll start with this: On PODER

19 Exhibit 5, you see there are two -- two tables,

03:22:37PM 20 the top table says, "PM2.5 at the LRS facility."

21 **Do you see that?**

22 **A.** Yes.

1267

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

4 A. Uh-huh.

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

9 A. Yes.

03:23:01PM

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

13 A. Yes.

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

17 A. December 8th we were inside the LRS
18 facility. Cristobal and I were asked to come in
19 to talk to the people at LRS, and I had the
20 monitor on.

03:23:28PM

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

1269

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

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

9 Q. Outside the gate?

03:24:49PM

10 A. Yes.

11 Q. Right in front of the facility?

12 A. Yes.

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

16 A. Sure.

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

03:25:11PM

20 A. Yes.

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

1268

1 A. Yes, inside.

2 Q. I see. Okay. December 13th, do you
3 remember going to the LRS facility and
4 initiating an AirBeam monitoring session around
5 10:31 a.m.?

6 A. Yes.

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

03:23:56PM

10 A. Yes, I did.

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

13 A. Yes.

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

17 A. Yes.

18 Q. On December 30th, do you remember
19 going to the LRS facility and starting a session
20 around 10:56 a.m.?

03:24:16PM

21 A. Yes.

22 Q. For those -- Other than the

1270

1 session around 1:30 p.m.?

2 A. Yes.

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

6 A. Yes, I do.

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

03:25:32PM

10 A. Yes, I did.

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

14 A. Yes.

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

18 A. No.

19 Q. Ms. Garcia, I'm going to ask you to
20 help us interpret this chart a little bit. So

03:26:01PM

21 we have been through the left-hand column. Each
22 of those numbers in the left hand column

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

4 **A.** Yes.

5 **Q.** And did it at the time specified?

6 **A.** Yes.

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

9 **A.** Yes. Yes, correct.

03:26:24PM

10 **Q.** The headers for the table and the
11 header for the document says "PM2.5"?

12 **A.** Uh-huh.

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

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

03:26:52PM

20 **Q.** How about the next column in, the one
21 that says "Minimum" at the top, what did you
22 understand that to be?

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

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

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

9 **Q.** Can you explain how the monitor works?

03:27:32PM

10 Do you know how the monitor works?

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

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

16 **MR. MUELLER:** I'm going to object.

17 **HEARING OFFICER PRICE:** Sustained.

18 **BY MR. WEINSTOCK:**

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

03:27:58PM

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

3 **MR. MUELLER:** I'm going to object
4 again.

5 **HEARING OFFICER PRICE:** Sustained.

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

8 **HEARING OFFICER PRICE:** You may not ask
9 why, but I'll tell you why. She's not a trained
10 scientist. The app has not been recognized by
11 any court in the land. I just did a search.

03:28:20PM

12 None of this is scientifically relevant. I
13 appreciate the effort. She did what she did. I
14 can't stop it from coming in as comment or, in
15 this case, testimony. But she is not qualified
16 to talk about -- She doesn't even know how the
17 app works. She said so. You just laid that
18 foundation. And she's not shown to be an expert
19 in any of these things. So we're moving on.

03:28:45PM

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

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

8 **Sustained.** Next question.

9 **MR. WEINSTOCK:** Thank you, your Honor.

03:29:17PM

10 **BY MR. WEINSTOCK:**

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

15 **A.** The United States EPA.

16 **MR. WEINSTOCK:** I'd like to point you
17 to what's been marked as PODER Exhibit 6. Your
18 Honor -- Hearing Officer Price, I'm sorry,
19 that -- PODER Exhibit 6 is a U.S. EPA fact sheet
20 that is published by U.S. EPA, by the agency. I
21 would ask you to take administrative notice of
22 the document.

03:29:52PM

1 (PODER Exhibit No. 6 marked for
2 identification.)

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

03:30:16PM

10 You can do what you want right now
11 and when it comes time to determine whether I'm
12 going to admitted it as a piece of evidence,
13 we'll do that. I'm not taking notice of a
14 proposed rulemaking.

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

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

03:30:37PM

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

1 document, how they are the describing the
2 standards.

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

9 MR. WEINSTOCK: Okay.

03:30:59PM

10 BY MR. WEINSTOCK:

11 Q. Ms. Garcia, earlier today in this
12 hearing there was a witness, Mr. Powell, who
13 testified on behalf of PWC. I'll offer that
14 Mr. Powell testified that the health-based
15 primary U.S. EPA standard for PM2.5 was
16 12 µg/m3?

17 A. Yes.

18 Q. I believe the record will reflect
19 that.

03:31:23PM

20 A. Uh-huh.

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

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

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

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

03:31:59PM

12 Sustained.

13 BY MR. WEINSTOCK:

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

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

03:32:30PM

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

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

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

4 A. Yes.

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

03:33:06PM

10 A. I don't see they tried. I don't see
11 they even tried to talk to the community.

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

16 A. No.

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

03:33:35PM

20 A. Yes, we were.

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

1 of that meeting?

2 **A.** I was in there, and then we had -- It

3 was a table with many representatives from LRS.

4 Cristobal and I came in to see a bit of pressure

5 from a couple of our colleagues and elected

6 officials, but we did come in. We thought,

7 okay, let's see what they will say. They gave

8 us, well, all this propoganda. There was

9 coffee, there was cookies, there was food. But

10 everybody was talking and Cristobal and I, we

11 couldn't even get a comment in.

03:34:27PM

12 In the end, Cristobal had to leave,

13 he had something -- you know, we're busy. I

14 stayed, I listened, and we both suggested -- it

15 wasn't that we told them to do it -- that

16 they -- if they honestly wanted the community,

17 to go out to the community, go out and reach out

18 to them, make a forum and communicate what

19 you're doing. It started where Cristobal and I

20 received two e-mails and then that was done.

03:35:14PM

21 They apparently planned to make a

22 community forum right before New Year's or after

1 Christmas. We were here in city hall advocating

2 to have these public hearings these days in

3 January, which, thankfully, that's what happened

4 because the concern is our community -- I'm

5 sorry. You know, it may bother people that I'm

6 talking about Latino communities. But in our

7 community we are very involved with Guadalupe,

8 with many things we do as Catholics or

9 Christians and believers that we are. We also

10 go visit family, maybe in Mexico and everything.

11 We we're not going to be able to be here between

12 the dates of Christmas. We weren't going to be

13 able to be here December 15th or something like

14 that.

03:36:04PM

15 The idea to hold a community forum,

16 probably -- what was it -- December 29th or

17 something. I'm getting a text from two of our

18 colleagues. It wasn't a phone call from LRS or

19 something -- a professional protocol to come

20 invite us. When we have a community forum, we

21 are inviting people, we are putting it on

22 Facebook, we are doing everything so people

03:36:48PM

1 come, and we're not the professionals, as I have

2 been told. If we would have gotten a phone

3 call, we would have brought the community to

4 this as much as we could. Okay. But that was

5 the sole intention of not allowing our community

6 to come and listen.

03:37:39PM

7 Then this -- These public hearings

8 right here, I wish our Latino was included. I

9 wish this was all in Spanish and there was every

10 effort to go out there so that my community

11 knows what's going on here. I may not be a

12 professional, as I have been told.

03:38:31PM

13 I am a mom. I am a Latina. Born

14 and raised in West Chicago. There's every

15 effort to silence me because I am voicing my

16 community. I'm sorry. I got really sentimental

17 here but I don't know what else to do today and

18 I just hope that what Martin Luther King once

19 said, When it's time to do the right thing, do

20 the right thing. Do it. There's always time to

21 do the right thing.

22 **MR. WEINSTOCK:** Thank you, Ms. Garcia.

1 I'm sorry. Does someone have a tissue? I don't

2 have one with me. I'm sorry.

03:39:12PM

3 **BY MR. WEINSTOCK:**

4 **Q.** Thank you for that, Ms. Garcia. I do

5 have just a couple more questions. And this is

6 going to seem really trivial at this point, but

7 you mentioned a couple of times you attended a

8 meeting with someone named Christoval. Can you

9 just say who he is?

10 **A.** He's our coordinator, one of the

11 founders of Immigrant Solidarity DuPage and --

03:40:28PM

12 **Q.** Just a couple more questions. I

13 promise. As a person who has followed this

14 closely since 2019 -- around about 2019, as a

15 leader in the community, are you aware of any

16 effort made by LRS to understand how the public

17 health, safety, and welfare impacts of its

18 proposed facility might interact or combine with

19 other current or historic pollution sources in

20 the West Chicago community?

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

22 **MR. MUELLER:** I'm going to object to

1 that.

2 HEARING OFFICER PRICE: She got her

3 answer in.

4 Overruled.

5 BY MR. WEINSTOCK:

6 Q. In your opinion, as a community

7 leader, not as an expert of any sort, do you

8 believe it would have been important for LRS to

9 examine the potential impacts of its proposed

10 facility in connection and in combination with

11 other stressors -- environmental stressors, past

12 and current, on the community of West Chicago?

13 A. Yes.

14 Q. LRS claims that overall truck traffic

15 will be reduced sort of overall because some of

16 the trucks that currently drive to a facility in

17 Batavia will now drive to this facility in West

18 Chicago. I think the record has reflected that.

19 What is your -- As a resident of

20 West Chicago, the public that this facility will

21 be located next to, what is your reaction to the

22 argument that it's in the public benefit because

03:40:32PM

03:41:09PM

1 West Chicago city website.

2 MR. WEINSTOCK: Ms. Garcia, time is

3 short. I want to thank you very much for your

4 testimony today. Some of the other lawyers may

5 have questions for you. I'll be sitting right

6 over there.

7 HEARING OFFICER PRICE: Protect West

8 Chicago?

9 MR. MEZA: No questions.

10 HEARING OFFICER PRICE: Mr. Mueller.

11 MR. MUELLER: Can I have 60 seconds

12 outside with my client and Mr. Hock, just to

13 maybe cut all of this short?

14 HEARING OFFICER PRICE: Sure.

15 (Discussion off the record.)

16 HEARING OFFICER PRICE: Mr. Mueller?

17 MR. MUELLER: Thank you.

18 CROSS-EXAMINATION

19 BY MR. MUELLER:

20 Q. Ms. Garcia, you said LRS gave you

21 propaganda?

22 A. Yes.

03:43:24PM

03:45:18PM

1 trucks will no longer go to Batavia but will

2 come to West Chicago instead?

3 A. This will benefit LRS, not our

4 community. The idea, if I understood correctly,

5 there will be times these trucks are going to be

6 parked there, so, you know, that's not what

7 we -- what we want. You know, their trucks park

8 here. This is -- It's not it's not convenient

9 for our community at all. Everything is

10 community -- for LRS, the company who wants to

11 cut costs.

12 Q. Ms. Garcia, you have followed this

13 application, you said, for a long time, do you

14 happen to know what day the application was

15 submitted to formally kick start this process?

16 A. September -- I think like -- oh, gosh.

17 A week -- A week after -- I want to say the

18 Monday after they had the Mexican Independence

19 Day festival, which was only one day, on

20 Saturday. The Monday, I believe, that's when --

21 In September, that's when it came out. That's

22 when I -- That week I read it came out on the

03:42:09PM

03:42:51PM

1 Q. That was in the form of coffee and

2 cookies?

3 A. If that's what they want to say it

4 was, sure.

5 Q. But they invited you in and answered

6 your questions and were pretty friendly, weren't

7 they?

8 A. They were friendly, yes.

9 Q. Do you remember being telephoned by

10 Katie Neary and talking to her briefly?

11 A. Nope.

12 Q. When you were taking readings at the

13 Groot facility, they did not invite you in, did

14 they?

15 A. No.

16 Q. They asked you for ID and made you

17 feel unwelcome, right?

18 A. There was the one time I was asked for

19 ID, but I thought that was fine, you know.

20 Q. How far do you live from the LRS

21 facility?

22 A. I personally live on Center Street

03:45:48PM

03:46:32PM

1 here in West Chicago.

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

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

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

9 A. Yes, Jeffrey Gahris.

03:47:07PM

10 Q. You don't know what specialized
11 knowledge he has, do you?

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

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

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

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

03:47:45PM

20 A. Recently, yes.

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

1 HEARING OFFICER PRICE: Mr. Callaghan?

2 MR. CALLAGHAN: No questions.

3 HEARING OFFICER PRICE: Mr. Walsh.

4 MR. WALSH: No questions.

5 HEARING OFFICER PRICE: Mr. Weinstock,
6 any redirect?

7 REDIRECT EXAMINATION

8 BY MR. WEINSTOCK:

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

03:48:10PM

14 Do you remember when Mr. Mueller
15 just said that?

16 A. Yeah.

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

19 A. They were just talking -- They
20 presented the PowerPoint and they were all

03:48:30PM

21 talking, but we really couldn't ask questions.

22 It's not that maybe -- I don't know. Maybe they

1 just didn't think of allowing us to speak.

2 Maybe the pressure that we were in there. But

3 Cristobal and I weren't asked to ask questions,

4 to address our concerns to them. We just saw

5 everything they were planning to do.

6 MR. WEINSTOCK: That's all I have,

7 Mr. Price.

8 HEARING OFFICER PRICE: Protect?

9 MR. MEZA: No.

03:49:10PM

10 HEARING OFFICER PRICE: Mr. Mueller?

11 MR. MUELLER: No, thank you.

12 HEARING OFFICER PRICE: All right.

13 Thank you, Ms. Garcia.

14 MR. WEINSTOCK: PODER is going to ask

15 Mr. Steve DeLaRosa to testify.

16 (Witness sworn.)

17 MR. WEINSTOCK: Thank you, Mr. Price.

18 WHEREUPON:

19 STEVE DeLaROSA,

20 called as a witness herein, having been first

21 duly sworn, was examined and testified as

22 follows:

1 DIRECT EXAMINATION

2 BY MR. WEINSTOCK:

3 Q. Mr. DeLaRosa, can you please state

4 your full name for the record and introduce

5 yourself?

6 A. My name is Steve DeLaRosa. I'm a

7 long-time DuPage County resident.

8 Q. Are you active in PODER?

9 A. Yes, I am. Because I am a volunteer

03:50:24PM

10 with Immigrant Solidarity DuPage. It's been a

11 local award-winning community organization that

12 has received awards from the City of Wheaton for

13 being a good community partner. And basically I

14 have known them since their beginning, from when

15 I was a board member of the Citizen's Advocacy

16 Center, which I'm no longer on.

17 Q. As part of your work with ISD and

18 PODER, did you become aware -- At some point,

19 did you become aware of the proposed LRS

03:51:09PM

20 facility we're all here talking about?

21 A. Basically it came to my attention in

22 the fall of 2022, when we became aware that the

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

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

7 A. Yes, I did.

8 Q. Could you describe those steps,
9 please?

03:51:53PM

10 A. Basically I began to bolster up my
11 knowledge about how DuPage County has
12 historically produced a solid waste plan for
13 DuPage County.

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

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

03:52:35PM

20 items that have been shared with the other
21 members of the city and besides being
22 represented here. As a public citizen it sure

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

6 A. Well, yes. I retired from being a
7 manufacturing wrench supervisor/manager in the
8 food processing industry in the greater
9 Chicagoland area for a number of years in Burr

03:54:55PM

10 Ridge, also a municipality of DuPage County;
11 here in West Chicago, a municipality, as we all
12 know, of DuPage County; and other places that
13 have basically given me training and knowledge

14 about how to take care of employees and how to
15 motivate employees and how to keep employees in
16 the same shape that they came into the building
17 so they can go home to their families. That's
18 how I've trained myself to act as a manager
19 because it's a principal idea in my mind,

03:55:51PM

20 because I have been on both sides of the table
21 working as a wrench, as a maintenance mechanic,
22 trained in electronics and PLC controls and HVAC

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

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

03:53:28PM

10 A. Yes.

11 Q. Did you review those posted
12 application materials?

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

03:54:04PM

20 Q. Mr. DeLaRosa, you looked at the
21 application materials on the website. And as
22 you were looking at them, understanding you're a

1 systems. I worked for Chiquita brands in
2 Franklin Park, where we utilized different ways
3 to clean fresh vegetables that we packaged and
4 produced for home consumption under the Chiquita
5 and Fresh Express label. And for a time at
6 Chiquita, we worked in partnership with Praxair
7 to develop a process for ozone sanitation of
8 fresh vegetables as a way to get away from using
9 the chemicals that we were using at the time to

03:56:56PM

10 process these vegetables. I learned a lot
11 working in that partnership with Praxair.

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

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

03:57:37PM

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

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

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

15 (PODER Exhibit No. 7 marked for
16 identification.)

17 BY THE WITNESS:

18 **A.** Yes, it is my most recent resume.

19 **Q.** I'm going to ask the question that I

20 know Mr. Mueller asked a couple nights ago.

21 Why does it stop in 2011?

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

03:58:51PM

03:59:21PM

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

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

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

04:01:44PM

04:02:35PM

1 and thought I should retire, so I did that the
2 in 2018. I retired from being a maintenance
3 mechanic with M&M Mars in Burr Ridge where I
4 worked a total of ten years before I retired
5 from them. While I was with M&M Mars, I was a
6 part of an incipient fire brigade that was made
7 up of volunteer employees who said that they
8 wanted to get trained in the use of subcutaneous
9 breathing apparatuses because we warehoused over

10 100,000 pounds of liquid ammonia onsite to
11 refrigerate our ice cream manufacturing line.

12 Pardon me while I take a sip here.

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

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

19 **Q.** Sure.

20 **A.** Because I worked for Mars from '90 to
21 '95 in my first stint, and then Mars -- as
22 corporate employees typically do at certain

04:00:15PM

04:00:54PM

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

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

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

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

04:03:22PM

04:04:32PM

1 practical experiences. Have you received any
2 training or certifications that relate in any
3 way to indoor air quality issues in workplaces?
4 **A.** Yes, I have. Over the years, as my
5 resume shows, I have received specific trainings
6 and also I have just recently completed an
7 OSHA 300 course regarding safety in the
8 workplace and have a certificate from OSHA
9 testifying to that training.

04:04:45PM

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

16 (PODER Exhibit No. 8 marked for
17 identification.)

18 **HEARING OFFICER PRICE:** This is 8?

19 **MR. WEINSTOCK:** This will be 8. I

04:05:04PM

20 didn't want to put the sticker on because it's
21 his only copy.
22

1 about what the keeps people safe in a workplace.
2 That's really why I was empowered to take this
3 training and it was offered to me through
4 Immigrant Solidarity DuPage because we had a
5 benefactor that provided this training for us,
6 because it's not cheap and you have to commit to
7 being there for a whole week and you have to get
8 up at a regular period of time and be there.
9 And when you're retired, that's something
10 special.

04:07:03PM

11 **Q.** You mentioned a benefactor paid for
12 it. Do you know who that was?

13 **A.** You know, I don't -- I don't recall
14 the name of the person who donated the training
15 to Immigrant Solidarity DuPage, but I'm sure I
16 can produce it if required.

17 **Q.** Do you know how much it costs, the
18 training, roughly?

19 **A.** I think it was \$1,200 per individual.

04:07:30PM

20 **Q.** Do you have any reason to believe that
21 the individual who provided that funding has any
22 connection to Protect West Chicago?

1 **BY MR. WEINSTOCK:**

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

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

04:05:54PM

10 many of you out there are getting close to the
11 point of being -- I'm not looking at you --

12 **MR. WEINSTOCK:** I move to strike that
13 discussion of retirement-aged individuals in the
14 room.

15 (Laughter.)

16 **HEARING OFFICER PRICE:** Time is
17 expiring. Let's focus, please.

18 **BY THE WITNESS:**

19 **A.** You pick and choose the things that
20 you want to do. That's one of the joys of being
21 retired. But it also is part of my work-life
22 experience in terms of wanting to gain knowledge

04:06:12PM

1 **A.** Well, seeing as I can't remember his
2 name, I don't think that -- I can't say because
3 I don't even remember what his name is, so it's
4 like -- I can't answer that.

5 **MR. WEINSTOCK:** That's fair enough. I
6 think Mr. Price would probably sustain that
7 objection.

8 **HEARING OFFICER PRICE:** By the witness
9 to his own testimony.

04:08:03PM

10 **BY MR. WEINSTOCK:**

11 **Q.** Mr. DeLaRosa, with all that background
12 on your experience, I'd now like to ask you to
13 provide your reaction to the LRS proposal, the
14 application materials you reviewed from the
15 website, and Mr. Hock's testimony that you
16 listened to at the hearings these past couple of
17 weeks.

18 **MR. MUELLER:** I would object. He's not
19 qualified as an expert in anything.

04:08:24PM

20 **HEARING OFFICER PRICE:** I agree. It's
21 very limited based on his experience. All we
22 have asked for here is his reaction. He's not

1 purporting to provide an expert opinion and
2 testimony. It's just based on his reaction. He
3 is a participant, so I'm going to allow this
4 question to be answered.

5 Overruled for now.

6 MR. WEINSTOCK: Thank you.

7 BY THE WITNESS:

8 A. Can you restate the question, please?

9 Q. Based on the professional experience

04:08:50PM

10 you just described, the certifications you
11 obtained, your review of the LRS materials on
12 the website, and listening to Mr. Hock's
13 testimony the past couple weeks on the hearings,
14 I just want to know, simply, your reaction to
15 their application materials?

16 MR. MUELLER: Same objection.

17 HEARING OFFICER PRICE: The objection

18 is noted. For the record, Mr. DeLaRosa hasn't
19 been present for all of Mr. Hock's testimony.

04:09:15PM

20 But based on just his limited experience, I'm
21 going to let him answer.

22 So, please, answer the question,

1 Mr. DeLaRosa.

2 BY THE WITNESS:

3 A. Okay. So I'm going to answer from the
4 perspective of being a worker who has to perform
5 functions in a facility where air quality is a
6 primary concern, because you talked about having
7 a state-of-the-art filtration system to protect
8 your workers. But I know that you have the
9 ability to have six different diesel operated
10 machines indoors all running at the same time
11 producing beaucoups -- a lot of noxious fumes in
12 a facility. And I didn't -- I know as a worker,
13 I'd want to know that there are air safety
14 monitoring in place to know that the interior
15 atmosphere within that room -- you don't have to
16 be an expert to know this, because we're humans.

04:10:04PM

17 If you don't have 19 percent
18 oxygen, you're going to start going faint you're
19 going to start -- you're going to start not
20 feeling normal and you could fall down trying to
21 leave an area like that.

04:10:49PM

22 If I was working in a place as I

1 heard described and there were big front-end
2 loaders working around me spewing stuff into the
3 air, six different trucks coming in performing
4 motions, tipping, dumping waste, waiting, and no
5 system of operation for the doors to open and
6 close. It's because -- From what I heard, they
7 were going to rely on somebody pushing a button
8 to open and close a door. To me, that's not
9 very protective. Running a big front-end loader
10 in an enclosed space that's -- with workers
11 trying to do the best job that they can for the
12 company. Wow. Having to keep their eyes and
13 wits about them so that they don't run over
14 anybody is a real challenge.

04:11:50PM

15 So -- And I know, from my work
16 experience, that rooftop units only do so much
17 work. Every time you open and close a door,
18 you're creating an enormous inrush of air and
19 you don't have to be an expert to know that.

04:12:29PM

20 That's common sense. I mean, who doesn't tell
21 their kid, Close that door or you're letting all
22 the air-conditioning out or you're letting the

1 heat out. Who doesn't do that? I'm sorry.
2 Maybe I'm a bad dad, but I do that. It's like I
3 don't want to heat the neighborhood, I don't
4 want to cool the neighborhood; and that same air
5 that you're letting out, is the same air that
6 you're talking about having ozone treat to get
7 rid of odors and to take out particulate. So I
8 would wonder about that.

04:13:13PM

9 Q. Mr. Gahriss -- DeLaRosa -- I'm so
10 sorry, Mr. DeLaRosa.

11 Mr. DeLaRosa, you -- noting that
12 you haven't been able to be present for every
13 moment of Mr. Hock's testimony, you were here --
14 I believe it was Tuesday night, when Mr. Hock
15 testified --

16 HEARING OFFICER PRICE: We're not going
17 to do this. He's not qualified to comment on
18 Mr. Hock's testimony. Ask a real question.

04:13:42PM

19 MR. WEINSTOCK: Okay.

20 BY MR. WEINSTOCK:

21 Q. You mentioned a moment ago,
22 Mr. DeLaRosa, that you were concerned about the

1 indoor air quality, based on your experience and
 2 based on your review of the application
 3 materials, what you had seen. One of the things
 4 I think you said --
 5 MR. MUELLER: I'm going to object.
 6 That's not what his testimony was.
 7 HEARING OFFICER PRICE: His testimony
 8 was what it was.
 9 Ask a question.

04:13:59PM

10 MR. WEINSTOCK: Yes, sir.

11 BY MR. WEINSTOCK:

12 Q. Diesel trucks will be inside this
 13 facility with the doors shut, maybe with the
 14 doors open. If the doors are shut, you
 15 expressed a concern about indoor air quality
 16 with those emissions; is that right?

17 A. Yes. I would be concerned, because as
 18 a manager -- And I had people working in a
 19 facility like that. As a manager and as a past

04:14:25PM

20 safety officer, who I think the building manager
 21 for this site was sited to wear two hats: As a
 22 building manager and a safety manager. For a

1 safety manager, you really got to be on the work
 2 floor all the time because people that you have
 3 working for you do stupid things and you need to
 4 be around to see what's happening so nobody gets
 5 hurt. I know we used to keep an OSHA 300 log
 6 because we were required to keep an OSHA 300 log
 7 in our cafeteria or at a prominent site to be
 8 able to identify how many cuts, scrapes, and
 9 bruises took place within this facility within a
 10 year's time.

04:15:19PM

11 That was used to basically
 12 determine how safe of an organization we were
 13 creating. As a manager, that was important to
 14 me.

15 Q. Mr. DeLaRosa, understanding that
 16 you're not testifying here as an expert, but
 17 based on, again, the professional experience you
 18 described, the certifications you received, your
 19 review of the testimony and of the application

04:15:46PM

20 materials, are there any measures you believe
 21 LRS should take to ensure the welfare of its
 22 workers and the people who may pass by or be

1 near the facility?
 2 MR. MUELLER: He's not qualified to
 3 opine.
 4 HEARING OFFICER PRICE: Sustained.
 5 MR. WEINSTOCK: Mr. DeLaRosa, thank you
 6 very much. That's all I have.
 7 HEARING OFFICER PRICE: Protect West
 8 Chicago?
 9 MR. MEZA: No questions.

04:16:13PM

10 HEARING OFFICER PRICE: Mr. Mueller?

11 CROSS-EXAMINATION

12 BY MR. MUELLER:

13 Q. Mr. DeLaRosa, you got that OSHA
 14 certificate this past December, right?

15 A. Yes.

16 Q. Was that because you wanted to be able
 17 to have that when you testified here?

18 A. Not at all.

19 Q. It's just a coincidence that you got
 20 it in December?

04:16:33PM

21 A. I'd be happy to answer that question.

22 Q. My question is: Was it just a

1 coincidence?
 2 A. Can you ask that again?
 3 Q. Was it a coincidence that you happened
 4 to get your three-day OSHA course in December?
 5 Or was that intended to help you at this
 6 hearing?
 7 A. I had no idea I would be testifying at
 8 this hearing when I took the OSHA course.
 9 Q. And you have been retired for a number
 10 of years, right?

04:17:10PM

11 A. Yes, since 2018.

12 Q. Mr. DeLaRosa, what is ozone?

13 A. Ozone? Ozone is an extra oxygen atom
 14 added to the oxygen particle.

15 Q. What's the chemical formula for it?

16 A. O3.

17 Q. You are not familiar with the
 18 technology that LRS proposes to use for air
 19 cleaning at their facility, are you?

04:18:08PM

20 A. Are you telling me or asking me? I
 21 don't understand the question.

22 Q. Are you familiar with the technical

1 aspects of their technology?
 2 **A.** No. Because it hasn't been stated,
 3 except in general terms talking about ozone.
 4 **Q.** At first, when you testified, you said
 5 that you didn't have access to all the
 6 information here, right?
 7 **A.** Correct.
 8 **Q.** But then you also said that you did
 9 have access to the entire application, which was
 10 online, right?
 11 **A.** I don't recall specifically saying
 12 that, but I do recall looking online at what was
 13 available but not having access to all of these
 14 documents that I was able to receive coming for
 15 testimony. I didn't have access to that as a
 16 private citizen, no.
 17 **Q.** You didn't register as a participant
 18 either, did you?
 19 **A.** Yes, we did.
 20 **Q.** PODER -- Who is "we"?
 21 **A.** PODER.
 22 **Q.** PODER has had access to all of the

1 documents that have been handed out in the
 2 hearing, right?
 3 **A.** Within the hearing, but not before the
 4 hearing.
 5 **Q.** What documents that were handed out
 6 before the hearing are you aware of that the
 7 public didn't have access to?
 8 **A.** Everything that was given out at the
 9 hearing, produced by evidentiary proceedings
 10 that I'm thinking took place before the hearings
 11 took place, because you produced documents,
 12 Protect West Chicago produced documents. The
 13 city hasn't but ...
 14 **Q.** PODER has gotten all those documents,
 15 right?
 16 **A.** Well, we have gotten all of the
 17 documents at the hearings, yes.
 18 **Q.** And you can't tell me a specific
 19 document that was released before the hearings
 20 that you didn't get, can you?
 21 **A.** Not before the hearings, no.
 22 **MR. MUELLER:** That's all I have.

1 HEARING OFFICER PRICE: Mr. Callaghan?
 2 **MR. CALLAGHAN:** No questions.
 3 HEARING OFFICER PRICE: Mr. Walsh?
 4 **MR. WALSH:** Nothing, Mr. Price.
 5 HEARING OFFICER PRICE: Redirect,
 6 Mr. Weinstock?
 7 REDIRECT EXAMINATION
 8 BY MR. WEINSTOCK:
 9 **Q.** Mr. DeLaRosa, just a question on
 10 Mr. Mueller's question about ozone. Where did
 11 you learn about what ozone is and what the
 12 chemical formula is?
 13 **A.** The joint venture that Fresh Express
 14 did with Fresh Express, Chiquita, Ready Cut did
 15 with Praxair. We had the availability of
 16 working with state-of-the-art vegetable cleaning
 17 at corporate, which the used ozone, and that's
 18 where I developed the background for my
 19 familiarity with ozone.
 20 **Q.** Ozone is one of the indoor air
 21 pollutants that LRS has identified as being a
 22 problem in their potential -- Let me rephrase

1 that.
 2 Is ozone one of the indoor air
 3 pollutants that LRS has identified as being
 4 relevant inside their proposed facility?
 5 **A.** Well, they haven't identified it as a
 6 pollutant, but it can be. They have identified
 7 it as a component of their rooftop units that
 8 are supposed to scrub the air within this vast
 9 amount of space that's contained within the
 10 proposed site.
 11 **MR. WEINSTOCK:** I understand now.
 12 Thank you. That's all I have.
 13 HEARING OFFICER PRICE: Protect?
 14 **MR. LEUTKEHANS:** Nothing.
 15 HEARING OFFICER PRICE: Mr. Mueller?
 16 **MR. MUELLER:** No, thank you.
 17 HEARING OFFICER PRICE: Thank you,
 18 Mr. DeLaRosa.
 19 **MR. DeLaROSA:** You're very welcome.
 20 And thank you for the water.
 21 HEARING OFFICER PRICE: Do you have
 22 another witness, Mr. Weinstock?

1 MR. WEINSTOCK: That's it for PODER.
 2 HEARING OFFICER PRICE: Mr. Callaghan,
 3 you would be next?
 4 MR. CALLAGHAN: No witnesses.
 5 HEARING OFFICER PRICE: All right.
 6 Does the city intend to call any?
 7 MR. WALSH: No.
 8 HEARING OFFICER PRICE: All right.
 9 What that means, unless the -- Applicant, do you
 10 intend to call anybody in rebuttal, Mr. Mueller?
 11 MR. MUELLER: I don't believe so.
 12 HEARING OFFICER PRICE: All right.
 13 What that means, then, is the evidentiary
 14 portion of the hearing is concluded. We'll be
 15 moving onto public comment. I'm going to excuse
 16 Mr. Walsh because he's got a prior commitment --
 17 scheduled meeting.
 18 The public comment will take place
 19 for the balance of the time today. That's until
 20 5:00 o'clock. And then we'll resume Thursday at
 21 1:00 in this room. Again, public comment is for
 22 those people who signed up for it, and I'll be

1 happy to take that. There's none of the usual
 2 time limits or anything on that. It's not
 3 subject to any cross. It's information that
 4 will be presented to you as part of the record
 5 to the city council.
 6 And as a reminder to everybody,
 7 following the conclusion on Thursday of the oral
 8 public comment period, in receipt of that
 9 commentary, there will be -- I will close the
 10 hearing and there will be 30 days from Thursday
 11 for anyone and everyone to submit written
 12 comment to city council. 30 days includes a
 13 postmark on the 30th day, so if you mail it in
 14 if you're not here or something.
 15 From there, stay tuned for the
 16 schedule of what the special meetings will be.
 17 I'm informed city council will have special
 18 meetings. That's not my call. That's the city
 19 council and their attorney's call. At the end
 20 of the 30 days, they are going to send me their
 21 proposed -- I'll set a schedule on Thursday --
 22 their proposed findings of fact, their proposed

1 conclusions of law. I gather those things
 2 together in addition to them going to city
 3 council, I make a report and recommendation.
 4 And then, from there, city council does its job.
 5 I thank everyone for coming. I
 6 know it's a holiday, the Open Meetings Act to
 7 the extent it applies, allows us to meet on
 8 special occasions on these holidays where a
 9 meeting is already scheduled, as it is today.
 10 With all of that, then, I know
 11 there were two people -- I'd like to handle them
 12 first -- who had to testify -- do their public
 13 commentary today. That was Ms. Layman's and --
 14 I wrote it down -- and Mr. Dzierzanowski? Did
 15 you have to go today? Was there someone else
 16 that had to go today that talked to me earlier?
 17 Is there anybody here who needs to go today
 18 besides Ms. Laimins?
 19 (No response.)
 20 All right. We'll go as long as we
 21 can go. Madame Court Reporter, we're on to
 22 public comment. And we'll begin with

1 Ms. Laimins.
 2 MS. LAIMINS: My name is Barbara
 3 Laimins, L-a-i-m-i-n-s, a resident of West
 4 Chicago. Just to provide some background, my
 5 husband and I chose to raise our family in West
 6 Chicago over 50 years ago. We chose West
 7 Chicago so our son would grow up in a community
 8 that was culturally and economically diverse
 9 with excellent schools, a city government that
 10 welcomes citizen input, and had city (inaudible)
 11 that would provide a good quality of life.
 12 While West Chicago has grown over
 13 the years, it has maintained the feeling of a
 14 small town where people care about each other.
 15 It is a community that celebrates and embraces
 16 its diversity. Excellent planning and vision by
 17 success of city leadership has grown our
 18 industrial base that has benefitted the citizens
 19 of West Chicago by maintaining our low property
 20 taxes, which are the envy of surrounding
 21 communities.
 22 I learned about the proposed waste

1 transfer station through a headline in the Daily
 2 Herald that stated, West Chicago citizens fear
 3 their city will become the garbage capital of
 4 the western suburbs, experience lower home
 5 prices, and affect the quality of life for the
 6 citizens. Shortly after, a mass mailing arrived
 7 at home filled with assertions of increased
 8 odors, lower property values, and damage to our
 9 environment and encouraged residents to attend
 10 meetings.

04:27:21PM

11 As a result, I have attended all of
 12 the hearings. I have listened to the petitioner
 13 and the opponents and have concluded that the
 14 fear mongering, unfounded, unsubstantiated
 15 concerns raised by the opposition are more the
 16 danger to the perceptions held about West
 17 Chicago than the transfer station itself.

18 Testimony has been presented that
 19 demonstrated that the petitioner has met the
 20 required criteria for the siting of the transfer
 21 station and are willing to agree with additional
 22 caveats that have been identified. In fact, the

04:27:45PM

1 contracts. A second waste transfer station
 2 located in the established industrial area of
 3 West Chicago will not negatively impact the
 4 property values of West Chicago residents. It
 5 is those who continue to malign West Chicago by
 6 negatively labeling the community as the garbage
 7 capital of the western suburbs that will do
 8 that.

04:29:12PM

9 My only concern and disappointment
 10 after attending the hearings is that the
 11 opposition group, Protect West Chicago, have not
 12 been transparent about their membership or
 13 released any financial information regarding
 14 donors and/or funding that would explain how
 15 they can support two lawyers, multiple experts,
 16 signs, and mass mailings. My request to the
 17 organization for this information has gone
 18 unanswered and, therefore, has created a lack of
 19 trust in my mind and in the minds of many about
 20 whose interest they are actually protecting.

04:29:41PM

21 In contrast, I have found the City
 22 of West Chicago to be fully transparent and, in

1 petitioner proposes a state-of-the-art facility
 2 that would seemingly exceed the procedures and
 3 practicing of the current transfer facility
 4 located a quarter mile away from the proposed
 5 site.

04:28:16PM

6 Importantly, the petitioner has
 7 shown there will be no increased odors,
 8 environmental impacts, or traffic on residential
 9 streets of West Chicago. The transfer station
 10 will support the DuPage County Solid Waste Plan
 11 of 2022 and the environment by increasing
 12 recycling opportunities for homeowners and those
 13 who live in apartments. West Chicago, DuPage
 14 County, and the DuPage Airport will benefit
 15 financially from the negotiated host agreements,
 16 which will, in turn, keep residential property
 17 taxes low.

18 The establishment of the waste
 19 transfer station will also allow for competition
 20 in the waste industry that will ultimately bring
 21 benefits to consumers through lower prices due
 22 to competitive bidding on waste hauling

04:28:41PM

1 fact, the City of West Chicago has been
 2 commended by the Daily Herald for their efforts
 3 to inform and engage the community on this
 4 issue. As a result, I have faith and trust the
 5 City of West Chicago will do their due diligence
 6 in supervising the construction and operation of
 7 the facility to see that the site is developed
 8 and operated as proposed; therefore, the project
 9 has my full support and I will encourage my
 10 neighbors and friends in West Chicago to do the
 11 same. Thank you.

04:30:15PM

12 HEARING OFFICER PRICE: Thank you. The
 13 person who had contacted me was Nic
 14 Dzierzanowski. Is Nick here? Then I'll go --
 15 People signed up. So I'll go in the order they
 16 signed up to see if they want to go today.

17 Bob Molenhouse.

18 MR. MOLENHOUSE: Here.

19 HEARING OFFICER PRICE: Want to got
 20 today?

04:30:42PM

21 MR. MOLENHOUSE: Just to let everybody
 22 know, I'm Bob Molenhouse. I was in the garbage

1 business --
 2 HEARING OFFICER PRICE: Spell it.
 3 MR. MOLENHOUSE: M-o-l-e-n-h-o-u-s-e,
 4 Robert.
 5 (Continuing.) -- but my background
 6 is I was in the garbage business a lot of my
 7 life. I started the business with my brother
 8 Molenhouse Enterprises years ago, and I was out
 9 of it but I was back into it. And we,
 10 actually -- My brother sold the business to
 11 Lakeshore Recycling last year, and I actually
 12 worked as a contractor on the transition for
 13 them. I'm not on their payroll, never have
 14 been, but, you know, I was getting paid to do
 15 the transition, like, collect the revenues that
 16 were due.
 17 Anyway, since I was in the business
 18 for a lot of years, I have a lot of knowledge
 19 about the business. And I, actually, heard
 20 years ago that Lakeshore in West Chicago was
 21 going to try to develop and open a waste
 22 transfer station. I was glad to hear this

04:31:12PM

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1 disposal so much in DuPage County that it's very
 2 difficult to get competitive prices at the
 3 closest transfer stations. And, of course,
 4 higher dumping costs equal higher costs for
 5 DuPage and West Chicago residents.
 6 I also care about the environment
 7 and I believe that a local transfer station --
 8 and this is my, you know -- I'm not an expert in
 9 this, but it will help save the environment. As
 10 a former operator, I know how we operated. We
 11 would look for the best dumping rates to save
 12 money. If the closest transfer station costs
 13 too much, we would look to the next closest
 14 transfer station, which would inevitably be
 15 outside of DuPage County. We had to look at the
 16 costs to drive to the next closest site, we had
 17 to pay for labor, insurance, repairs, et cetera,
 18 and the big variable is fuel. If it was even a
 19 little bit cheaper to drive to the next closest
 20 transfer station, we would do it. How does this
 21 affect the environment? Well, Molenhouse was
 22 burning more fuel to go to a further dump site.

04:33:23PM

04:33:53PM

1 because I was in the business, and it would
 2 create a much-needed competition. Free
 3 enterprise is the American way. I actually
 4 remember consciously thinking, Man, I'm
 5 impressed with West Chicago that they are even
 6 willing to consider this. Because a lot of
 7 places are like, no, I don't want that in my
 8 backyard. I also thought the location of the
 9 transfer station is perfect. It's an industrial
 10 park. It backs a rail line. It's next to an
 11 airport. It already has trucks driving to the
 12 many industrial buildings in the area. And
 13 there's no residential homes in the area, for
 14 the most part.
 15 Why would you want another transfer
 16 station? Because I live in DuPage County, and I
 17 don't want to pay higher weekly disposal rates
 18 at my home in Wheaton because there's no
 19 competition. Over the many years Molenhouse
 20 Enterprises was in the waste hauling business
 21 and it was more and more difficult to survive.
 22 The industry has consolidated control of waste

04:32:23PM

04:32:50PM

1 So do transfer stations, you know, they have to
 2 still take it to the dump. Well, because
 3 Molenhouse would save fuel, the transfer
 4 station -- at the transfer station, our disposal
 5 load is then combined with other garbage
 6 truckloads and loaded onto a transfer trailer.
 7 And I just asked somebody at Lakeshore: How
 8 many truckloads, like, from a residential truck
 9 can you fit into a transfer truck? It's
 10 basically three. So you can put three trucks'
 11 worth of garbage into one transfer trailer. So
 12 it's way cheaper per gallon or per ton for, you
 13 know, your mileage because you're getting three
 14 truckloads put in there.
 15 Actually, when they showed that
 16 first thing about how -- the modeling and stuff.
 17 I'm like that modeling thing, to me, proves that
 18 it's worse to not have the transfer trailers
 19 because you can basically take and make it three
 20 times worse because you would have three times
 21 as many trucks running, you know, and all things
 22 equal. So it's way more efficient and way less

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04:35:08PM

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1 particulates blowing up into the air into our
2 area around here. The fact of the matter is you
3 have to have garbage service right now. We have
4 a lot of garbage and that's just -- you know,
5 you have to do it.

6 Anyway, basically -- I'll just tell
7 you why -- I didn't believe this -- I thought it
8 was very surprising, but a transfer trailer,
9 it's just a big aluminum box. Most of them
10 are -- There's no hydraulics on them. A
11 transfer trailer, actually -- and truck weighs
12 less than a garbage truck, believe it or not.
13 You're like, hey, that thing is three times as
14 big. It's because there's no hydraulics on it.
15 There's no hydraulic cylinders. That all weighs
16 a lot. That's why they can put three garbage
17 truckloads into the thing and bring it to the
18 dump. You know, that's a big -- a big plus for
19 the environment.

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04:36:15PM

20 You know, in close, I just want to
21 say they are just moving garbage from one truck
22 to another truck. That's all they are doing.

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1 And a smaller-capacity truck to a larger. They
2 are not, like, storing garbage outside, and it's
3 not blowing all over. With that being said, I
4 fully support at second transfer station to keep
5 our environment better and the competition
6 better. Thanks.

7 HEARING OFFICER PRICE: Next one is
8 Ms. Kathy Leski? Not here. All right.

9 Then I have Joshua Connell.

10 MR. CONNELL: Good afternoon. My name
11 is Josh Connell. Last name is C-o-n-n-e-l-l.

12 I am one of the cofounders and a
13 current independent board member of LRS. What I
14 wanted to do -- I have been here for every night
15 of the hearings, listened to testimony, not only
16 from our company and representatives, but also
17 from the opposition. I just wanted to give a
18 little history on the company.

19 At our roots, we are a small
20 business. Are we today? No. I started
21 Lakeshore Waste Services with one truck over
22 20 years ago. Also, my partners started their

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1 company, Recycling Systems, a little over
2 20 years ago with one truck. We put our two
3 companies together in 2012 to form Lakeshore
4 Recycling Systems.

5 We have been a disrupter over the
6 years. You know, we founded the company based
7 on a need for necessary competition. In the
8 late '90s, we had significant consolidation in
9 the waste and recycling business.

04:38:18PM

10 Mr. Molenhouse just elaborated on some of it.
11 So we created a company based on great customer
12 experience and we were a disrupter. We were
13 very good at what we did. And for that reason,
14 we have seen, you know, our -- at least one
15 competitor put a lot of money and effort into
16 fighting this facility.

04:38:47PM

17 Over the years -- And back in 2012,
18 when we put the companies together, we did bring
19 on private equity. Having private equity
20 allowed us to build the facilities in the
21 Chicago market. When you look at the Chicago
22 market -- And we had great testimony on both

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1 sides that I think said the same thing. In
2 DuPage County we just don't have enough
3 competition. On the periphery we do. We have a
4 little bit of competition, our sites included.
5 When you look at the vast majority of DuPage
6 County, it's just not there. It's as close to a
7 duopoly as you can have in a major metropolitan
8 area.

9 When you look at the need -- and I
10 can just tell you this from experience, when we
11 grew our business in DuPage County starting in
12 2016, with residential contracts in Wheaton and
13 Lisle and St. Charles and Geneva in Kane County,
14 we did that because there was more competition
15 at the time. We were able to secure good
16 dumping rates at transfer stations in Batavia
17 that were owned by Advanced Disposal.

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18 You heard our testimony. When
19 those facilities were bought by Waste
20 Management, we have had nothing but massive
21 price increases since. We have a neighbor that
22 has capacity. We can't dump there. We have

1 never been able to dump at the Waste Connections
 2 facility that's a few hundred yards away.
 3 Believe me. I'd love to not spend 10 to
 4 \$15 million on a waste transfer facility when we
 5 can go to our neighbor's facility. If that were
 6 the reality, we wouldn't be here having these
 7 hearings over the last couple of weeks. But it
 8 is necessary. And, as Mr. Molenhouse pointed
 9 out, it is necessary not only for West Chicago
 10 and its residents but also for DuPage County.

04:40:22PM

11 When you look at LRS, you know, one
 12 thing that we have done very, very well, and
 13 we'll continue to do, is be part of the
 14 community. We're always going to be a good
 15 neighbor. Are the we perfect? No, we're not
 16 perfect. Are there going to be situations where
 17 whether it's our litter or somebody else's
 18 litter, perceived litter, that's coming from our
 19 trucks, we want to be a good corporate citizen
 20 and make sure that we're taking care of those
 21 scenarios. Also, we'll do the same thing not
 22 only for our employees, but any of the residents

04:40:52PM

1 that are going to visit our facility for some of
 2 the free drop-offs and other benefits that this
 3 facility will bring.

4 At the end of the day, though, this
 5 facility is already there. All we're doing is
 6 adding another commodity, making, you know, huge
 7 upgrades to the facility that will make it
 8 better than it currently is while just bringing
 9 garbage into the facility. That's all we're
 10 doing. So I think it's a huge benefit for the
 11 City of West Chicago.

04:41:22PM

12 The revenue that they haven't seen
 13 before, added revenue to the community, which
 14 will help the tax base. And we'll be a good
 15 corporate citizen. We are a middle -- I guess,
 16 a middle range sized company now. We're not the
 17 small company that -- you know, from our roots
 18 but, you know, we're big enough to have the
 19 resources to solve problems and still be a
 20 disrupter in the market but small enough to know
 21 you and take care of problems and be available
 22 to the community as well.

04:41:52PM

1 Obviously, I support it. And I
 2 want to make myself available after the hearings
 3 for any questions or comments from concerned
 4 citizens or others. Thank you.

5 HEARING OFFICER PRICE: Thank you.
 6 Next I have is Joy Rifkin.

7 MS. RIFKIN: Good afternoon, everyone,
 8 and happy Martin Luther King Day. My name is
 9 Joy Rifkin, R-i-f-k-i-n, and it's a pleasure to
 10 be with you all to offer a few words of support
 11 for our application to expand within West
 12 Chicago.

04:42:32PM

13 These are my independent comments
 14 in favor of the LRS expansion. At LRS, I help
 15 lead our sustainability, diversity, equity, and
 16 inclusion and social impact partnerships across
 17 the communities we serve.

18 I visit our West Chicago facility
 19 often because of our early employment program.
 20 As part of the program we mentor and train
 21 future mechanics that are currently in school at
 22 Universal Technical Institute. Our West Chicago

04:42:57PM

1 mechanics shop provides invaluable experience to
 2 these students allowing them to get hands-on job
 3 training on our diverse fleet of vehicles. When
 4 the students finish school and are hired
 5 full-time, we will provide up to \$20,000 of
 6 tuition reimbursement, \$4,000 a year for up to
 7 five years, and stable jobs with good benefits.
 8 We have already hired three of these students
 9 full-time at LRS, and I'm really proud of this
 10 program.

04:43:36PM

11 Combatting the climate crisis is
 12 one of the greatest challenges we'll face this
 13 generation, and I'm dedicated to being a part of
 14 this fight. Waste is an inextricably linked to
 15 climate change, and we are all part of the
 16 problem. We all create waste.

17 In fact, the average American
 18 creates over four-and-a-half pounds of waste a
 19 day. What happens to that waste is key. LRS
 20 prioritizes innovation and circularity. We
 21 cannot continue with business as usual. The
 22 West Chicago expansion offers an opportunity to

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1 reduce greenhouse gas emissions, protect natural
2 resources for future generations by recycling,
3 and combat climate change.

4 Of course, we all want new projects
5 to be net zero emissions, but the fact of the
6 matter is we aren't there yet. We have to face
7 the issues of our time with the resources at our
8 fingertips. Electric garbage trucks are not
9 readily available, as Mr. Powell mentioned
10 incorrectly earlier.

04:44:40PM

11 Also, mining for lithium for
12 batteries for electrification of trucks involves
13 intense degradation of the environment. These
14 trucks also don't have the battery capacity to
15 manage the trash and recycling that we generate
16 as American citizens. When electric trucks are
17 readily available, environmentally sound, and
18 have a longer battery life, LRS will be at the
19 forefront of that transition.

04:45:08PM

20 City council members, I
21 respectfully ask you to please vote yes for LRS.
22 We are a major local employer and a recognized

1337

1 the county. Thank you.

2 HEARING OFFICER PRICE: Thank you.

3 Next I have Christina Grano.

4 MS. GRANO: Good afternoon. My name is
5 Christina Grano, G-r-a-n-o. I have been with
6 LRS for six years working as an internal
7 operations administrator in our West Chicago
8 location. I'm very passionate about recycling,
9 and that is one of the many reasons I work for
10 LRS.

04:47:03PM

11 LRS is passionate about recycling,
12 too, with reusing and finding a second and third
13 use for material we receive from scrap metal and
14 wood to drywall and other building materials.
15 This is an issue that's personally important to
16 me and with a yes vote from the council, West
17 Chicago will be not known as the garbage
18 capital, but as a trusted environmental leader.

04:47:32PM

19 I couldn't be more excited and
20 proud to hear that our LRS will be also offering
21 West Chicago residents free recycling drop-off
22 six days a week. Recycling is not an option, as

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1 leader in environmental sustainability and the
2 repurposing material away from ethane emitting
3 landfills. Thank you so much for your time.

4 MR. BRZOSKA: My name is Dale Brzoska,
5 B-r-z-o-s-k-a. I am one of the longest serving
6 street sweepers operators for LRS Clean Sweep.
7 I have been a street sweeper for more than
8 25 years. Today our crews clean and beautify
9 more than 60 municipalities throughout

04:45:55PM

10 Chicagoland. We have called West Chicago our
11 home base since I was employed back in 2007 for
12 K. Hoving.

13 The management employees are
14 hands-on locally based and live in the
15 communities that we service. LRS cares about
16 their employees and the environment's wellbeing.
17 They encourage diversity and provide well-run
18 essential services all out of our West Chicago
19 facilities.

04:46:22PM

20 I encourage the city council to
21 vote yes today. This is a win-win for west
22 Chicago's residents, businesses, the city, and

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1 well as free electronic waste drop-off for the
2 West Chicago residents, so please vote yes.

3 HEARING OFFICER PRICE: Thank you.

4 Next I have Jennifer Tormey.

5 MS. TORMEY: Good evening. My name is
6 Jennifer Tormey, T, as in Tom, o-r-m, as in
7 Mary, e-y.

04:48:10PM

8 I worked in the transportation and
9 trucking and logistics industry for more than 20
10 years, and I currently run our all women-run
11 street sweeping division. LRS Clean Sweep has
12 built its reputation operating from West Chicago
13 earning the trust and confidence for more than
14 60 municipal customers across -- and hundreds of
15 commercial businesses across Chicagoland, and
16 continuously growing year after year.

04:48:34PM

17 From the pandemic to changing
18 weather patterns, we wake up extremely early and
19 work very long days to safely clean and dispose
20 of the street sweeping material. This includes
21 the buildup of debris from winter salt residue,
22 falling seedlings from the trees in the spring

1 to fine particulates and piles of leaves in the
2 fall.

3 The majority of our crew is
4 dispatched from West Chicago, and we all work
5 very long hours doing an extremely tough job,
6 and LRS couldn't be more proud to offer a
7 valuable career path with the outstanding
8 benefits.

9 I am truly grateful to be employed
10 by LRS and to be operating from our West Chicago
11 facility in an extremely fast-paced operations
12 environment. I wholeheartedly encourage city
13 council to vote an approval for this upgraded
14 facility. LRS is committed to keeping West
15 Chicago a clean community and we already clean
16 Powis Road and several of our other areas --
17 other roads in the area on a regular basis.

18 As part of this application, we
19 committed to regular and daily sweeps of Powis
20 Road, ensuring the areas surrounding our
21 facility and within our facility is clean. I
22 also -- as a mom who has stepchildren who live

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1 St. Andrew Lutheran Church at Frosty Fest last
2 month. As we talked -- We sponsored a heated
3 tent there and we talked recycling, best
4 practices, and job opportunities in West
5 Chicago, as well as the whole LRS -- the sites
6 nationwide.

7 I am proud of the many inroads we
8 have made to support and uplift the people of
9 West Chicago.

10 I am also bilingual, so I would
11 like to do this in Spanish, so our Spanish
12 speakers in the audience can understand it.
13 Bear with me. I am not a native speaker, but I
14 am bilingual.

15 (Comments made by Ms. Quinn
16 Morales in Spanish.)

17 HEARING OFFICER PRICE: Thank you. I
18 think we're going to call it there. I have ten
19 left for Thursday.

20 The ten I have left are: George
21 Strom, Jim Engineer, Joseph Lucarelli, Travis
22 Ralph, Brian Clinite, Andy Ferrer, Jose Franco,

04:51:04PM

04:52:19PM

1 in West Chicago and my child goes to school
2 nearby, I fully support this measure, and I hope
3 you do, too. Please vote yes.

4 HEARING OFFICER PRICE: Thank you.

5 Next I have Jennifer Quinn Morales.

6 MS. QUINN MORALES: Hi, good afternoon.

7 My name is Jennifer Quinn Morales. I joined
8 LRS earlier this year -- Sorry.

9 Q-u-i-n-n, space, no hyphen,

10 M-o-r-a-l-e-s. I'll start over.

11 Good afternoon. My name is
12 Jennifer Quinn Morales. I joined LRS earlier
13 this year as one of our HR directors. I have
14 since fallen in love with the culture and the
15 people that we have been building across our
16 sites and with the incredible benefits to
17 attract and retain our union and nonunion
18 employees.

19 Our company is growing rapidly and
20 we are excited to be able to expand and grow in
21 West Chicago. I recently had the chance to
22 speak with many West Chicagoans recently at

04:50:09PM

04:50:34PM

1 Ricky Reyes, Mr. Dzierzanowski, and Ms. Leski.

2 Mr. Dzierzanowski, did you want to
3 do yours tonight?

4 MR. DZIERZANOWSKI: Yes.

5 HEARING OFFICER PRICE: I called you a
6 couple of times.

7 MR. DZIERZANOWSKI: I had to work. I'm
8 sorry.

9 HEARING OFFICER PRICE: We'll conclude
10 with Mr. Dzierzanowski. And you're going to
11 need to spell that.

12 MR. DZIERZANOWSKI: It's Nicolas, with
13 a C. Dzierzanowski is, D, like David, z, like
14 zebra, i-e-r-z-a-n-o-w-s-k-i.

15 City council members, I stand in
16 front of you with thousands and thousands of our
17 citizens of West Chicago in opposition to this
18 transfer station. During the hearings the words
19 "need" and "want" seemed to be interchangeable
20 with Mr. Hock, Mr. Mueller, and the cofounder.

21 Is it needed for our community? Absolutely not.
22 We already have two that are servicing in our

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04:53:27PM

1 area, but it's needed by LRS to increase their
 2 corporate profits on the backs of our citizens,
 3 and that is ridiculous. There is no need.
 4 There is plenty of capacity. As it was stated
 5 under oath, a 122 percent more capacity is
 6 available for our community. That's No. 1.,
 7 there is no need.

8 Number 8, the zoning. I sat on the
 9 City Council of West Chicago for 10 years,
 10 10 years on the Development Committee. Time and
 11 time again developers would come in front of us
 12 and use the zoning to get what they wanted.
 13 Well, this time, it's zoned residential within a
 14 thousand feet. Yes, it is railroad crossing.
 15 Can it be developed? Probably not. But that
 16 doesn't matter. It's zoned residential. That
 17 precludes it from that as well.

18 As my council members know, you
 19 have to adhere to the zoning at the time that
 20 the application is put in. The city council --
 21 I, by the way, voted to have that railroad right
 22 of way changed to residential to protect our

04:54:10PM

04:54:41PM

1 Thank you, city council members, for your
 2 consideration. Thank you.

3 HEARING OFFICER PRICE: All right. We
 4 will call it there for the evening. Thursday at
 5 1:00 o'clock for the rest of those names I had.

6 Again, if you hadn't signed up to
 7 do public comment, it's not timely to allow you
 8 to do oral public comment. You're welcome to
 9 submit the written public comment in the 30-day
 10 period.

11 With that, we're concluded for this
 12 evening, and I'll see most of you on Thursday.

13 (WHEREUPON, the above-entitled
 14 cause was continued to
 15 January 19, 2023 at 1:00 p.m.)
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04:56:17PM

1 borders from nuisance businesses. And here we
 2 are, ten years later, with a nuisance business
 3 trying to expand on our border.

4 20 years ago another company tried
 5 to build another transfer station within our
 6 community. Again, thousands and thousands of
 7 residents got together and voiced their
 8 opposition to it. The last I checked, only
 9 three residents that live in the actual
 10 community of West Chicago support this transfer
 11 station.

12 Thousands and thousands of
 13 residents of West Chicago have communicated to
 14 the city council through various e-mails and
 15 letters that they are in opposition to this.
 16 The community doesn't want it. The community
 17 doesn't need it. It is not right to put this in
 18 our community.

19 City council members, if you look
 20 at the facts as stated in these hearings, the
 21 truth will come out. It is not needed, nor is
 22 it zoned properly for it to be sited there.

04:55:18PM

04:55:42PM

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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