

BEFORE THE VILLAGE BOARD
OF THE VILLAGE OF ROUND LAKE PARK
SITING AS A POLLUTION CONTROL FACILITY
SITING AUTHORITY

IN RE: APPLICATION FOR LOCAL SITING)
APPROVAL FOR GROOT INDUSTRIES) 03-01
LAKE TRANSFER STATION,)

Transcript of proceedings at the
hearing of the above-entitled cause on the 23rd day
of September, 2013, at the hour of 3:00 p.m.

REPORTED BY: JENNIFER A. LANG

LICENSE NO.: 084-003293

1 HEARING OFFICER LUETKEHANS: Back on the
2 record.

3 We will reconvene the public hearing.
4 Is there anyone here from the public or anyone wish
5 to make a public comment at this point?

6 Hearing none and seeing none, I will
7 say that one resident, Mr. Smith, Brian Smith, has
8 given me some questions that I will ask later. So
9 we will proceed, except we now need Mr. Helsten.

10 MR. MUELLER: While we are waiting for
11 Mr. Helsten, Mr. Hearing Officer, I would like to
12 make a motion regarding the display put on by Mr.
13 Blazer previously. I would ask the Hearing Officer,
14 in light of the fact that Mr. Blazer continuously
15 makes speeches, take cheap shots, has nothing but
16 editorial comment in the majority words and
17 statements, gratuitously referring to Mr. Moose's
18 testimony earlier as pontificating, I would ask the
19 Hearing Officer to admonish the Village Board that
20 his statements are not evidence and should be
21 disregarded. I would ask him to admonish Mr. Blazer
22 to refrain from that kind of comment. Mr. Blazer
23 talks about while the lawyers say it's argument, in
24 that same hearing in his argument he referred to

2

1 Walter Willis who is now the head of the local solid
2 waste agency as a liar also.

3 HEARING OFFICER LUETKEHANS: I'm going to
4 do this once. The Village Board, I have no doubt,
5 is smart enough to understand what is actual
6 testimony which is not what the lawyers say.

7 I have very little doubt about that.
8 I will admonish everyone here that is asked
9 questions to not make statements when asking
10 questions, and if I think that's occurring, I will
11 cut you off. I do not really have a lot more power
12 than that unless someone tells me something that I
13 got a robe and I missed it some day.

14 Let's keep it to the facts. You're
15 not doing any good, I don't believe, with that. I
16 know everybody thinks it's a nice show. This Board
17 is smart enough to see through that. And obviously
18 I have to make a recommendation that will not be
19 based on those things that are not, quote, evidence
20 in the record.

21 So proceed with your
22 cross-examination, Mr. Blazer, of Mr. Moose.

23 MR. BLAZER: Thank you.

24

1 DEVIN A. MOOSE,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 CROSS-EXAMINATION (cont'd)

5 BY MR. BLAZER:

6 Q. Mr. Moose, based on your statement before
7 I start asking you questions, I think one of the
8 very few things that you and I agree on is that
9 garbage does stink?

10 A. Yes, it can. Sure.

11 Q. All right.

12 Could we look at -- could you turn
13 to, please, page 2.4-12 of the application.

14 Are you there, Mr. Helsten?

15 MR. HELSTEN: Yes.

16 BY MR. BLAZER:

17 Q. The third bullet under noise control
18 procedures, you said or you say: The proposed
19 transfer station bay doors will remain closed each
20 day between the hours of 4:00 a.m. and 8:00 a.m. and
21 will only be opened during this time period to allow
22 for the arrival and departure of vehicles. Did I
23 read that correctly?

24 A. Yes.

1 Q. Where in this application can we find your
2 discussion about the other hours of operation
3 outside of 4:00 to 8:00 a.m.?

4 A. The operation of the doors?

5 Q. Yes.

6 A. The doors will probably remain open most
7 of the time, unless we're experiencing high wind
8 conditions that create either a litter or an odor
9 type problem, then the doors will be utilized more
10 often.

11 Q. Where is that in the application?

12 A. It's standard operating procedures for
13 most transfer stations.

14 Q. Where is that in the application?

15 A. It is not in the application. It is now
16 on the record though.

17 MR. BLAZER: Mr. Hearing Officer, can I
18 ask that that be stricken as unresponsive and
19 argumentative.

20 HEARING OFFICER LUETKEHANS: What, the
21 statement that it is now in the record?

22 MR. BLAZER: Yes.

23 HEARING OFFICER LUETKEHANS: Motion
24 denied. It is in the record, whether he says it or

1 not.

2 I would also tell Mr. Moose, just
3 answer the questions. This is not -- the decision
4 of what's in the record is not Mr. Moose's or anyone
5 else's.

6 Please proceed.

7 BY MR. BLAZER:

8 Q. Going to the rest of this paragraph, as I
9 showed you on page 2.4-12, you said or you say: The
10 transfer station will be equipped with high
11 performance rubber doors that will automatically
12 open and close as collection and transfer vehicles
13 enter and leave the building during these hours.
14 Did I read that correctly?

15 A. Yes.

16 Q. And by "these hours," again, you're only
17 talking about 4:00 a.m. to 8:00 a.m., correct?

18 A. For noise control, yes.

19 Q. Is there somewhere else in the application
20 that addresses the opening and closing of these
21 doors for any other purpose?

22 A. No, but it's part of the --

23 Q. Thank you, Mr. Moose.

24 Let's skip over to pages 8-7 of the

6

1 application. 8-7, it's a different section.

2 A. I have it.

3 Q. Now, this is the section of the
4 application on inconsistency with the County Solid
5 Waste Plan, right?

6 A. Yes.

7 Q. And Shah contributed to the drafting and
8 preparation of the latest version of that plan,
9 correct?

10 A. I am not sure that's a fair
11 characterization. We participated in helping
12 generate disposal waste numbers or waste disposal
13 numbers. The plan is a result of policy by the
14 county and its committees. We were simply helping
15 them put together generation numbers.

16 Q. Mr. Moose, honestly, all I asked you was
17 whether or not Shah contributed to the current
18 version of that plan?

19 A. I don't think that's what the question
20 was. We did participate in helping them generate
21 waste generation numbers.

22 Q. All right. And the current version of the
23 Lake County Solid Waste Management Plan came out in
24 April of 2010, correct?

1 A. I don't recall, but it sounds about right.

2 MR. BLAZER: Mr. Hearing Officer, Timber
3 Creek Exhibit 27.

4 HEARING OFFICER LUETKEHANS: Thank you.

5 BY MR. BLAZER:

6 Q. I handed you Timber Creek Exhibit 27. I
7 represent for the record that it does not include
8 all of the drawings that are in the back of the
9 current version of that plan. But you do recognize
10 that document as the current version of the Lake
11 County 2009 Plan Update as of April 13, 2010?

12 A. Yes.

13 Q. Let's go back to the siting application,
14 the page I handed you before, page 8-7?

15 A. Yes.

16 Q. I will read you the quote: Transfer
17 station operations related to the unloading of
18 refuse, recyclables and landscaping waste, temporary
19 storage of the materials on the tipping floor and
20 the loading of transfer trailers must be located
21 within a portion of the transfer station that can be
22 completely enclosed. This does not require the
23 transfer station to keep its incoming and outgoing
24 doors closed during its operations.

1 Did I read that correctly?

2 A. Yes.

3 Q. Isn't it true, Mr. Moose, that Groot has
4 no intention of keeping those doors closed during
5 operations?

6 A. No.

7 Q. And where do I find that in the
8 application?

9 A. I don't think it's in there.

10 Q. Let's go back to page 2.4-12. You
11 mentioned rubber doors.

12 A. Okay. I have it.

13 MR. BLAZER: Mr. Helsten, do you have
14 that?

15 MR. HELSTEN: Yes.

16 BY MR. BLAZER:

17 Q. Now, Mr. Moose, you have read the reports
18 submitted by Charles McGillin, one of the experts
19 that we retained, correct?

20 A. Expert in what? Yes, I have read it.

21 Q. Expert in odor, as you well know.

22 Now, the rubber doors that you
23 mentioned there in this application, those aren't
24 the doors that he's talking about in his report, are

1 they?

2 A. I don't know what he's talking about.

3 Q. You're not familiar with the doors that
4 he's talking about in his report?

5 A. I don't recall. There's two basic kind of
6 doors that we --

7 MR. BLAZER: There's no question pending,
8 Mr. Hearing Officer.

9 HEARING OFFICER LUETKEHANS: Please
10 proceed, Mr. Blazer.

11 MR. BLAZER: Thank you.

12 BY MR. BLAZER:

13 Q. All right. Back to page 2-4.1 at the top
14 of the page.

15 And this is a point you made during
16 your statement on behalf of Groot. Here's the part
17 where you say that operating hours are 24 hours per
18 day, seven days per week in order to provide
19 operational flexibility to accommodate overnight
20 deliveries of waste; is that correct?

21 A. If necessary.

22 Q. Where is the "if necessary"?

23 A. It's right after the comma. You only read
24 part of the sentence.

10

1 Q. When will it be necessary?

2 A. It may be necessary during natural
3 disasters, it may be necessary if commercial waste
4 needs to be picked up at night. We want the
5 flexibility to deliver those wastes during off-peak
6 traffic hours.

7 Q. Could you describe for the Board what you
8 mean by commercial waste?

9 A. The waste that's picked up in the back of
10 a store at a dumpster.

11 Q. That would be principally by roll out
12 containers?

13 A. No.

14 Q. Could it be by packer trucks?

15 A. It would be probably by packer trucks,
16 yeah.

17 Q. So at the back of a store, at the back of
18 a factory?

19 A. Could be if the factory produces waste
20 that's acceptable to our facility. Usually
21 factories, just their lunchroom and office waste is
22 acceptable.

23 Q. Could be any other types of wastes that
24 this facility is willing to accept, correct?

1 A. Allowed to accept.

2 Q. Any of that type of waste could come in
3 overnight, correct?

4 A. Theoretically. I guess I don't understand
5 the question.

6 Q. I just wanted your answer, that was all.

7 And the doors are going to be open
8 when those night deliveries are made, won't they?

9 A. Not necessarily, no.

10 Q. Where do I find that in the application?

11 A. It's not in the application.

12 Q. All right. Where would those --

13 A. It's usually related to an IEPA permit.

14 Q. I am not talking about IEPA permits that
15 you may or may not apply for. I am asking what you
16 have told the Village of Round Lake or Village of
17 Round Lake Park. So is there anywhere where you
18 discuss whether or not the doors will be open during
19 overnight deliveries?

20 A. No, we don't discuss it in the
21 application.

22 Q. All right. The only discussion about when
23 doors will be closed is from 4:00 a.m. to 8:00 a.m.
24 unless you're getting deliveries, right?

1 A. Correct.

2 Q. So doors could be open at 3:00 a.m.,
3 correct?

4 A. No, that's not my testimony.

5 Q. I'm asking what the application says.
6 Doors could be open at 3:00 a.m.?

7 A. The application is now silent on that
8 issue.

9 Q. I see.

10 MR. BLAZER: I have what may be one last
11 exhibit for this witness, Mr. Hearing Officer.

12 BY MR. BLAZER:

13 Q. For the record, Mr. Moose, I have handed
14 you what's been marked as Exhibit TCH Exhibit 28.
15 Could you take a look at that and read through that?

16 Have you had a chance to look at it?

17 A. Yep.

18 Q. Could you turn to the slide number page
19 18. Actually, before you do that, do you recognize
20 this document?

21 A. Yes.

22 Q. Now, this is a presentation that was made
23 on behalf of Groot in February of this year,
24 correct?

1 A. Yes.

2 Q. And you participated in that presentation,
3 did you not?

4 A. Yes.

5 Q. Were you involved in preparing the slides?

6 A. No, I didn't prepare the slides. Somebody
7 prepared them for me.

8 Q. But you gave a presentation somewhat like
9 the presentation that you gave earlier today, right,
10 describing the transfer station?

11 A. Yep.

12 Q. To the public?

13 A. Yep.

14 Q. What was the purpose of doing that?

15 A. To answer citizen's questions about the
16 facility.

17 Q. And to provide the general public with
18 information about this facility?

19 A. And to encourage them about the process,
20 this process, encourage them that this type of
21 information is best handled inside of the
22 application.

23 Q. Now, could you turn to the slide number --
24 page 8, please, slide number 18?

14

1 A. I have got it.

2 Q. Now, here you have got -- this is the one
3 on hours of operation, right?

4 A. Yes.

5 Q. And you have in here the anticipated
6 operating hours from 4:00 a.m. to 8:00 p.m. Monday
7 through Friday, 4:00 a.m. to 12:00 p.m. Saturday,
8 right?

9 A. Yes.

10 Q. And that's pretty identical to the siting
11 application that we looked at before?

12 A. A little too quick.

13 Q. The hours of operation that you identified
14 here are the same hours of operation, almost exactly
15 the same statement that's in the siting application,
16 right?

17 A. Almost.

18 Q. Except you don't mention anywhere in this
19 presentation that this facility will operate 24
20 hours a day, seven days a week, right?

21 A. That's correct.

22 Q. Why didn't you let the public know seven
23 months ago that this facility was going to operate
24 24 hours day, seven days a week?

1 A. Well, typically and it's our intent to
2 operate during the standard hours.

3 MR. BLAZER: Mr. Hearing Officer, I ask
4 you direct him to answer the question.

5 MR. HELSTEN: He's trying to answer.

6 HEARING OFFICER LUETKEHANS: Please
7 continue your answer --

8 THE WITNESS: At the time we didn't
9 envision 24 hours. The application was continued
10 with improvements and refinements up until the last
11 couple of days before we filed it.

12 BY MR. BLAZER:

13 Q. When was the application filed?

14 A. June.

15 Q. Four months after this?

16 A. Yeah.

17 Q. And you had no idea in February four
18 months before you were going to file the application
19 that you were going to ask the Village Board to
20 approve you operating 24 hours a day, seven days a
21 week; is that your testimony?

22 A. I don't recall precisely, but what we're
23 here to do is testify on this application and these
24 hours.

1 Q. Could you go to page 2.4-11 of the
2 application?

3 A. I have it.

4 Q. Now, you say here that the tipping floor
5 will be cleared of waste every day; is that correct?

6 A. Where are you at on that page?

7 Q. 2.4-11?

8 A. Yes, second bullet.

9 Q. Go to tipping floor. Clear of waste each
10 day, right?

11 A. Clear.

12 Q. What time is that going to happen when the
13 trucks are coming in overnight?

14 A. It will occur at a different time every
15 day.

16 Q. Now, you said that -- I was going to call
17 it your direct exam, but you said during your
18 presentation that when you were showing that little
19 video on your presentation, you showed the truck
20 pulling up to the scale and you said there's an
21 approval process for loads. Do you remember talking
22 about that?

23 A. Customers.

24 Q. And I believe that's not every load every

1 day, right?

2 A. Not every load every day. Some private
3 sector contractors will be allowed to use the site.
4 They don't use it on a routine basis. As part of
5 that process, besides the standard financial ability
6 to pay, there will be signs posted that will have
7 all of the unapproved waste listed and so forth.

8 Q. But I believe you said on your
9 presentation that no matter who the customer is
10 you're only inspecting three random loads on three
11 random days; is that correct?

12 A. Per week.

13 Q. How many loads per day do you expect to
14 come into this facility?

15 A. I don't have that number off the top of my
16 head. It would be a hundred more.

17 Q. So roughly 600 a week?

18 A. Probably.

19 Q. You're going to accept three random loads
20 on three random days; is that correct?

21 A. Yeah.

22 Q. Now, you said the transfer trailers from
23 here -- let me know if I heard you wrong -- are
24 going to be bound for a landfill boundary 100 to

18

1 120 miles away; is that correct?

2 A. Correct.

3 Q. Which landfill is that?

4 A. I don't know.

5 Q. What's the basis for your statement that
6 they're going to a landfill 100 to 120 miles away?

7 A. The majority of our waste is disposed of
8 in that bandwidth surrounding the city. Pretty much
9 every county with the exception of Lake County
10 exports their waste now to distant landfills. Those
11 landfills, 90 percent of the capacity lies in that
12 90 to 120-mile bandwidth out there. Currently Groot
13 is transferring their waste from their other
14 transfer station out in the bandwidth and most of
15 the transfer stations in the Chicago area take their
16 waste to some bandwidth out in that zone.

17 Q. So when you said 100 to 120 miles away,
18 you weren't talking about a specific landfill, you
19 were talking about some landfill out there
20 somewhere?

21 A. Well, in the course -- well, one of the
22 advantages of a transfer station, it allows you to
23 use different --

24 MR. BLAZER: Mr. Hearing Officer?

19

1 HEARING OFFICER LUETKEHANS: Let him
2 finish the answer and then we will deal with it.

3 THE WITNESS: So to say where we're going
4 to be going 20 years from now, 30 years from now, 8
5 years after it opens, I don't think anybody can say
6 that definitively, but I can say that's what the
7 capacity is today.

8 BY MR. BLAZER:

9 Q. How about 2015 when you want it to open,
10 where is it going to go then?

11 A. I don't know. It's going to be in that
12 bandwidth, but to my knowledge there's been no
13 contractual agreement with anybody to take it
14 anywhere in 2015.

15 Q. You're not aware of the Groot's agreement
16 with the Winnebago landfill?

17 A. They don't share it with me.

18 Q. Were you involved in the Winnebago
19 landfill siting proceeding?

20 A. Yes, I was.

21 Q. You're familiar with the post agreement
22 that was entered into between Winnebago County and
23 the operator on that landfill, are you not?

24 A. Briefly.

1 MR. HELSTEN: Objection as to relevance as
2 to where the waste ultimately goes.

3 HEARING OFFICER LUETKEHANS: Objection
4 overruled.

5 BY MR. BLAZER:

6 Q. Do you remember the question?

7 A. I thought I answered it?

8 Q. You're aware that that post agreement
9 references a specific deal between Groot and the
10 Winnebago landfill that allows Groot to take garbage
11 from any of its transfers stations for a dollar less
12 per ton than anybody else pays?

13 MR. HELSTEN: Objection as to relevance.

14 HEARING OFFICER LUETKEHANS: Objection
15 overruled.

16 You may answer.

17 THE WITNESS: There's only one landfill in
18 the county so it wouldn't be what everybody else
19 pays. I disagree with that characterization.

20 BY MR. BLAZER:

21 Q. We will leave it for another witness,
22 Mr. Moose.

23 That's all I have at this time -- no,
24 that's not all I have. I am sorry.

21

1 One of the last things that you said
2 during your presentation was that in your opinion
3 there will be no noise emitted beyond the property
4 boundary of this facility, did I state your
5 testimony or your statement -- you're not under
6 oath, did I make your statement correctly?

7 A. My recollection is no, that's not
8 accurate.

9 Q. What did you say about noise beyond the
10 property of operating this facility?

11 A. What I said is that I don't think there
12 will be any noticeable levels over the ambient
13 levels that are there, with Route 120, the railroad.

14 Q. I think we established this a few years
15 ago when you were testifying for Groot's truck
16 storage facility, you are not acoustic engineering,
17 correct?

18 A. I am not.

19 Q. You have never been qualified as an expert
20 witness in the field of acoustic engineering,
21 correct?

22 A. Correct.

23 Q. You have never testified as an expert
24 witness in the field of acoustic engineering,

1 correct?

2 A. That is correct.

3 Q. And just so we're clear, acoustic
4 engineering is engineering focused on the issue of
5 noise, correct?

6 A. Sound, I would say.

7 MR. BLAZER: That's all I have at this
8 time, Mr. Hearing Officer.

9 HEARING OFFICER LUETKEHANS: Anyone else?

10 Mr. Clark, Mr. Grossmark, did you
11 have something?

12 We will go that way down the table.

13 Let's take a second before Mr.

14 Grossmark -- I have a question here. Mr. Grossmark
15 and Mr. Clark and Mr. Sechen, I assume you will have
16 some cross-examination or some follow up, we're
17 trying to get a handle on time, because I know,
18 actually at this point we're a little further ahead
19 than I kind of expected at this point in the day, I
20 think we're little further ahead.

21 Mr. Helsten and Mr. Mueller, assuming
22 this keeps going kind of like it has so far, do you
23 have another witness who is ready this evening? I
24 don't think we originally intended that.

1 MR. HELSTEN: Excuse me, Mr. Hearing
2 Officer, I think we could have Mr. Werthmann
3 testify.

4 HEARING OFFICER LUETKEHANS: Okay.
5 Mr. Clark, you had something about this issue?
6 Maybe use that microphone for the court reporter.

7 MR. CLARK: Yes, I do have an expert that
8 I wanted to have present when Mr. Werthmann testify.
9 We believed we weren't going to start Mr. Werthmann
10 today. I do need that expert present at that point
11 in time.

12 HEARING OFFICER LUETKEHANS: Do you think
13 it's possible to reach out to the expert and find
14 out if he or she is available at this time this
15 evening?

16 MR. CLARK: I could try.

17 HEARING OFFICER LUETKEHANS: Okay. Mr.
18 Grossmark, how long do you think you have
19 approximately?

20 MR. GROSSMARK: Half hour, 40 minutes.

21 HEARING OFFICER LUETKEHANS: Given the
22 fact that we have to switch rooms in 20 minutes, why
23 don't we take another break? I know we keep
24 breaking this up and I apologize, unless, Mr. Clark,

24

1 do you have anything?

2 MR. CLARK: I do. Probably at least 40
3 minutes.

4 HEARING OFFICER LUETKEHANS: Let's take a
5 break now. We will get everybody set up. 4:00
6 o'clock, we will start immediately at 4:00. We're
7 in the small conference room. I think given the
8 size and amount of people we have, at least at this
9 point we can continue. We shouldn't have a problem
10 with space.

11 And if Mr. Clark, I think we're on
12 the edge, but I think I would call your experts just
13 in case, Mr. Clark, just so we can hopefully keep
14 moving.

15 That being said, let's take a break
16 and we will start exactly 4:00 o'clock, unless
17 there's anything else I need to cover.

18 (A short recess was taken.)

19 HEARING OFFICER LUETKEHANS: Back on the
20 record. A few preliminary things before we start.

21 We are in the smaller conference
22 room. It is 4:00 o'clock. Currently I see probably
23 a dozen seats available if anybody else wants to
24 attend, so we will proceed given that we do have

25

1 enough space in this room. If something happens
2 where we get an influx with the public, we will deal
3 with that at the time.

4 Also, it appears, I am assuming when
5 I walked out when I was gone, Mr. Helsten and his
6 clients provided us or Mr. Helsten and Mr. Mueller,
7 et cetera, provided us with the remainder of the
8 PowerPoints. Is that what I see on my desk?

9 MR. HELSTEN: That's correct, Mr. Hearing
10 Officer. I wanted to make that note for the record
11 that we have distributed to the participants, to the
12 Village Board and to you the remaining PowerPoints.

13 HEARING OFFICER LUETKEHANS: Thank you. I
14 appreciate your cooperation in that.

15 Mr. Clark, did you have any luck
16 reaching your expert?

17 MR. CLARK: Yes.

18 HEARING OFFICER LUETKEHANS: I will take
19 the nod as a yes. And we will go from there.

20 I think it was Mr. Grossmark is going
21 to proceed.

22 Mr. Grossmark, please proceed.

23 CROSS-EXAMINATION

24 BY MR. GROSSMARK:

1 Q. My name is Steve Grossmark and I represent
2 the Village of Round Lake.

3 A. Nice to meet you.

4 Q. Mr. Moose, if you know the witnesses that
5 have been disclosed by Groot to testify in this case
6 are Mr. Werthmann, Mr. Lannert, Mr. Poletti, Ms.
7 Seibert and yourself; is that correct?

8 A. Correct.

9 Q. And these individuals are people that have
10 been retained to testify?

11 A. Been retained to develop the application,
12 design the facility, do studies, as well as testify.

13 Q. None of those people are Groot employees;
14 is that correct?

15 A. Correct.

16 Q. And do you know whether anybody from Groot
17 will be at the hearing to make any kind of
18 presentation or testify, sir?

19 A. Not to my knowledge.

20 MR. HELSTEN: Mr. Grossmark, just by way
21 of clarification, there may be Groot officials here,
22 officers from time to time, but they do not -- it's
23 not envisioned they will testify as to the
24 application because they didn't prepare the

1 application, but there will be, I am sure, Groot
2 officials here from time to time.

3 BY MR. GROSSMARK:

4 Q. Mr. Moose, your office prepared the
5 application including with the help of the people
6 who will testify today?

7 A. Yes.

8 Q. And not all of those people are with your
9 firm, correct?

10 A. Correct.

11 Q. Before the application was submitted, did
12 a draft go to Groot for its review?

13 A. Yes.

14 Q. So there was -- Groot took a look at the
15 application and was well aware and authorized its
16 submittal, including the content of the application?

17 A. Yes.

18 Q. Do you know if anybody that's testifying
19 for Groot has authority to commit Groot to a
20 position or a procedure or anything else in this
21 hearing?

22 A. I think that's a legal -- I am not sure
23 what kind of question that is.

24 Q. Let's assume it's a factual question.

1 A. I know that we're standing behind the
2 contents of the application.

3 Q. But are they also standing behind all of
4 the testimony by the people that they're having
5 attend this hearing and testify?

6 A. Yes.

7 Q. Okay. So when you said when Mr. Blazer
8 was questioning you, something wasn't in the
9 application, but you said something and you said now
10 it's in the record. Do you recall that testimony?

11 A. I do recall.

12 Q. So when you say something and it's in the
13 record, you're speaking on behalf of the applicant
14 here, Groot?

15 A. As it pertains to design and operations
16 and those criteria that I testified to.

17 Q. And you're committing Groot to whatever
18 you say, correct?

19 A. Correct.

20 Q. And it's your understanding that Groot's
21 committed to that?

22 A. Correct.

23 Q. And I see Mr. Helsten nodding his head in
24 agreement?

1 MR. HELSTEN: Yes, Mr. Grossmark. I think
2 that's a fair question that you raise. I appreciate
3 that.

4 And we should clarify that if
5 Mr. Moose sees something in the application that he
6 thinks needs clarification and now that's our
7 position, yes, that is the lead engineer here. He
8 is committing to that on behalf of Groot.

9 MR. GROSSMARK: Thank you.

10 MR. HELSTEN: If there's something outside
11 of his testimony that you would like us to consider,
12 you may ask Mr. Mueller. And as I said, the
13 officers of Groot will be here from time to time, we
14 can discuss things with them.

15 BY MR. GROSSMARK:

16 Q. Mr. Moose, your firm took the lead in
17 preparing the application?

18 A. Correct.

19 Q. And the other folks may not be with your
20 firm but they took on particular roles in preparing
21 the application?

22 A. We selected the team and coordinated the
23 team.

24 Q. Thank you.

1 You said typical operations will be
2 from 4:00 a.m. to 8:00 p.m. Monday through Friday,
3 and then 4:00 a.m. to noon on Saturday, correct?

4 A. 4:00 a.m. to 4:00 p.m. is really when the
5 most of the operations. There will be some load out
6 operations that will occur up to 8:00 p.m. and
7 cleaning operations, but most of the waste transfer
8 is going to occur from 4:00 a.m. to roughly
9 4:00 p.m. in the afternoon.

10 Q. And what's the basis for that time period?

11 A. Truck drivers start at 7:00 o'clock. They
12 have an eight-hour shift. They do their first load
13 around 10:00 a.m., their second load around
14 2:00 p.m. So they will be -- most of the waste will
15 be delivered. Having said that, some of the drivers
16 are not on that same shift, but generally most of
17 the residential pickup and a lot of the drivers are
18 done by 4:00 o'clock. That doesn't necessarily mean
19 all of the waste is out of the transfer station by
20 then.

21 Q. So what's the reason for the 4:00 a.m.
22 start if typically waste haulers start at 7:00 a.m.?

23 A. Well, there's some ramp up, if you will.
24 So some might start at 4:00, 6:00, 7:00, majority of

31

1 them --

2 Q. What's the reason for a 4:00 a.m. start?

3 A. To beat the traffic, get the commercial
4 accounts. You don't want to be servicing a lot of
5 commercial accounts during the lunch hour.

6 Q. It would be possible and it would be
7 consistent with how waste haulers operate to start
8 later than 4:00 a.m.?

9 A. Well, it would be -- starting later than
10 7:00 would certainly be inconsistent with a lot of
11 waste haulers, unless it's the second or third
12 shift.

13 Q. Maybe you didn't hear my question.

14 Starting later than 4:00 a.m. would
15 be consistent with the schedule the typical waste
16 haulers keep when they start at around 7:00 a.m.,
17 maybe even a little bit before that?

18 A. No.

19 Q. Well, I don't understand. Because I guess
20 what I am thinking is, and maybe I am wrong, and I
21 don't know, I am not a technical person, but if a
22 waste hauler starts around 7:00 a.m. or even a
23 little bit before that, 6:30 maybe in the morning,
24 they go around and collect waste, then they would

1 come to the transfer station, correct?

2 A. Correct.

3 Q. What's the reason for 4:00 a.m. or a
4 5:00 a.m., even a 5:00 a.m. or even a 6:00 a.m.
5 start?

6 A. Because they all don't start at the same
7 time.

8 Q. But you said they typically start around
9 7:00 a.m., possibly a little bit earlier. I was
10 suggesting 6:30. If that's the case, what's the
11 reason for 4:00 a.m. or 5:00 a.m. or even a
12 6:00 a.m. start?

13 A. Because some start at 4:00.

14 Q. Is that what you -- what role, if any,
15 does your firm play in Groot operations of transfer
16 stations after all approvals have been obtained and
17 the transfer station is up and running?

18 A. Limited.

19 Q. What do you mean by limited, sir?

20 A. Sometimes there's a permit renewal that is
21 necessary. Sometimes there are permit amendments
22 that are necessary to it, to accommodate.

23 And in those cases we would be
24 re-engaged to help them either amend their permit or

33

1 do permit removals.

2 Q. But your firm is not involved with the
3 operation of a transfer site after it's up and
4 running, correct?

5 A. Not typically, no.

6 Q. When you say "not typically," the only
7 exception would be when there needs to be a renewal
8 of some sort?

9 A. No. We have done audits of transfer
10 stations.

11 Q. Have you done audits of Groot transfer
12 stations?

13 A. Yeah.

14 Q. What types of audits?

15 A. Audits to see whether the facilities are
16 capable of accepting another customer's waste,
17 whether they have the correct permits, whether they
18 have the correct health and safety measures in place
19 for insurance companies. Sometimes we do audits for
20 other people at facilities.

21 Q. Would the audit be regarding a municipal
22 waste transfer station?

23 A. Sometimes.

24 Q. Well, how could that be if you already

1 know what the wastes are, why would you have to
2 audit whether a new customer could bring its waste
3 there, especially since when they come in there's a
4 list, I guess, of all of the materials that are
5 appropriately brought to the site?

6 A. Many companies want to know where their
7 waste is going, want to make sure it's properly
8 permitted and that it has the capacity to accept
9 that waste. Sometimes the insurance company wants
10 to see their training and its health and safety
11 schedule.

12 Q. So are you doing an audit for companies
13 that want to send waste to the Groot site?

14 A. Yes, or municipalities.

15 Q. Or municipalities that want to send waste
16 to the Groot site?

17 A. Yes.

18 Q. Now, for the operation of the Groot
19 transfer station itself, you're not doing an audit
20 for that?

21 A. Well, as part of that audit, the operation
22 would be looked at.

23 Q. So you're not involved with the operation
24 of the Groot transfer stations once they're up and

1 running, even auditing them for Groot; is that
2 right?

3 A. We're not managing the operations, if that
4 answers your question. And we're not --

5 Q. Involved in the operations?

6 A. We're not there very frequently too.

7 Q. And you are not auditing the operations
8 for Groot, auditing their own operations, correct?

9 A. Correct. They have a foreman or somebody
10 doing it.

11 Q. So do you really know one way or the other
12 why Groot wants to operate starting at 4:00 a.m. or
13 even 5:00 a.m. or 6:00 a.m., do you even know one
14 way or the other?

15 A. It's to accommodate their customers.
16 24-hour operation is I would say the norm.

17 Q. And that's really what the application is
18 for, for a 24-hour day application?

19 A. Yes.

20 Q. And then it's for a 24 operation -- 24
21 hours a day, seven days a week?

22 A. No. Half day on -- seven days a week,
23 you're right.

24 Q. But the transfer station you say would be

1 typically closed on Sundays and then about six
2 holidays?

3 A. Correct.

4 Q. But it might be open on Sundays and those
5 holidays?

6 A. Only in an emergency situation.

7 Q. It would have the authority to be open on
8 Sundays and all holidays, correct?

9 A. Part of it depends on how the siting is
10 approved.

11 Q. But the siting application is asking for
12 24/7 operation including Sundays, including off
13 holidays, correct?

14 A. Yes.

15 Q. Okay. So if this application is approved,
16 this would be -- this would be a facility that could
17 operate 365 days each year, correct?

18 A. Yes.

19 Q. What is Groot's position on how much
20 material will be accepted and transferred per day at
21 this site? What I am reading in the application and
22 what I hear from you, I hear just slightly different
23 things, okay. Correct me if I am wrong, I think
24 today you said it would be 750 tons a day on

1 average?

2 A. Correct.

3 Q. And the application at page 2.4-1 under
4 operations, the second bolded area, quantity of
5 waste accepted, you say 750 tons per day with the
6 ability to conservatively process a 20 percent
7 increase on a daily basis, correct?

8 A. Yes.

9 Q. Is there any limit they asked for in this
10 application on how much can be processed each day?

11 A. On an individual day, no.

12 Q. Is there any limit on what can be
13 processed at this facility, proposed facility, on
14 any given day?

15 A. To the degree that it would stay within
16 the 750 tons at some point, I guess that would be
17 limiting.

18 Q. So when you talk about that the facility
19 could conservatively process 20 percent more than
20 750 tons a day, Groot is not asking for -- and there
21 was a time I might have been able to do this math in
22 my head -- 750 tons per day plus 20 percent?

23 A. We're asking for the leeway to process
24 more. And we demonstrated within the application

1 that the transfer station itself has more than
2 capable capacity to handle 900 tons per day.

3 Q. Groot in the application and in what's
4 been presented so far has not said that there was
5 some sort of ton per day maximum limit, correct?

6 A. Correct.

7 Q. At any of the public hearings or anywhere,
8 do you think there was information provided to that
9 effect that there's really no maximum limit that
10 you're looking at in trying to get authority for, or
11 do you think the impression was 750 tons per day, if
12 you know?

13 A. You know, I have always said an average of
14 750 tons per day.

15 Q. Do you know whether Groot would accept a
16 limit of 750 tons per day Monday through Friday and
17 then a comparable percentage for whenever it's open
18 on Saturday -- strike that. Strike that. Let me
19 start differently.

20 Do you know whether Groot would
21 accept a limitation on operating hours and accept
22 something less than 24 hours a day, seven days a
23 week; for example, perhaps from 6:00 a.m. to
24 6:00 p.m. Monday through Friday and 6:00 a.m. to

1 noon on Saturday, do you know whether they would
2 accept that?

3 A. My recommendation to them would be no.

4 Q. Could you answer my question?

5 A. I don't know whether they would.

6 Q. And you can't commit them one way or the
7 other?

8 A. Well, what I can say is the application
9 has requested this.

10 Q. I understand that. But you cannot commit
11 them, you cannot commit Groot to say, sitting here
12 today, that it would be acceptable to have a
13 limitation in this siting approval, a condition that
14 says that the operations would have to be between
15 6:00 a.m. to 6:00 p.m. Monday through Friday and
16 6:00 a.m. to noon on Saturday and no operations on
17 the six holidays that are listed?

18 A. You know, I don't see any evidence to
19 support that.

20 Q. That wasn't my question, sir.

21 A. I can't answer it. And my recommendation
22 would be no, there's no evidence --

23 Q. You cannot commit Groot to that, correct?

24 A. Not at this time.

1 Q. Why would you not recommend that?

2 A. Because I don't see any evidence to
3 support that.

4 Q. Would Groot commit to a condition of
5 processing or receiving, accepting and transferring
6 750 tons per day Monday through Friday when it would
7 be operating a proportional percentage from
8 6:00 a.m. to noon on a Saturday?

9 A. Are you saying a maximum of 750?

10 Q. Yes, sir, I am.

11 A. No, I would -- I can't say that. My
12 recommendation would be not to accept that
13 condition.

14 Q. So you can't sit here today and say that
15 Groot would agree to that, correct?

16 A. There is no evidence to support those
17 numbers.

18 Q. You can't sit here today and say that
19 Groot would agree with that?

20 A. I can tell you what's demonstrated in the
21 application and what I would tell them. And I would
22 say we have evidence to support our numbers, there's
23 no evidence for arbitrary numbers.

24 Q. Okay. You cannot commit Groot to those

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1 amounts, 750 tons per day, Monday through Friday,
2 and a proportional amount from 6:00 a.m. to noon on
3 Saturday; is that correct?

4 A. At this time that's correct.

5 Q. Who developed or came up with, if you
6 know, the 4:00 a.m. to 8:00 p.m. Monday through
7 Friday and 4:00 a.m. to noon on Saturday as the
8 typical times that there would be receiving transfer
9 of waste?

10 A. It's based on our collective experience at
11 transfer stations.

12 Q. Whose collective experience?

13 A. Mine and my team's.

14 Q. The team being the people that help
15 prepare the application?

16 A. Yes.

17 Q. Including your team at your firm?

18 A. Correct.

19 Q. How about Groot, are they on the team?

20 A. Yes.

21 Q. Now, there are certain -- a long list of
22 prohibited materials that can come to the transfer
23 station, correct?

24 A. Yes.

1 Q. And that includes liquids?

2 A. I am sorry?

3 Q. That includes liquids?

4 A. Yes.

5 Q. From time to time do you know whether
6 liquids are sent to a transfer station, received and
7 discharged or placed on the floor?

8 A. From time to time small quantities of
9 liquids find their way into the waste stream.

10 Q. When you say small quantities, what's a
11 small quantity?

12 A. Usually a gallon or so less than size.

13 Q. Somebody might put a gallon of paint waste
14 in a disposal container?

15 A. Yes. Right. Yes.

16 Q. And the same could be true, could be said
17 for not only liquid waste but other waste that are
18 on the list of materials that really are not
19 municipal waste and should not be accepted by a
20 transfer station, correct?

21 A. Can you give me an example?

22 Q. Hazardous waste?

23 A. Hazardous wastes are manifest from cradle
24 to grave. Hazardous waste, in my experience, I have

1 never seen hazardous waste delivered to a transfer
2 station.

3 Q. Have you heard or seen a gallon of paint,
4 paint waste?

5 A. Yeah.

6 Q. Paint, used, being in a municipal waste
7 dumpster and brought to a transfer station and put
8 on the floor?

9 A. Yes, I have seen that. That's not
10 hazardous waste, that's household.

11 Q. Why is that not hazardous waste?

12 A. Because of the quantity and generation who
13 generated it.

14 Q. Are you saying that in some standard
15 there's a limit that says that below a certain
16 quantity something is not a hazardous waste, but if
17 it's above another quantity, it is hazardous waste?

18 A. Yes, household hazardous wastes will be
19 accepted at this facility because they're part of
20 the municipal solid waste stream.

21 Q. Under what law does it say that? And I
22 know you're not a lawyer -- I assume you're not a
23 lawyer?

24 A. That is correct.

1 Q. But I think you're talking about law now,
2 and I would like to know the basis for that
3 statement that there's some quantity limit above
4 which something is a hazardous waste but below it
5 it's not?

6 A. Well, my experience as an --

7 Q. I think Mr. Helsten is going to be chiming
8 in pretty soon.

9 You can answer the question, sir.

10 A. In my experience household hazardous waste
11 is accepted at every transfer station and at every
12 landfill. And the facility, as well as the agencies
13 and state, have done a very good job minimizing the
14 creation of it and creating alternate disposal
15 locations.

16 Having said that, the facility is
17 designed with the thought and the expectation that
18 those materials do exist within the waste stream and
19 is designed to protect the public health, safety and
20 welfare, despite them being in the waste stream.

21 Q. So you really don't know one way or the
22 other the legal basis for your statement that there
23 are materials that are hazardous waste if they're
24 above a certain quantity, but below a quantity

1 they're not hazardous waste?

2 A. I am not offering legal opinions.

3 Q. And you don't know, you don't know that,
4 you don't know the basis for your statement,
5 correct?

6 A. I know it's my experience and I can't cite
7 the section of law that it is in.

8 Q. I think Mr. Helsten and I will be
9 discussing this later.

10 I guess back to the question, you
11 wanted to know what examples of what's on the list
12 of materials that should not, cannot be taken at a
13 transfer station, whether they're -- on occasion
14 they are taken because people just put it in the
15 dumpster and it gets on the truck and it gets to the
16 transfer station. So two examples I gave you were
17 hazardous waste and liquid waste. But I'm talking
18 about any of this, anything on this list; it can
19 happen and on occasion it does happen?

20 A. It does happen on occasion in small
21 quantities. We have a load checking program to try
22 and identify if there's improvements that can be
23 made. Most importantly, the facility design is
24 designed to accept those materials in a safe manner

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1 in concert with the operating plan as demonstrated
2 over the last several decades. They don't pose a
3 threat to the environment nor to the employees.

4 Q. But those materials can get on the tipping
5 floor, correct?

6 A. And the tipping floor is designed to
7 accept those materials.

8 Q. Those materials can get on the tipping
9 floor, correct?

10 A. Yes.

11 Q. When you say the tipping floor is designed
12 to accept those materials, what do you mean?

13 A. It's going to be high strength concrete,
14 it's 12 inches thick, it has a very low
15 permeability. The material will only be there for a
16 short amount of time. The material has no head
17 acting on it. The expansion and contraction joints
18 are designed with a rubber seal so that in those
19 areas where there's -- where you design the cracking
20 of the pavement to go there's a rubber seal there to
21 essentially make the floor waterproof.

22 And the IPA has already gone on
23 record on this that these facilities don't pose --
24 are not -- don't post any threat to groundwater.

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1 Q. Have they said that in writing?

2 A. Yes.

3 Q. Could you tell me the citations for that?

4 A. It's in the application.

5 Q. Do you remember where in the application
6 it is?

7 A. Not off the top of my head, but I can find
8 it pretty quick.

9 Q. I can tell you I don't know where it is in
10 the application either, but I'm not the expert on
11 that application. It's pretty big.

12 MR. HELSTEN: "0."

13 THE WITNESS: "0"?

14 MR. GROSSMARK: We can do this later. We
15 can get this answer later. I don't want to hold
16 things up. Would that be okay, you can answer that
17 later?

18 MR. HELSTEN: Sure.

19 MR. GROSSMARK: Thank you very much.

20 BY MR. GROSSMARK:

21 Q. When you say low permeability, what does
22 that mean?

23 A. The rate at which advective flow through
24 concrete occurs.

1 Q. So concrete is a material that is
2 permeable?

3 A. Yes, everything is permeable.

4 Q. Illinois recently adopted some regulations
5 about vapor intrusion because vapors can travel
6 through foundations, including concrete, from the
7 environment under a building into the inside spaces
8 of a building, correct?

9 A. Correct.

10 Q. So not only can vapors go through
11 concrete, but liquids can go through concrete too,
12 correct?

13 A. Theoretically.

14 Q. Can it happen?

15 A. Not at this facility. Vapor intrusion is
16 very --

17 Q. I am not talking about vapor intrusion. I
18 am asking, not only can vapors go through concrete,
19 but liquids can get into concrete because of its
20 permeability, correct?

21 A. It can get into the upper decimal of an
22 inch. It won't penetrate 12 inches.

23 Q. If enough liquid is put on the floor over
24 years, decades, perhaps enough could get in there to
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1 get in there, what did you say, a decimal of an
2 inch?

3 A. Yes.

4 Q. Could it get into two decimals of an inch?

5 A. No. Concrete is constantly undergoing
6 abrasive forces as a result of that end loader
7 pushing that stuff off. There's no head acting on
8 the --

9 Q. What is that, pressure?

10 A. Pressure because it's a flat floor and
11 it's cleaned every night. And it's also cleaned by
12 the street sweeper.

13 So the idea of any liquid going
14 through the floor has been rejected by the IPA. The
15 design of the facility is a 6,000-pound
16 air-entrained concrete floor, probably has
17 permeability on the order of 10 to the minus 7 or
18 8 millimeters, centimeters per second. It will not
19 pose any threat whatsoever from liquids.

20 The analogy with vapors is also
21 incorrect because the problem with vapor intrusion,
22 the new SRP rules, has to do primarily with vapors
23 intruding, not through the concrete itself, but
24 primarily through cracks within the concretes. The

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1 cracks within this facility, we're going to force
2 them to occur, have been designed to stop that from
3 happening. Vapors will go through the least area of
4 resistance, they will go into the air and not down
5 through the concrete. So neither one of those are
6 valid.

7 Q. So how deep -- do you say that because of
8 the time, the short time that any material will be
9 placed on the floor, tipping floor, and because
10 there's no pressure pushing it there, how deep into
11 the concrete could the liquids go, you said a
12 decimal?

13 A. A hundredth of a millimeter.

14 Q. Thank you.

15 Will the transfer vehicles ever be
16 cleaned?

17 A. Yes.

18 Q. How frequently?

19 A. I don't know the occurrence of that.

20 Q. And that's not in the application?

21 A. No.

22 Q. And those will be Groot vehicles?

23 A. Not necessarily, no.

24 Q. Will some of them be Groot vehicles?

1 A. They may be, but I think it's more
2 unlikely than likely.

3 Q. Whose vehicles will they be?

4 A. Brokers.

5 Q. And how does that work, does Groot
6 contract with somebody, does Groot have control over
7 that situation, does Groot not have control over
8 that situation?

9 A. They would be brokers in which they
10 contract with Groot to haul waste from the transfer
11 station to its designated landfill. They would have
12 control over them --

13 Q. I am sorry. Somebody coughed and I didn't
14 hear you.

15 A. They would have control over the brokers.

16 Q. So these would be independent contractors
17 that might have a truck and Groot would contract
18 with them?

19 A. Correct.

20 Q. So Groot is not going to own a fleet of
21 transfer vehicles, correct?

22 A. They own some. I don't know how many they
23 own.

24 Q. So you don't know whether any of Groot's

1 transfer vehicles would be used at this proposed
2 site, correct?

3 A. I don't know whether they would or not.

4 Q. So Groot could in the contract require
5 that the transfer vehicles be cleaned?

6 A. They could.

7 Q. As you sit here today, can you commit
8 Groot to some schedule whereby the transfer vehicles
9 are cleaned -- are cleaned?

10 A. No.

11 Q. And how they're cleaned?

12 A. No.

13 Q. You can't commit to that.

14 Do you know how a transfer vehicle is
15 cleaned?

16 A. Generally with a power washer.

17 Q. When you say power washing, what is used
18 to do the power washing?

19 A. A power washer.

20 Q. So this would be a mechanism that forces
21 water really hard on something and that's how it is
22 cleaned?

23 A. Yes.

24 Q. And it would be water?

1 A. Well, it could be water and detergent
2 mixed together.

3 Q. It could be a disinfectant too?

4 A. Right.

5 Q. So that's something that could be decided?

6 A. Sure.

7 Q. That's something that Groot could commit
8 to?

9 A. They may, I don't know if they will, but
10 that's something that they could consider.

11 Q. I said that's something that Groot could
12 commit to, it's within their power to do that?

13 A. I think so.

14 Q. They can decide?

15 A. I think so.

16 Q. Do you know whether if a condition were
17 placed on this approval, if it's provided, that
18 Groot would agree with and live up to a condition
19 that required cleaning of the transferring vehicles
20 on some schedule using particular materials in
21 addition to water?

22 A. I can't answer that question.

23 Q. But that's not in the application?

24 A. No.

1 Q. And that's not something you have
2 testified about?

3 A. No, I don't --

4 Q. And that's not something anybody is going
5 to testify about?

6 A. The cleanliness of the vehicles doesn't
7 seem to go to health and safety to me. I mean, my
8 testimony is on criteria too.

9 Q. Here's the question --

10 A. That the facility --

11 Q. -- nobody is going to testify about that,
12 correct?

13 A. On the cleanliness of the vehicles?

14 Q. Correct.

15 A. Not to my knowledge.

16 Q. So I think you testified earlier that
17 waste can have an odor?

18 A. Yes, I did.

19 Q. Is the tipping floor going to have some
20 sort of coating on it?

21 A. No.

22 Q. Are you aware of any other transfer
23 stations that have tipping floors that have some
24 sort of a coating on it?

1 A. Yes.

2 Q. Can you tell us about that, please?

3 A. Some transfer stations have a hardened
4 surface, one of the brand names is called Anvil top
5 that has a coating on it.

6 Q. Do you know whether any Groot transfer
7 stations have a coating on the concrete tipping
8 floor?

9 A. Not that I can recall, no.

10 Q. On any tipping floor, Groot tipping floor?

11 A. No, not that I can recall.

12 Q. Have you ever designed a facility, a
13 transfer station that had a coating that used a
14 coating on a tipping floor?

15 A. No, I think it's a bad idea.

16 Q. Why is that, sir?

17 A. These materials are metal flake infused
18 topping. The idea is that they would increase wear
19 resistance. Because they have metal in them, they
20 tend to get rusty over time. And I find that if you
21 spec a good concrete, 6,000 pounds with proper air
22 entrainment, maybe a pozzolanic additive. Also,
23 change the operating plant so you have a sacrificial
24 blade on the end loader, it's a much better design

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1 than the Anvil top. I have got a transfer station
2 that has used that particular combination of
3 concrete and operating plan successfully for over 20
4 years doing an average of 1300 tons per day. So I
5 see no advantage to it whatsoever. It's also black.
6 So it really darkens up the facility.

7 Q. Are there any -- and I am going to ask the
8 court reporter to read that answer back because
9 there was so much information, I didn't get it all.

10 As a matter of fact, Mr. Hearing
11 Officer, could I have that answer read back?

12 HEARING OFFICER LUETKEHANS: You can try.

13 (Record was read back.)

14 HEARING OFFICER LUETKEHANS: Before you
15 further, entrainment, let's help her out a little
16 here. Entrainment.

17 THE WITNESS: Air E-N-T-R-A-I-N-M-E-N-T.

18 HEARING OFFICER LUETKEHANS: Pozza --

19 THE WITNESS: P-O-Z-Z-A-L-T-I-N-I-C --

20 Pozzolanic.

21 HEARING OFFICER LUETKEHANS: And Anvil,

22 A-N-V-I-L.

23 THE WITNESS: Yes.

24 HEARING OFFICER LUETKEHANS: I am sorry.

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1 I want to get that in for her.

2 BY MR. GROSSMARK:

3 Q. Is what you would recommend rather than
4 the coating also to increase wear or to improve
5 wear?

6 A. Yeah, that's the stated purpose of that.

7 Q. Is there any type of coating or any other
8 thing that can be done to prevent liquids from
9 soaking into, even if it's only very shallowly, into
10 the concrete?

11 A. Everything, in my opinion, that should be
12 done to prevent any contamination on the floor and
13 getting through the floor has been incorporated into
14 this design.

15 Q. And I think we were talking about the
16 notion that municipal waste can have odors?

17 A. Yes.

18 Q. If municipal waste that has an odor that's
19 liquid in form gets on the floor and even penetrates
20 it in a very small amount over 10, 20, 30, 40, 50
21 years, that could add up, is there any type of --

22 A. No.

23 Q. -- is there any type of coating or any
24 other procedure, operational or construction

1 procedure, that can be done to prevent materials
2 soaking into the concrete because, as you testified,
3 it's porous?

4 A. No, I disagree with your premise entirely.

5 Q. And why?

6 A. Because the floor is undergoing constant
7 abrasion. The end loader is sweeping and pushing
8 the garbage on that floor on a daily basis. Also on
9 a daily basis the transfer station floor is going to
10 be swept with a street sweeper.

11 Q. We will get to that.

12 A. So you are pulling that material off. You
13 know, I never had a problem on a properly designed
14 facility over the last 20 plus years of the floor
15 being permeable and threatening the environment.

16 Q. So the floor over time starts out
17 12 inches, 30 years from now is it not 12 inches any
18 more?

19 A. That is correct, it is not.

20 Q. At pages 2.4-3, number 5, it says, when
21 the collection vehicle has completed unloading --

22 A. Can you hold on?

23 Q. Sure. Sorry.

24 A. 2.4-3?

1 Q. Yes, sir. Number 5 on top, on the top
2 half of the page?

3 A. Yes.

4 Q. It says, when the collection vehicle has
5 completed unloading, the vehicle will be cleaned of
6 any stray waste and secured before exiting the
7 building. Then it goes on. When that says cleaned,
8 does that mean removed waste from the vehicle?

9 A. Yes.

10 Q. Okay. Does it mean power washing with
11 water and a detergent or disinfectant, anything like
12 that?

13 A. In that sense it means inspecting the
14 facility for any litter, waste that might be
15 clinging to either the back gate or the tires or
16 something.

17 Q. So the word "cleaned" in that context just
18 means that the municipal waste has been removed from
19 the vehicle that brought it there and there is no
20 litter or debris hanging off the vehicle that could
21 fall on, fall off, correct?

22 A. Correct.

23 Q. You may not be able to answer this, and
24 you can let me know. Say "I don't know" is a great,

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1 is a good answer, if that's the answer.

2 As I understand it, Groot is going to
3 be opening up and operating a construction debris
4 and landscape waste facility across corridor is it?

5 A. Yes.

6 Q. If that's the case, why would -- strike
7 that.

8 As I understand it from the
9 application, Groot is trying to get approval to
10 accept at this proposed transfer station recycle
11 materials, landscape waste and municipal waste, am I
12 correct?

13 A. Yes.

14 Q. Why accept landscape waste at this site if
15 they're going to be accepting landscape waste across
16 the street?

17 A. A, more flexibility, more controls, and
18 it's also required as part of the solid waste plan.

19 Q. What solid waste plan?

20 A. The County solid waste plan.

21 Q. So the County Plan says that it wants
22 Groot to accept landscape waste at two facilities
23 that are across the street from each other?

24 A. No, that's not what the County Plan says.

1 Q. What does the County Plan say regarding
2 this issue?

3 A. There will be additional testimony on this
4 issue in the future, but in brief it says if you're
5 going to develop a transfer station within Lake
6 County, we would like it to be for MSW landscape
7 waste as well as separated recyclables.

8 Q. Where will recyclables and landscape waste
9 from the transfer station go, if you know? If you
10 know.

11 A. No, I don't know precisely.

12 Q. So that might go to a landfill, it might
13 go to someplace else?

14 A. It wouldn't go to a landfill because
15 they're not accepted at landfills.

16 Q. Do you know whether Groot has followed all
17 of the requirements and plans to and will follow all
18 of the requirements for the recyclables and the
19 landscape waste that they followed and will follow
20 regarding the construction debris and landscape
21 waste site across the street?

22 A. I am sorry. Can you rephrase that or
23 repeat it?

24 Q. I can rephrase it. I don't think I could

1 repeat it.

2 Do you know whether Groot has so far
3 complied with all of the rules and will comply with
4 all of the rules regarding the transfer station
5 regarding recyclables and landscape waste, that they
6 have already complied with and will comply with,
7 regarding the site across the street that's going to
8 take landscape waste and the construction debris?

9 A. I don't quite understand the question, to
10 be honest with you. I am not trying to be
11 difficult, I just don't quite understand what you
12 mean.

13 Q. It was a long question, maybe too long.
14 Were you involved in the permitting
15 and licensing of the construction debris and
16 landscape waste site across the street from this
17 proposed site?

18 A. Yes.

19 Q. Were all of the requirements regarding
20 that site, construction debris site and the
21 landscape waste site across the street, will all of
22 those things be done for this site as far as meeting
23 requirements?

24 A. They're regulated differently so they're

1 not exact compatible. If you're asking will the
2 landscape waste go to a compost facility somewhere,
3 yes. Will the recyclables go to a recycling
4 processor somewhere, yes. The landscape waste from
5 the eco center will go to a composter somewhere and
6 the -- and I don't remember whether we had landscape
7 waste or not. It's been a while. Recyclables will
8 go to some end-use market somewhere.

9 HEARING OFFICER LUETKEHANS: And for the
10 record, the eco center is?

11 THE WITNESS: Is the construction
12 demolition debris recycling facility.

13 HEARING OFFICER LUETKEHANS: The one
14 across the street from the one that's in the
15 application here today?

16 THE WITNESS: Correct.

17 BY MR. GROSSMARK:

18 Q. And the record, whatever record, the
19 State's record, Groot's record, will say whether it
20 also is a landscape waste site?

21 A. Yes. And I just don't recall. It's been
22 a --

23 Q. Why aren't the doors closed all of the
24 time other than when the vehicles entering the

1 building and leaving the building?

2 A. Well, the doors will be closed when
3 necessary. If the doors stay open on a day like
4 today and they're not cause -- and there's no odor
5 or noise or litter related issues, there's no harm
6 in leaving the doors open to a certain degree. If
7 the -- if there's issues of noise or odor or
8 litter -- litter probably doesn't apply too much
9 unless there's a big wind, then the doors will be
10 closed. And that's really made on -- most transfer
11 stations make that call, especially drive-through
12 facilities, on a daily basis. The goal is to not
13 have any nuisances at the edge of the property.

14 Q. Would keeping the doors closed all of the
15 time be a precaution that could be followed?

16 A. It could be, I don't know. I don't
17 believe it's necessary, otherwise it would have been
18 in the application.

19 Q. I am not asking whether you think it's
20 necessary. That's a precaution, keeping the doors
21 closed all of the time except when a truck is coming
22 in or a truck is leaving, that could be done?

23 A. It could be.

24 Q. It may be like wearing a belt and

1 suspenders, but it could be done?

2 A. It could be done.

3 Q. What's the magic about 4:00 a.m. to
4 8:00 a.m. on keeping the door closed?

5 A. It was required.

6 Q. Because, as we have said, municipal waste
7 and I think landscape waste can have odors, correct?

8 A. Both can have odors.

9 Q. So what's the magic about 4:00 a.m. to
10 8:00 a.m. when they could have odors during
11 4:00 a.m. to 8:00 a.m., but they could also have
12 odors from 8:00 a.m. to the following day at
13 4:00 a.m.?

14 A. I was not involved in those community
15 negotiations, but that provision really doesn't go
16 towards odors, as I understand it, it goes towards
17 noise. So that's where it came from, the 4:00 to --
18 that provision came from a host agreement
19 requirement with the County and SWALCO to minimize
20 noise during that period of the time of the day.

21 Q. So as you testified, there's not going to
22 be much noise because of the operation --

23 A. I don't think they're necessary. I didn't
24 put it in my operating plan because I don't think

1 it's necessary.

2 Q. You also said that doors were closed when
3 necessary depending on odors, noise and litter?

4 A. Yeah.

5 Q. Now you're saying that provision, that
6 time frame just goes to noise, 4:00 a.m. to
7 8:00 a.m. just has to do with noise?

8 A. That's my -- I wasn't -- again, I wasn't
9 involved in the host negotiations but that's what I
10 was led to believe. I don't think it's necessary.

11 Q. So the doors could be open all of the
12 time?

13 A. Yeah.

14 Q. From your perspective?

15 A. No, that's not -- there are days when you
16 want to close the doors, there are times you want to
17 close the doors, but generally operators can make
18 that decision, and they don't have to be dictated
19 usually. That's a fairly simple decision that the
20 site manager can make.

21 Q. Do you know whether Groot, if it was
22 required to keep the doors closed all of the time
23 except when a truck was coming into the building and
24 except when a truck is leaving the building, would

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1 Groot accept that as a condition and agree to that,
2 do you know?

3 A. I do not know.

4 Q. I just want to make sure I understand it.
5 I apologize if I am duplicating something that has
6 already been asked. I want to make sure I
7 understand.

8 Materials, whatever the transfer
9 station might accept will not remain on the tipping
10 floor 24 hours a day or overnight when the facility
11 is unattended, correct?

12 A. Correct.

13 Q. But if you're operating 24 hours a day,
14 there can be materials on the tipping floor?

15 A. At some point the tipping floor will be
16 cleaned.

17 Q. When you say cleaned, do you mean waste
18 will be removed?

19 A. Waste will be removed and the street
20 sweeper will sweep the floor.

21 Q. How long does that take?

22 A. The street sweeping could probably be done
23 in 15, 20 minutes.

24 Q. So if you're operating -- strike that.

1 If Groot is operating 24 hours a day,
2 then the operations could very well be and is
3 intended to be an operation where there will be
4 waste on the tipping floor the entire day except for
5 about 15 or 20 minutes?

6 A. I think that mischaracterizes the intent.

7 Q. I am not mischaracterizing anything. I am
8 asking you a question, okay. So I am not
9 mischaracterizing anything.

10 A. Okay.

11 Q. I am asking you what you just testified to
12 and I want to understand it. So if I am not -- if
13 that's not correct, just say, well, here's what I
14 think. I don't think I am mischaracterizing it.

15 A. All right.

16 Q. I think you just said that if Groot is
17 operating 24 hours in a day, it will clear the
18 floor, everything will go into the transfer vehicles
19 and they will sweep the floor?

20 A. Correct.

21 Q. And you said, I think you said that takes
22 15 or 20 minutes?

23 A. I am guessing, yeah.

24 Q. After the 15 or 20 -- you don't know?

1 A. That's approximately.

2 Q. That's ballpark?

3 A. Yeah.

4 Q. After the 15 or 20 minutes then another
5 truck can come in and put waste on the tipping
6 floor?

7 A. Even less.

8 Q. Okay. It could be 10 minutes?

9 A. They have might have half the floor done.

10 Q. They could do half the floor and then once
11 they're done sweeping it, they could put waste on
12 that floor?

13 A. Yeah.

14 Q. So it could be clear for five minutes?

15 A. Yeah.

16 Q. So in that situation, when Groot is
17 operating, if it's permitted to do so, 24 hours a
18 day, there would be, could be, if it's decided,
19 waste on the tipping floor 24 hours a day minus five
20 minutes, 10 minutes, 15 minutes, 20 minutes,
21 something in that neighborhood, correct?

22 A. Not old waste, new waste, because we're
23 practicing this with first-in first-out, so it
24 wouldn't be waste that would be sitting there for 24

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1 hours, it would be sitting there for literally five
2 minutes.

3 Q. But my question I'm right?

4 A. The floor could be clean and then --

5 Q. The answer to my question is yes?

6 A. The floor could be cleaned and another
7 load could be put down, yeah.

8 Q. So the answer to the question is, yes,
9 that there could be waste on a tipping floor 24
10 hours during the day minus 5, 10, 15, even 20
11 minutes?

12 A. Theoretically.

13 Q. Tell us a little about the preapproval
14 process, what does that amount to?

15 A. It amounts to haulers that they enter
16 contracts with, involves familiarity training with
17 the site, the rules of the site, what waste can be
18 accepted, billing, financial information, safety
19 information. In this particular case it would also
20 include special, you know, rules about this
21 particular facility all of the drivers needs to be
22 aware of.

23 Q. The layout?

24 A. I am sorry?

1 Q. The layout?

2 A. Well, the layout is fairly easy, yeah,
3 they need to know their traffic, how they come in
4 and how they come out.

5 Q. Do they do background checks, criminal
6 background checks, anything like that?

7 A. No.

8 Q. Do they do any checks with whether there's
9 been any citations to a hauler for illegal dumping
10 or bringing material, inappropriate materials to
11 other waste facilities?

12 A. No.

13 Q. What was -- you listed four things that
14 were in the preapproval of haulers issue, and I
15 think I missed the first one. Approval of
16 contractors was it?

17 A. Well, it's the same, haulers, contractors.

18 Q. So there has to be --

19 A. They're using those interchangeably.

20 Q. But there's a contract?

21 A. Oh, yeah, there's an agreement.

22 Q. So what about the preapproval of the
23 hauler process addresses the issue of making sure
24 that only proper materials, waste, are brought to

1 the site?

2 A. You'd ask Lake Shore Disposal or somebody
3 like that to go through their process in training
4 other drivers. How do you train your drivers on
5 what are acceptable wastes? Every refuse truck
6 driver understands what's acceptable. Most people
7 now have it on their garbage cans or their cart of
8 what's acceptable and not acceptable. So the driver
9 would be trained to not pick up a 5-gallon bucket of
10 paint and leave it there and leave instructions on
11 how to safely dispose of it. The driver would be
12 trained not to pick up tires and go through that
13 list. The drivers are trained in what they can
14 accept and what they can't.

15 Q. Now, how do the trucks operate? My idea,
16 and correct me if I'm wrong, but the drivers in the
17 truck goes out, hooks up the truck to some sort of
18 collection container, and it just empties the
19 content of the container into the truck.

20 A. In the automatic loading, that's correct.
21 I don't know what the percentage of automatic
22 loading occurs within this county, but not all
23 trucks are loaded that way.

24 Q. What are the other operations?

1 A. Manual labor.

2 Q. So a driver will physically take a
3 container and empty it into the truck?

4 A. Correct.

5 Q. And so it's your understanding that that
6 provides the driver of the truck the ability to
7 monitor what goes into his or her truck?

8 A. More so, yes.

9 Q. More so if it's manual rather than
10 automatic?

11 A. Yes.

12 Q. Will any of the other witnesses testify
13 about what percentage of the trucks are automatic
14 loaders versus manual?

15 A. We can do some research and have our needs
16 expert ready for that.

17 Q. But right now nobody is going to testify
18 about that?

19 A. We're not planning on it, no.

20 MR. HELSTEN: I will answer that question
21 for you, Mr. Grossmark.

22 MR. GROSSMARK: Thank you.

23 BY MR. GROSSMARK:

24 Q. How did the information in the

1 application -- strike that.

2 How was it determined that there
3 would be three loads in a week that sort of
4 spot-checked for appropriate materials, who came up
5 with that number?

6 A. I did.

7 Q. What's the basis for that?

8 A. That's the standard that landfills use.
9 There are no standards for transfer stations, so I
10 adopted the most stringent that we know of. The
11 most stringent one is the one that's used in
12 landfills and that mirrors the landfill rules.

13 Q. If we used our imagination, could we come
14 up with a more stringent standard?

15 A. You know what, you could. I don't think
16 it's necessary.

17 Q. Why not?

18 A. Because my experience is at facilities.
19 And I just audited a facility three weeks ago that's
20 taking 4,000 tons a day and I went through two years
21 of inspections, didn't find nothing. I think I
22 found one or two loads over the course of those
23 several years. I think by in large the system is
24 working pretty well.

1 Q. What facility is that?

2 A. Winnebago landfill.

3 Q. Though you might not think it's necessary,
4 six a week would be better than three, you would
5 have more data, correct?

6 A. No, I don't think it's necessary. Just
7 more data doesn't necessarily mean better.

8 Q. Three is a good number?

9 A. I think three far exceeds the standard,
10 three far exceeds the state permitting requirements,
11 even if that material is in place, it poses no
12 threat to the environment whatsoever.

13 Q. How about twice a week, does that work?

14 A. The state says zero times a week works.
15 You exceeded the state requirements.

16 Q. Your opinion two, one or zero would also
17 work because the system is working so well?

18 A. What I said is that's the state law. What
19 I have done is to adopt the most stringent standard
20 in the state and applied it to a transfer station.

21 Q. But three is not necessary, two would work
22 as well?

23 A. I like three.

24 Q. Two would work as well, correct?

1 A. I am the engineer, I pick three.

2 Q. Do two work as well?

3 MR. HELSTEN: It's argumentative.

4 HEARING OFFICER LUETKEHANS: Objection
5 sustained.

6 BY MR. GROSSMARK:

7 Q. If this application were granted, would
8 Groot agree to more frequent spot checking six times
9 a week, three times a day, any other number besides
10 three a week, if you know?

11 A. I can't answer that. My recommendation
12 would be no.

13 Q. But my question is, do you know whether
14 Groot would accept more?

15 HEARING OFFICER LUETKEHANS: He answered
16 he can't answer.

17 MR. GROSSMARK: I didn't hear him.

18 HEARING OFFICER LUETKEHANS: That's fine.

19 BY MR. GROSSMARK:

20 Q. You can't answer?

21 A. That's what I said.

22 Q. Which employee at this proposed facility
23 would be monitoring the TV camera thing that's going
24 on?

1 A. Either the scale house operator or the
2 manager.

3 Q. And is that being looked at 24 hours a
4 day, seven days a week, assuming operation is that
5 frequently?

6 A. Yes.

7 Q. So somebody is always looking at that
8 screen?

9 A. Well, somebody has the screen in front of
10 them with the opportunity to view. They have other
11 functions. So if nothing is happening in the
12 transfer station, they're not -- even though it
13 might be open and operating.

14 Q. Good point. So if a truck comes in, that
15 screen will be viewed while there's something to
16 look at?

17 A. I can't say somebody is going to watch
18 that truck all the way through the facility, nor do
19 I believe it's necessary.

20 Q. So to watch what's coming in, it's at the
21 place where they're going to weigh the truck because
22 you have the TV camera there?

23 A. Well, that really helps the general
24 manager in concert with the other employees try and

1 understand whether there's a backlog occurring at
2 the scale. You're not going to be able to see much
3 of the contents of the truck, if any, at that
4 location.

5 Q. That's what the camera is for, to see if
6 there's a backlog of trucks?

7 A. Partially, yes.

8 Q. What's the rest of it?

9 A. Might be to see, locate employees.

10 Q. But it's not to look to see what's coming
11 in in a truck?

12 A. Not that particular, no.

13 Q. Are there other cameras?

14 A. There will be other cameras but they won't
15 be used for waste inspection.

16 Q. So the cameras are not being used for
17 waste inspection?

18 A. No. I mean, they can to a certain degree.
19 They will be able to pick out some big items, a
20 tire, but they're not going to be able to see a lot
21 of the smaller items.

22 Q. How does the person, the scale attendant
23 at the scale house, how does that person then
24 monitor what wastes are coming in in a truck that's

1 coming into the facility?

2 A. By the type of the truck and the customer.

3 For example, if it's a waste management vehicle,

4 waste management corporation vehicle, and it's a

5 front load truck, you have a pretty good idea what

6 its customer base is, you also have a pretty good

7 understanding it's a pretty well-trained fleet of

8 drivers. If it's a guy pulling a snowmobile trailer

9 with a tarp over it, I think you're going to -- the

10 normal process is to inquire a lot more about what's

11 underneath the tarp.

12 Q. And would then the scale attendant go in

13 and take a look?

14 A. Occasionally.

15 Q. Would the scale attendant take a look

16 every single time something like that came in?

17 A. Probably not, but there would be question,

18 they would be questioning the driver.

19 Q. Does the scale attendant ever go look in

20 the truck about which he or she might have a

21 question?

22 A. They should.

23 Q. So every time he or she might have a

24 question about what's coming in a truck, they at a

1 minimum will ask questions of the driver?

2 A. They should, that is correct.

3 Q. Well, that's the plan, right?

4 A. Yeah.

5 Q. That's what they're instructed to do,
6 correct?

7 A. That is correct.

8 Q. That's what they're trained to do,
9 correct?

10 A. That is correct.

11 Q. And then based on the information that
12 they get in response to the questions, then would
13 they possibly look at what's in the truck?

14 A. Yeah.

15 Q. Are there any other circumstances, other
16 than that, when they get information that makes
17 them -- that peaks their curiosity, they would go
18 look in the truck, any other situations when they
19 would look in the truck?

20 A. If they smelled something, if it was on
21 fire, smoldering, whether they saw obvious, you
22 know, prohibited materials sticking out, whether the
23 radiation detector went off, there's -- you know,
24 yes.

1 Q. Obvious prohibited materials sticking out,
2 what could that be?

3 A. Washing machine, a tire.

4 Q. And then the other two times that --

5 A. Landscape waste. I am sorry.

6 Q. It's going to take landscape waste, that's
7 not prohibited?

8 A. Right. But if it's commingled with
9 garbage, no good. It has to be segregated.

10 Q. So the other two opportunities to monitor
11 the waste to see whether they're appropriately
12 coming to the transfer station or not, is when the
13 front end loader operator is consolidating waste
14 materials and the excavator operator is loading a
15 transfer trailer, correct?

16 A. Correct.

17 Q. So those are the three examples, those are
18 the three times actually when the waste is monitored
19 at the site for appropriate waste being at the site,
20 correct?

21 A. Correct.

22 Q. How are employees trained?

23 A. Through a training program.

24 Q. Okay.

1 A. And refresher courses and brown bag
2 sessions.

3 Q. Could you provide us a little bit more
4 information describing the training program?

5 A. There's a classroom facility across the
6 street that Groot owns and uses to train its
7 drivers. Because of its proximity I would imagine
8 they utilize the same facility for training.

9 Q. Do you know what training Groot is going
10 to do of its employees for this proposed facility?

11 A. They're going to train them in the
12 operating plan that's in this application.

13 Q. But what are they going to teach them,
14 what are they going to tell them, do you know?

15 A. Yes.

16 Q. What is that?

17 A. It will be eventually the permit, if we're
18 successful in siting, and the permit will contain
19 provisions of the siting application. So when it
20 comes to hours of operation, how many times a day do
21 we have to patrol the grounds, how far do we have to
22 go to pick up litter, how many times do we have to
23 sweep, how many times do we have to do load
24 checking, all of the components of the operating

1 plan will eventually be put into a permit, and the
2 permit will dictate all of those things. So the
3 general manager and the employees will be trained in
4 it. There will also be a training on fire response.
5 They will hold a what do we do if we get a
6 smoldering load, where do we tip it? What if we
7 find a smoldering load in the transfer station? Do
8 we move it out, under what conditions? There will
9 be fire extinguisher training. You will move on to
10 all aspects of health and safety. This is the
11 personal protective equipment that we wear. This is
12 why we wear it. This is what it looks like. You
13 have to have this stuff on. If you're going to
14 touch the waste you have to have these kind of
15 gloves. There will be a whole -- all of those
16 components will be put together in a training
17 program.

18 Q. They will also train them about what
19 materials will be appropriately accepted at this
20 transfer station?

21 A. Sure.

22 Q. And what materials is not?

23 A. Sure. All of the employees will be
24 trained in that.

1 Q. They will be told what materials are and
2 given training on that?

3 A. Yes.

4 Q. That's going to be done in-house at Groot?

5 A. Yes.

6 Q. Do you know who does that at Groot?

7 A. I don't know who will at this facility,
8 but usually it's the site foreman.

9 Q. Do you know what training that person has?

10 A. I don't even know who the site foreman is
11 going to be here.

12 Q. Do you know what their educational
13 background is?

14 A. Generally it's -- I don't know their
15 educational background.

16 Q. Cleaning of the tipping floor and the
17 transfer trailer loading bays, that cleaning will
18 consist of sweeping every day, correct?

19 A. Well, street sweeping.

20 Q. Right. And then in addition, push walls
21 will be periodically cleaned with a pressure washer,
22 correct?

23 A. Yes.

24 Q. Do you know whether that's going to be

1 water or some other material as well?

2 A. It depends on the condition of the walls.

3 Q. And a disinfectant may be used within the
4 wash water to control odors, if necessary?

5 A. Yes.

6 Q. And I am reading from page 2.4-10.

7 You don't think that -- okay. Do you
8 know when they say push walls will be periodically
9 cleaned with pressure washer, do you know how
10 frequently that is?

11 A. Depends on how much use there is.

12 Q. And it could be once a week, it could be
13 once every six months, correct?

14 A. It could be once a week, it could be once
15 every four months, five months, depending on the
16 need.

17 Q. Groot could decide to pressure wash with a
18 disinfectant on whatever frequency it wanted to do
19 it, correct?

20 A. They could decide to do that.

21 Q. But you have no information that they're
22 going to do that once a day, once a week, some
23 frequent -- some frequency?

24 A. That's not my recommendation to them and

1 that's not what I put in the application.

2 Q. I am not sure I asked you that question.

3 The question is, they could decide to
4 do that if they chose to?

5 A. Sure.

6 Q. Do you know whether if they were told as a
7 condition if they got this authority to operate
8 this, to build and operate this, Groot gets siting
9 approval, that they would agree to some relatively
10 frequent pressure washing using the disinfectant
11 perhaps once a week or once every 10 days, not only
12 the push walls but the floor; do you know whether
13 they would agree to that?

14 A. I would recommend against it and I
15 don't --

16 Q. Could I have the question?

17 A. I don't know if they would agree, but it's
18 not necessary.

19 Q. You don't know that they would agree to
20 that?

21 A. No, I don't.

22 Q. You have no authority to agree with that
23 today?

24 A. I could tell you what is correct for the

1 design and operation. Pressure washing floors is a
2 mistake.

3 Q. Is a mistake?

4 A. Yeah.

5 Q. Why is it a mistake?

6 A. There's no reason to generate that kind of
7 water. The floors are perfectly cleaned with a
8 street sweeper which utilizes water in an vacuum
9 attachment as well as abrasive brush. Power washing
10 of floors makes no sense to me whatsoever.

11 Q. So the mechanical sweeping, the daily
12 mechanical sweeping is done how?

13 A. It's done with a street sweeper that
14 utilizes water in a vacuum attachment, the bushes
15 abrade the top, pick up the debris. There's water
16 in a vacuum that pulls out that grit, if you will.

17 Q. But it does not use a disinfectant of any
18 kind?

19 A. No.

20 Q. Would Groot agree to a condition that
21 defines that sweeping in that way, do you think?

22 A. That defines?

23 Q. Sweeping as you just defined it?

24 A. It's in the application.

1 Q. Where is it in the application?

2 A. With the mechanical street sweeper.

3 Didn't you just read it? What page was that on?

4 Q. Page 2.4-10, second line?

5 A. They will be mechanically swept daily.

6 Q. It doesn't say with a mechanical street
7 sweeper, doesn't it?

8 A. Let me --

9 Q. Well, let me ask you a question. Let take
10 back that question.

11 A. What else do you take mechanically to
12 mean?

13 Q. Well, I don't know because I am not an
14 engineer?

15 A. Okay.

16 Q. But do you think that the Board in this
17 case knows that that means that it would be swept
18 with a mechanical street sweeping device and
19 machine?

20 A. Well, that was my testimony.

21 Q. Well, it's not in the application,
22 correct?

23 A. But it was my testimony.

24 Q. Well, you said it was in the application

1 and it's not there, correct?

2 A. It is to me.

3 Q. It's there to you because you're an
4 engineer and you have had 30 years of experience in
5 this field, correct?

6 A. Yes.

7 Q. Let me ask you this question, the same
8 question I asked you before: Would Groot agree to a
9 condition that said that the daily sweeping would be
10 done by a mechanical street sweeper as you just
11 described?

12 A. Yes, because that's what our proposal is.
13 And I don't believe there's a necessity for a
14 special condition because it's within the
15 application.

16 Q. But they would not object to and would
17 agree to that kind of condition, right?

18 A. I can't speak to that. I don't know why
19 they wouldn't because we're proposing to do it. I
20 can't speak to it.

21 Q. You don't know whether they would agree to
22 that or not?

23 A. We're proposing already to do it.

24 Q. You don't know whether --

1 MR. HELSTEN: Asked and answered.

2 HEARING OFFICER LUETKEHANS: Sustained.

3 BY MR. GROSSMARK:

4 Q. How many years could it take to develop
5 and put into operation a municipal waste transfer
6 station?

7 A. I would say four to seven years. We have
8 been working on this five already.

9 Q. Why the range, why do something in seven
10 years if it can be done in four years?

11 A. Lawyers.

12 Q. Well, I am going to loft another soft one
13 for you to hit out of the park here. If it weren't
14 for lawyers, could you do it under four years?

15 A. Yeah, I think if it weren't for lawyers we
16 can do it.

17 It's not just the lawyers. Some
18 sites are more complicated than others. Some sites
19 need more time for public input. Some sites are
20 litigated more than others. There's several things
21 that are moving back and forth that really take that
22 window. I can't see it taking less than -- I can't
23 see it taking less than three to four years at the
24 best. And like I say, we're five years into this

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1 now.

2 Q. Thank you.

3 Good news and bad news, bad news I
4 might have a question or two, but the good news is I
5 only might have another question or two.

6 As I understood your testimony
7 earlier, and particularly Mr. Blazer was asking you
8 some questions, I think you said that in April of
9 2012 or earlier there were public meetings where
10 information was provided to the public about the
11 proposed transfer station?

12 A. Yes.

13 Q. And then by the time the application was
14 submitted, that was June of that year, June of 2012?

15 A. Yes, 2013.

16 Q. Oh, okay. This year?

17 A. Yes.

18 Q. The public meetings were February, March
19 or April of this year?

20 A. My recollection.

21 Q. 2013 approximately?

22 A. Yeah.

23 Q. And then the application was --

24 A. June.

1 Q. June of this year, 2013?

2 A. Correct.

3 Q. As I understand your testimony, the
4 decision went from operating 4:00 a.m. to 8:00 p.m.
5 Monday through Friday, 4:00 a.m. to noon on
6 Saturday, to 24 hours a day, seven days a week, as
7 far as what would be asked for. My question is,
8 what changed between the informational hearings that
9 the public attended to the submittal of the
10 application?

11 A. We, you know, it's more flexibility,
12 that's all. And I think that the characterization
13 that it's going to be 24/7 all of the time overlooks
14 when we say it's typically not going to do that.
15 What we want to do is be able to respond to the
16 needs of this community. If we get a big snowstorm
17 on Christmas Day and miss two days of pick up, we
18 want to be able to get the garbage away from
19 people's homes, and we're not going to be able to do
20 it possibly in the same time window.

21 Q. Can Groot come up with a list of
22 situations where it might be useful, helpful,
23 necessary not only to Groot, but to the community,
24 when it would be an idea to operate more than, for

1 example, 6:00 a.m. to 6:00 p.m. Monday through
2 Friday, 6:00 a.m. to noon on a Saturday?

3 A. Yeah, I could give you a few.

4 Q. Does Groot have enough experience and
5 history, including by using its consultants, to come
6 up with a list of those situations?

7 A. We could come up with a generic list.
8 They have been in business since 1914. We have
9 issues of snowstorms, we have issues of traffic
10 related construction issues, we have issues of
11 special events, we have issues of responding to
12 floods in certain areas, tornadoes, any kind of
13 extraordinary experience.

14 Q. Extreme weather?

15 A. Extreme weather. It might be, you know,
16 the county fair needs all of its stuff pulled
17 between 11:00 and 2:00 in the morning because you
18 can't go do it in the middle of the day. So there's
19 a long list of things that might trip that thing in.

20 Q. And you don't know as you sit here today
21 whether Groot could or would agree to less than 24/7
22 authorization to some hours each day 6:00 a.m. to
23 6:00 p.m. Monday through Friday, 6:00 a.m. to noon
24 perhaps on a Saturday, but then with a list of these

1 situations when Groot would operate outside of those
2 times frames, you don't know whether Groot would
3 agree to a condition like that, correct?

4 A. Not as I sit here.

5 MR. GROSSMARK: Sir, thank you very much.
6 I appreciate your time.

7 THE WITNESS: You're welcome.

8 MR. HELSTEN: Let's take a dinner break.
9 We will be back at 6:30, starting exactly at 630.

10 Mr. Clark, my guess is now we're the
11 probably not going to put Mr. Werthmann on tonight.
12 I am thinking you're going to drive part of it, but
13 I am assuming Mr. Helsten is going to have some
14 follow-up questions. I know I have a few very short
15 questions, just clarifications.

16 Go ahead, Mr. Clark, you had
17 something to say.

18 MR. CLARK: The Village may --

19 HEARING OFFICER LUETKEHANS: An Mr. Sechen
20 too. Let's plan on Mr. Werthmann starting first
21 thing tomorrow. If that helps schedule-wise for
22 everybody and keeps your expert from showing up
23 without any more reason.

24 And, Mr. Helsten, one thing we did

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1 talk about, and I will give you a heads up again, is
2 trying to give us -- I don't remember if you were
3 here when Mr. Porter was here, trying to give us a
4 handle on schedule for tomorrow sometime before we
5 leave. You don't have to do it now, but, you know,
6 how many you think we may get through, et cetera to
7 people can properly prepare.

8 MR. HELSTEN: Sure. That's fair.

9 HEARING OFFICER LUETKEHANS: Thank you.
10 See you at 6:30. Thank you very much for your time
11 and cooperation.

12

13 AND FURTHER DEPONENT SAITH NOT

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF L A K E)
3

4 Jennifer A. Lang, C.S.R., being first
5 duly sworn says that she is a court reporter doing
6 business in the State of Illinois; and that she
7 reported in shorthand the proceedings of said
8 hearing, and that the foregoing is a true and
9 correct transcript of her shorthand notes so taken
10 as aforesaid, and contains the proceedings given at
11 said hearing.

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Certified Shorthand Reporter



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