

FILED
McLEAN COUNTY, ILLINOIS

JAN 12 2024

Kathy Michael
COUNTY CLERK

In The Matter Of:

HENSON RECYCLING CAMPUS TRANSFER STATION

LOCAL SITING HEARING

Vol. 1

November 29, 2023

Area Wide Reporting and Video Conferencing

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2 TRANSFER STATION
3 LOCAL SITING HEARING
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15 Bloomington, IL
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30 McLEAN COUNTY BOARD IN ATTENDANCE
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1
2 (The time is 1:01 p.m.)
3 CATHERINE METSKER: I declare the public
4 hearing open. We will go to number two. That
5 would be the appearances of members of the public
6 on non-agenda item topics. Are there any members
7 of the public that would like to speak on a
8 non-agenda item?
9 Seeing none, we are going to move on to
10 new business, and that would be 3A, items
11 presented to the board for action. We will start
12 with 3(A)1. And that's appointment of a hearing
13 officer.
14 On August 18th, 2023, Lakeshore
15 Recycling Systems filed an application requesting
16 approval to site, permit, construct, develop and
17 operate a solid waste transfer station as defined
18 in Section 3.500 of the Illinois Environmental
19 Protection Act at the existing Henson disposal
20 property at 2020 Bunn Street
21 in Bloomington, Illinois.
22 Following the statutory period of
23 review, the county notified interested parties of
24 this committee's intent to conduct a hearing on

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1 the application.
 2 We will begin the hearing with item
 3 3(A)1, and that would be I need to entertain a
 4 motion to appoint attorney Derke Price to serve as
 5 the hearing officer for these proceedings. If
 6 approved, Mr. Price would not become a voting
 7 member of this committee, but will preside over
 8 the meetings. Is there a motion for appointing
 9 Derke Price as the hearing officer?
 10 **A VOICE:** So move.
 11 **CATHERINE METSKER:** I have a motion by
 12 member Cline. And I have a second by member
 13 Abraham. All in favor of having Derke Price as
 14 the hearing officer, say aye. (All said aye.)
 15 Opposed, same sign?
 16 That motion passes. Derke Price will be
 17 serving as the hearing officer for the pollution
 18 control committee during these proceedings.
 19 We will now move on to 3(A)2, and that's
 20 an application of the Lakeshore Recycling Center
 21 for approval of the solid waste transfer station
 22 at 2022 Bunn Street in Bloomington. With that, I
 23 am turning the public hearing over to Mr. Price.
 24 **DERKE PRICE:** Thank you, madam chair.

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1 **CATHERINE METSKER:** I want to interject.
 2 It looks as if member Wendt has arrived, so we
 3 have a new member that is present. Thank you very
 4 much. I'm sorry to interrupt. The floor is now
 5 yours.
 6 **DERKE PRICE:** Thank you again, madam
 7 chair. As the chair indicated, my name is Derke
 8 Price, I'm a local government attorney, and I am
 9 now appointed to serve as the hearing officer for
 10 this application to site a waste transfer station.
 11 A little bit of background for everybody
 12 participating. Or that's here that's interested,
 13 and about your opportunities to participate.
 14 This process is governed by a state
 15 statute; 39.2 of the Illinois Environmental
 16 Protection Act. And it's governed by the county's
 17 own siting ordinance which sets forth specific
 18 procedures we will also follow.
 19 Both of these can be found on line, as
 20 can the application and a lot of other good
 21 information at the Ecology Action Center's
 22 website.
 23 I encourage you to pull that up, look at
 24 it, and that can give you not only some answers,

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1 but maybe also spur some questions or comments
 2 from you.
 3 The procedures began with the filing of
 4 the application back on August 18th. And the
 5 statute sets out a process. There can't be a
 6 hearing sooner than 90, and we have to reach a
 7 decision by 180 days, with the county making a
 8 decision or the application is deemed approved.
 9 So we have a very tight window and we try to work
 10 as efficiently as possible in these settings.
 11 We are in the proper window. It's more
 12 than 90 days. And so we're going to be able to
 13 move forward in that respect.
 14 Again, the county must take formal
 15 action, and under its siting ordinance that
 16 process includes the following: When we're done
 17 here with the evidence of the hearing, there will
 18 be a point for public comment, oral public
 19 comment.
 20 Some people have signed up already to do
 21 that. There's a sign up list by the door. Julie
 22 will, from time to time, be by the door if you
 23 want to sign up to do that public comment.
 24 That public comment is different than

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1 the Open Meetings Act public comment that the
 2 committee is under, where that's required and
 3 there are rules around that about time limitations
 4 and so forth. Oral public comment does not come
 5 burdened with those same rules. So if you want to
 6 sign up, the sheet is over by the door. There's
 7 Julie, you can ask her questions. Public comment
 8 comes at the end.
 9 We begin with the sworn testimony
 10 because that's subject to cross examination, to
 11 testing, if you will. It's entitled to a greater
 12 weight than public comment. But public comment is
 13 important.
 14 When we're done with the oral public
 15 comment, and so put on the evidence, hear about
 16 the application. The interested parties, Republic
 17 Services is here, for example, they will put on
 18 their countervailing case. All that evidence is
 19 done. We will do the public comment for members
 20 of the public who want to do so. When that's
 21 concluded, that starts a clock of 30 days.
 22 In that 30 days, people will be able to
 23 submit written public, or written comment, which
 24 will be collected and gathered, become part of the

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1 record.

2 At the end of that 30 days, according to

3 the local siting ordinance, there is to be a

4 review session by this committee. That will

5 include final reports from staff. It will include

6 report and recommendation from me. They will take

7 that bundle of not only the record here, and all

8 the public comment, and all the recommendations,

9 site proposed findings of fact and conclusions of

10 law from the registered parties. They will take

11 all of that up. They will make recommendations.

12 Then the County Board will have to finally act.

13 And again, the County Board will have to finally

14 act by day 180, or the application is deemed

15 approved.

16 We are scheduled here for the next --

17 today, tomorrow and Friday from one to six. The

18 purpose is to try and get through the testimony

19 and whatever oral public comment there is.

20 One of the things you need to know is

21 that a transfer station is a pollution control

22 facility. And that's how it falls in the act.

23 The process involves notice to various parties.

24 The filing of the application. The examination

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1 period. And the comment.

2 One of the most important things you

3 need to understand is that the County Board is

4 sitting as a jury. The State of Illinois

5 recognized that pollution control facilities are

6 not without some disagreement about where they

7 should be. And so they set the criteria, the nine

8 criteria you will hear referred to throughout the

9 hearing. They set them in the statute.

10 And what the local jurisdiction, in this

11 case, the county, is determined to do, what

12 they're charged to do is be a finder of fact;

13 whether or not the criteria are met. In that

14 role, they're acting like a jury. And just as any

15 of you who have served on jury duty know, you

16 can't talk about the case in front of you while

17 it's pending. And so while you may be used to

18 talking to your County Board members about things,

19 whether a church or in the grocery store, you

20 can't do that. They are not allowed to talk to

21 you. They are not being rude or difficult. It's

22 not because some decision has already been made.

23 They are acting as a juror. And they are not

24 allowed to talk to you ex parte or outside of this

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1 proceeding. You can address them in your public

2 comment if you wish, but they can't engage in the

3 usual kind of conversation you might be used to

4 having with your elected officials about important

5 public business.

6 So I want to give everybody that

7 caution. They're not being rude. They're just

8 following the law to be an impartial juror in

9 making the findings of fact.

10 Because they have to make a finding of

11 fact based on the record that's put in, you have a

12 court reporter. There is, with all due respect,

13 no more important person here than the court

14 reporter because all of this is about the record

15 that is created and the decision made by the

16 County Board. And then it goes from here to down,

17 to Springfield, for review at the Pollution

18 Control Board. If there are appeals, they get

19 decided there and it's all based on the record.

20 So we're all going to speak deliberately and

21 slowly enough that it makes sense for the reporter

22 and we're going to take breaks throughout to make

23 sure that we don't have the reporter's hands

24 cramping up and that all is well.

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1 Up here in front of you are the parties

2 who have registered to be as parties. That is,

3 that they are going to put on evidence. They are

4 going to subject themselves to cross examination.

5 That clearly includes the applicants to my right.

6 Republic Services to my left. In addition to

7 those, to an automatic seat at the table, if you

8 will, is county staff. County staff has already

9 submitted some preliminary review of the

10 application. And that's all it is, is preliminary

11 review. You can find those reports on-line as

12 well. They are going to become part of the

13 record. I will accept them in a minute. But,

14 they are subject to being examined if that's what

15 any of the parties want to do.

16 And also then another party is the

17 County Board itself. They will act through the

18 State's Attorney, Mr. Sierra, to ask their

19 questions if they have them. And so you will see

20 in the procedures that we will begin with the

21 applicant. They will put on a witness. It will

22 be a narrative form. It's not like court where

23 you have to ask a lot of questions. The standard

24 here is fundamental fairness. The rules are a

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1 little more relaxed, so we typically allow more of
 2 a narrative form where the witness tells a story.
 3 Uses a power point. When the witness is done with
 4 their direct testimony, they are subject to cross
 5 exam.
 6 We will begin with Miss Manning and
 7 Republic. Then after that, since they are the
 8 only registered party, any questions from staff
 9 would be handled; if there are none, look to the
 10 County Board to see if they have any questions.
 11 After those are addressed, there will be an
 12 opportunity for redirect by the applicant's
 13 attorney. Recross within the scope of any
 14 redirect by then Miss Manning and any further
 15 follow-up questions. And that witness is done,
 16 and we move on to the next witness and the next
 17 set of criteria and so forth.
 18 Public comment, you're not going to be
 19 subjected to cross exam. You get to stand up,
 20 present your position. Gets recorded in the
 21 record. And it's part of what is all bundled up
 22 and considered ultimately by the County Board.
 23 We ask that you sign up just to make
 24 sure that we make time for everybody 'cuz if we

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1 need more time we've scheduled another day at the
 2 end of next week if we need more time for public
 3 comment. We're just trying to do that for
 4 logistics. It's not designed to intimidate
 5 anybody or scare you away. But we do want you to
 6 sign up if you are interested in giving public
 7 comment.
 8 And again, that will be at the end and
 9 we'll try and keep track on that. Now, if there's
 10 somebody here who absolutely can't be here, let's
 11 suggest starting the end of tomorrow or Friday,
 12 which is the most likely candidates for public
 13 comment, please see me during a break and we will
 14 try to make some accommodation for you, depending
 15 on the length of what you anticipate saying.
 16 Again, the standard here is fundamental fairness.
 17 We want to give as much opportunity to the public
 18 to participate as possible within the framework
 19 setup by the State of Illinois, which is we do
 20 have to get the county to a position to be able to
 21 make a decision within the time frame that is set
 22 up in the statute.
 23 Again, then, after the close of all
 24 this, the close of the 30 days of written comment,

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1 there will be things bundled up and then more
 2 proceedings and those dates will be on the website
 3 I'm sure. It begins with this committee gathering
 4 its evidence, making a recommendation to the
 5 County Board, and then at a County Board meeting
 6 the formal determination of the decision on the
 7 application.
 8 One thing that I want to remind
 9 everybody about, it's often misunderstood. Is
 10 that there's plenty of good law that the County
 11 Board, each member, is entitled to rely on the
 12 record. Again, there's that 30 day period where
 13 things are being sent in as written public
 14 comment, and that's plenty of opportunity for
 15 County Board members who may not be physically
 16 present here to read the record.
 17 So, those of you who might be distressed
 18 by the fact that a particular County Board member
 19 is not present, that doesn't make the proceedings
 20 unfair. They have the opportunity to read the
 21 record. It's recognized that they can do so and
 22 still be informed sufficiently as a juror to make
 23 the decision on the application.
 24 So with that, I'm going to begin doing

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1 my job about shepherding the record, if you will,
 2 in this case.
 3 So the record includes as Exhibit 1 the
 4 application itself. You can look up at the
 5 tables, you will see these monstrous white
 6 notebooks with three ring binders. That is the
 7 application. It includes supplemental materials
 8 and information, including the mailing affidavit
 9 for notice, the mailing list. In addition to
 10 other supplemental information, including the
 11 receipts for the mail.
 12 Those things are all hereby entered in
 13 the record as Exhibit 1.
 14 Further, as part of entering them into
 15 the record as Exhibit 1, it includes the host
 16 agreement, which was negotiated between the county
 17 and the applicant. It also includes the disposal
 18 utility agreement with the City of Bloomington,
 19 which is part now of the record. The mailing
 20 affidavit and address list, receipts, proof of
 21 publication and the siting ordinance. Those are
 22 all here.
 23 I also find that the siting ordinance
 24 with all of its opportunities for public comment

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1 is fundamentally fair, and therefore we're going
 2 to follow it.

3 There's one other piece of notice
 4 business. The county, under the siting ordinance,
 5 is charged with sending out some notices and
 6 getting proof back. So I'm going to turn to Mr.
 7 Sierra for the moment and ask, do you have the
 8 notice documents for what the county sent out?
 9 **MR. SIERRA:** Yes, hearing officer. The
 10 County sent notice of this public hearing to the
 11 Illinois EPA headquarters, and the state senator
 12 and the representative to the General Assembly for
 13 the jurisdiction in question. As well as notice
 14 to the Bloomington City Council as they are an
 15 adjoining municipality to the property in
 16 question. I would submit those return receipts as
 17 Exhibit 2.

18 **DERKE PRICE:** All right. So we'll put
 19 those in the record as Exhibit 2. Those are
 20 coming in.

21 As Exhibit 3, group Exhibit 3, these
 22 will be the printed versions of what's on the
 23 website right now. Again, these are only
 24 preliminary, but they are in the record and

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1 subject to further testing. Those are the
 2 preliminary reports of staff, from Mr. Lay from
 3 the regional planning commission, Mr. Stokes from
 4 the highway department, Mr. Anderson from the
 5 health department, Mr. Dick from the department of
 6 building and zoning, and Mr. Brown's report from
 7 the Ecology Action Center. So those reports are
 8 entered as group, preliminary reports, are entered
 9 as group Exhibit 3.

10 Those are made a part of the record.
 11 Now, at this point I know from correspondence from
 12 registered parties, you may want to interpose an
 13 objection for the record, Ms. Manning, and I will
 14 explain how we move on from here. Do you want to
 15 do that now?

16 **MS. MANNING:** I'm happy to do that now.
 17 Good afternoon. Chairman Metsker, members of the
 18 County Board, First Assistant State's Attorney,
 19 Hearing Officer Derke Price, and opposing counsel.
 20 I'm here on behalf of Republic Services
 21 who has done, as you know, waste services for the
 22 county for many years, and they are of course
 23 interested in this proceeding. I've had a lot of
 24 experience in the delivery of waste services and

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1 environmental law, and particularly the siting
 2 process.

3 We looked at all of the notices that
 4 have been filed with the board. We have looked
 5 carefully at the siting application. And the
 6 siting application, as you know, follows the
 7 siting application that was filed by Henson
 8 Disposal about three years ago. Three years ago
 9 when that application was filed, we sent a letter
 10 to the then County Board chair McIntyre and to the
 11 then State's Attorney's Knapp. And we indicated
 12 that we believed that the county did not have
 13 jurisdiction because the setback in the notices
 14 were not proper.

15 We believe that those flaws are still
 16 inherent in this application. We have a new
 17 letter that we're going to present to you today.
 18 And I'll make that exhibit, whatever hearing
 19 officer, I'm not sure; are we at exhibit 6?
 20 **DERKE PRICE:** Four.

21 **MS. MANNING:** Four. I will make that
 22 exhibit, Exhibit No. 4. But, I will kind of go
 23 through in summary fashion what our argument is as
 24 to why the notices and the setbacks have not been

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1 met with this application. And understand, on
 2 appeal, these are jurisdictional issues. The
 3 Pollution Control Board on review, the courts on
 4 review, will find the county board's decision null
 5 and void if there has been any erroneous notice
 6 and any erroneous setbacks.

7 The problems relate primarily that the
 8 applicant inappropriately relies on parcels and
 9 boundaries that are not yet legally established or
 10 recognized by the McLean County recorder of deeds
 11 or the McLean County assessor's office.

12 The parcels that the applicant has
 13 identified in its application as parcels number
 14 21-15-151 and-121; secondly 21-15-151-022; and
 15 21-15-151-023 can not be found by a search through
 16 the McLean County records. While notice of
 17 recording and plat of survey are contained in the
 18 application, such documents do not describe or
 19 legally create an existing real estate property.
 20 Thus, the only property line, lot line,
 21 that exists for purposes of this application, is
 22 the line that create the boundary of the entire
 23 existing property. Referred to in the application
 24 as the 45 acre Henson Recycling Campus, or

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1 shorthanded, HRC.
 2 The fiction created in this application
 3 was recognized in one of the county department's
 4 preliminary staff report, which criticized
 5 Criteria 2 discussion in the application as
 6 confusing since it implies the lot exists, when it
 7 does not.
 8 Now the reason this is so important, and
 9 this flaw is fatal, is that Section 39.2B of the
 10 act specifically and explicitly needs to be
 11 followed. And it says, no later than 14 days
 12 before the date on which the County Board or
 13 governing body of the municipality receives a
 14 request for site approval, the applicant shall
 15 cause written notice of such request to be served
 16 either in person or by registered mail, return
 17 receipt requested; now, this is the important
 18 part. On the owners of all property within the
 19 subject area not solely owned by the applicant,
 20 and on the owners of all properties within 250
 21 feet in each direction of the lot line of the
 22 subject property. Said owners being those persons
 23 or entities which appear from the authentic text,
 24 and I won't go on.

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1 But as noted by the McLean County
 2 Department of Public Health, the only relevant lot
 3 line at this time, and this is what the court will
 4 recognize too, the only relevant lot line is the
 5 lot line of the entire parcel, because there's no
 6 other lot line.
 7 This can not now be rectified because
 8 those were prehearing notices that had to be given
 9 in advance of the hearing. And there is much,
 10 much law on this and I cited a case in my letter,
 11 a case that's very much on point that threw out
 12 and voided the county board's decision as a result
 13 of not -- they did exactly what the company is
 14 trying to do here; they tried to create a small
 15 parcel within a large parcel. And the court said
 16 no, no, no. You have to look at the entirety of
 17 the parcel.
 18 The application as to setbacks, in my
 19 mind, also mischaracterizes the access road to the
 20 facility that runs off of Bunn Road in section
 21 2.521 of the application. And we'll get into this
 22 when I talk to Mr. Hock. That section states
 23 that, quote, "the access road for the facility
 24 will be at the end of HDI Court, which will be a

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1 public street."
 2 However, that statement can not be
 3 verifiable support for the application right now
 4 because there's no such public street.
 5 As stated above, a final plat of the
 6 subdivision has not been approved nor recorded and
 7 therefore no steps have been taken to obtain
 8 county approval of that road as being a public
 9 road.
 10 In Section 2, sheets five and six refer
 11 to the access road and the conceptual facility not
 12 as they are today, but how they might be in the
 13 future. This is not appropriate support that
 14 statutorily required notice and setbacks have been
 15 met.
 16 Similarly, Section 22.14A of the act
 17 contains setback criteria also jurisdictional
 18 prohibiting the establishment of any waste
 19 transfer station located less than 1,000 feet from
 20 the nearest property zoned for primarily
 21 residential uses. Or within 1,000 feet of any
 22 dwelling, except in counties of at least three
 23 million inhabitants, which of course is not
 24 relevant here.

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1 In an obvious effort to place the waste
 2 transfer station outside the setback, i.e. more
 3 than 1,000 feet from the trailer park, the
 4 applicant filled in a portion of the lakes at the
 5 eastern end of the property. Having done so, and
 6 again we'll get into this in testimony; having
 7 done so, apparently without authority, it now
 8 faces an ongoing enforcement action against it by
 9 the Illinois EPA. Again, we'll get into this in
 10 testimony.
 11 While the application identifies an
 12 approximately 3.09 acre area as the site of the
 13 facility, under Illinois Pollution Control Board
 14 regulation site means the quote, "location, place
 15 or tract of land used for waste management." And
 16 it may include one or more units. In reviewing
 17 the proposed site in relation to required
 18 setbacks, we believe that the county should
 19 recognize that the entrance from Bunn Street, the
 20 only existing public access to and from the
 21 proposed waste transfer station, as well as the
 22 planned road to the waste transfer station, is
 23 part of the site for purposes of siting. And for
 24 purposes of setback.

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1 We question the propriety of
 2 establishing a public road for the purpose of
 3 traffic to and from the proposed waste transfer
 4 station on property that is now currently and
 5 wholly owned by the applicant.
 6 Finally, any anticipated
 7 interrelationship between the proposed waste
 8 transfer station and the existing waste management
 9 units at HRC further bolsters our assertion that
 10 the entire HRC site, not the proposed 3.09 acres,
 11 must be considered for statutory notices and
 12 setbacks.
 13 In other words, the line needed to be
 14 drawn 250 feet around the property for purposes of
 15 notice, and 1,000 feet around the entire property
 16 for purposes of setback. And we believe that is
 17 authorized by law. Justified by law. And we are
 18 aware that certain owners of property within that
 19 area were not notified. And particularly, we know
 20 that the owner of the trailer park was not
 21 notified of this proceeding. And there was no
 22 certified green card in this proceeding for that.
 23 And we do have someone that's ready to testify to
 24 that, should we need her.

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1 So I thank you for your attention.
 2 Jurisdictional is one aspect. I recognize we may
 3 move forward with this. I do believe that if we
 4 move forward, we're going to still have these
 5 jurisdictional arguments.
 6 So I would also like to say that in
 7 terms of the substance of this proceeding, we are
 8 very interested, we are a very interested party,
 9 but it's not Republic Services that has the burden
 10 of proof before the county in terms of this
 11 criteria. It's the applicant that needs to show
 12 on a manifest weight of the evidence standard that
 13 each of the criteria are being met. I don't
 14 really think we need to go there because I
 15 honestly think that we have no jurisdiction to
 16 move forward. I thank you for your time and
 17 appreciate your attention.
 18 **DERKE PRICE:** Thank you, Ms. Manning.
 19 Mr. Mueller, it's George Mueller, I didn't
 20 recognize his name, but is the attorney for the
 21 applicant. Would you like to address the
 22 objection at this time?
 23 **MR. MUELLER:** Mr. Price, my co-counsel,
 24 Rich Guerard, will address this objection.

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1 **DERKE PRICE:** Very good. Mr. Guerard.
 2 **MR. GUERARD:** Good morning everyone.
 3 And as George has said, I'm co-counsel for the
 4 applicant. And I'll make a quick response. We do
 5 have a written response that we'll file to it with
 6 more detail or more information.
 7 **DERKE PRICE:** That would be Exhibit 5.
 8 **MR. GUERARD:** So, but respectfully, I
 9 believe that Counselor may have some
 10 misinformation as to what's happened, because as
 11 she has said that under the Pollution Control Act
 12 there's a requirement of notice in a
 13 pre-application hearing of at least 250 feet, but
 14 no more than 400 feet, and the term that's used in
 15 the statute is lot line. And there is no
 16 definition of lot line in the statute.
 17 So, the Illinois case law, all of it
 18 would say to use the ordinary meaning of lot and
 19 lot line. But more specifically, there is a lot
 20 line in that property. And it was measured from
 21 the lot line. And it was in excess of 250 feet
 22 from that. As opposed to what she said, there is
 23 an assessment plat that was filed and recorded.
 24 And it's on the back of my application. We have a

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1 memorandum. We have another notice where we can
 2 show it. But it was filed and recorded in the
 3 recorder's office in McLean County. It was
 4 delivered to the assessor. The assessor entered
 5 it in their assessment records and on their
 6 assessment map. And the assessor issued it a
 7 unique pin number. So it has its own pin number.
 8 And in fact, on the face of the assessment plat
 9 accepted by the assessor it's lot one, facility
 10 site 3.09 acres. And it's the exact same parcel
 11 that we're talking about.
 12 The act itself defines a site and
 13 defines a facility, but it does not define lot.
 14 And I've got here four different dictionary
 15 definitions of a lot, which is a parcel, or a part
 16 of a property. And the Illinois Supreme Court has
 17 used the same type of definition. There's only
 18 one Illinois case that I'm aware of that discusses
 19 the actual lot line distance with a pollution
 20 control case.
 21 And that is a case where a company filed
 22 for a transfer station or recycling station, and
 23 it missed two of the people that it needed to give
 24 to within 250 feet of the lot line. And what it

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1 attempted to do was measure the 250 feet from the
 2 facility. So, a point inside the lot line to try
 3 to get over the issue that they had not done it
 4 from 250 feet of the lot line.
 5 And the court said in that case that no,
 6 what the lot line is, is what is in the assessor's
 7 authenticated record. And in their -- on their
 8 tax map. And in fact, that's what we have. And
 9 that's what we've done. And it has a pin number
 10 and it's on the county GSI maps separated all as a
 11 lot.
 12 So, there is no requirement in the
 13 Pollution Control Act that it be a subdivided lot
 14 under the Plat Act of Illinois. It just needs to
 15 be a lot from a lot line, which is in fact what we
 16 have. So that's one whole issue. We do have
 17 that. And it conforms with the only case in
 18 Illinois that discusses it on this type of matter.
 19 Secondly, I wanted to address the
 20 preliminary plan. We have presented the
 21 preliminary plan to the county and -- to McLean
 22 County. And it has been approved by the board.
 23 And we have the approved plan. And it was
 24 recorded. And it's lot three in the approved

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1 plan, and preliminary plan, and it has the same
 2 identical legal description as lot one in the
 3 assessment plat. And under the county
 4 regulations, when you have your preliminary plan
 5 that's been approved, it then becomes a
 6 ministerial act that under your county ordinance,
 7 the plat act, the plat officer signs the plat if
 8 it's in substantial conformance with the
 9 preliminary plan. He then signs that final plat.
 10 So the final plat has been prepared and submitted
 11 to the county for comments. And we are going to
 12 be recording the final plat. We will be doing
 13 that and it will be Lot 3 of the final plat.
 14 And if the committee decides or the
 15 County Board decides, they could make it as a
 16 condition. But that is going to happen. We have
 17 all of the Government approval that we need by the
 18 board has been passed for that preliminary plan
 19 and it's recorded.
 20 So, and then the final aspect of it is
 21 that as I said before, none of this has to be a
 22 subdivision plan. We have a lot. And the common
 23 meaning of what that lot definition would be, we
 24 have. And it's from the lot lines. So, we have a

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1 metes and bounds description. We have a lot one
 2 description in the assessment plat that is
 3 recorded. We have a lot three lines from the
 4 preliminary plan that's also recorded. That's
 5 going to be filed by a ministerial act.
 6 And then I guess finally we should say
 7 that the village, I'm sorry, the City of
 8 Bloomington has reviewed it and they have attached
 9 it, the preliminary plan, as an exhibit to the
 10 host agreement that we have with -- I'm sorry; not
 11 the host agreement. The utility agreement that we
 12 have entered into with the City of Bloomington to
 13 provide permit utilities, city utilities to this
 14 property.
 15 So, under three different aspects, we do
 16 have lot lines in the assessment plat in
 17 conformance with what the only case in Illinois
 18 says we should do. We do have lot lines from the
 19 preliminary plan that's been approved by the
 20 county. And we have lot lines in the plans in the
 21 host to the Bloomington city agreement which has
 22 been recorded.
 23 So, we feel that this was maybe an issue
 24 left over from three years ago when the letter

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1 that counsel refers to was filed. But at that
 2 time these things hadn't happened. We didn't have
 3 lot lines. It's not a relevant situation to what
 4 the facts are today. So we'll submit the written.
 5 And then as counsel mentioned with the
 6 entrance, obviously we respectfully disagree with
 7 her. That is going to be a public right-of-way.
 8 It's a public street. The Bloomington city host
 9 agreement provides for public utilities to go
 10 through that street. But as she stated, we'll
 11 address that when Mr. Hock testifies. And if
 12 there's cross examination, we'll have an
 13 opportunity to discuss specifically what those
 14 issues may be. So, we'll ask to just put that
 15 aside.
 16 So, thank you for your time. Hopefully
 17 I didn't take too long.
 18 **DERKE PRICE:** All right. So here's what
 19 we're going to do. Thank you, Mr. Guerard. So
 20 we've got for the members of the County Board, and
 21 the members of the committee, so you have the
 22 jurisdictional objection and a response. That's
 23 going to be made a part of the record. That will
 24 be something the county will take up with the

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1 advice from the State's Attorney's office when it
 2 gets around to making its decision. The committee
 3 will take it up, make a recommendation to the
 4 County Board, and the County Board will decide.
 5 But that's a decision that's reached on this legal
 6 issue with advice from your counsel, which is the
 7 State's Attorney's office.

8 So, we're going to take that. That's
 9 made a part of the record. That will be a task
 10 for you as part of your decision making; whether
 11 you have jurisdiction. And then if you find you
 12 do, then you go on to the siting of the nine
 13 criteria are met.

14 And if you decide that they don't, you
 15 may on advice of your counsel decide to make a
 16 proof of what your findings are otherwise. But
 17 that's for later. We're about now to move to the
 18 hearing, unless there's any other preliminary
 19 matters or filings that I need to enter into the
 20 record before we get started?

21 Ms. Manning made a bit of an opening
 22 statement a little bit with regard to her, does
 23 the applicant wish to make any sort of opening
 24 statement?

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1 **MR. MUELLER:** We do, Mr. Price.
 2 **DERKE PRICE:** All right, Mr. Mueller,
 3 you have the floor.
 4 **MR. MUELLER:** The jurisdictional issues
 5 raised by Claire Manning, and you'll forgive me if
 6 I inadvertently call her Claire because she and I
 7 actually have co-counseled on work together so
 8 we've known each other a long time. But those
 9 issues are not going away.

10 They are ultimately going to be decided
 11 by the Pollution Control Board, and then by the
 12 appellate court, which is the next level of
 13 review.

14 And that's relevant because this is the
 15 first step in a lengthy process, and we need to --
 16 the applicant needs to prevail at each step.

17 So, it's not just the county that has
 18 the final word on this. Then it's the Pollution
 19 Control Board. And then it is the appellate
 20 court.

21 We're confident that we can do that.
 22 And in referencing the application that was filed
 23 and withdrawn several years ago, a number of
 24 important things have changed.

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1 First of all, the ownership of the site
 2 has changed. Lakeshore Recycling, an independent
 3 operator out of Northern Illinois, with the
 4 majority of its assets in Illinois, is now the
 5 applicant, and will be the operator of the site.

6 Secondly, we have updated the siting
 7 application to include elements that weren't there
 8 originally. For example, we now have laid out the
 9 benefits to McLean County, and to the service area
 10 from adopting this proposal, and approving this
 11 transfer station. Mr. Hock will talk about those
 12 benefits in due course.

13 Thirdly, we have subdivided the
 14 property. And I'm not going to belabor that
 15 because Mr. Guerard has already explained it. All
 16 I'm going to say is, the county has given us our
 17 own parcel ID or pin number. And that is the
 18 parcel ending in 022. I was able to find it on
 19 the GIS mapping system, so I know it's there. And
 20 the fact that Ms. Manning couldn't find it, I
 21 can't explain. But we have issued from the
 22 assessor a unique pin number for the 3.09 acres.

23 Now, you've heard or we have seen that
 24 there has been some disinformation about this

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1 proposal circulated by e-mail, by robo calls, and
 2 otherwise.

3 All we're going to ask is that you
 4 listen to all of the evidence before making a
 5 decision. The information that is circulated is
 6 simply not true. And it is in fact
 7 disinformation, which seems to be something that
 8 we get a lot of these days in this country.

9 But in any event, please listen to the
 10 evidence. Because what you're going to learn in
 11 hearing evidence on each criteria is that this
 12 will be a fully enclosed transfer station, which
 13 is swept broom clean every day. It will result in
 14 de minimus additional truck traffic. And the net
 15 effect on traffic is going to be that it will
 16 reduce wear and tear on local roadways.

17 So, we think the site is going to be
 18 safe, clean. Issues about odors and trash aren't
 19 applicable to modern transfer stations. You know,
 20 we had to demonstrate already to the regional
 21 airport here that we would be compliant with
 22 modern standards in order to be an enclosed
 23 transfer station that does not create wildlife
 24 hazards for the airport. They're satisfied.

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1 I trust that when you hear all of the
 2 evidence, you likewise will be satisfied that this
 3 facility is in the best interests of the public
 4 health, safety and welfare.
 5 With that, you're not here to listen to
 6 me so I'd like to proceed with the evidence.
 7 **DERKE PRICE:** All right. Call your
 8 first witness.
 9 **MR. MUELLER:** We will call John Hock.
 10 And while he's getting ready, Mr. Price, we have
 11 his hard copies of his power points, which I would
 12 like to share with everybody. And also while it's
 13 typically done in these siting hearings, probably
 14 we'll have to ask leave to proceed with power
 15 points and in more of a -- less of a question and
 16 answer, and more of a direct presentation fashion.
 17 **DERKE PRICE:** The leave will be granted.
 18 Again, the standard is fundamental fairness, and
 19 the narrative form will be helpful to all to get a
 20 better understanding. The power point for Mr.
 21 Hock will be marked as Exhibit 6.
 22 Madam Court Reporter, would you please
 23 swear in the witness.
 24

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1
 2 **JOHN HOCK,**
 3 called as a witness, after having been first duly
 4 sworn, testified as follows:
 5 **DERKE PRICE:** You may proceed.
 6
 7 **EXAMINATION BY**
 8 **MR. MUELLER:**
 9 Q. Thank you. Would you state your name,
 10 please?
 11 **A. John Hock.**
 12 Q. Mr. Hock, what is your profession?
 13 **A. I'm a vice president with Civil and**
 14 **Environmental Consultants.**
 15 Q. And are you a licensed professional
 16 engineer in Illinois and other places?
 17 **A. Yes. I'm a professional engineer in**
 18 **Illinois and five other states.**
 19 Q. All right. Were you responsible for the
 20 preparation of the needs and plan consistency
 21 sections of the application on file?
 22 **A. Yes.**
 23 Q. And did you prepare a power point
 24 presentation today that summarizes and highlights

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1 that, those sections in the report?
 2 **A. Yes.**
 3 Q. And are you ready to proceed with that
 4 power point presentation, which I see up on the
 5 board in front of us entitled Henson Recycling
 6 Campus Transfer Station Local Siting Hearing
 7 Overview and Evaluation of Criteria 1 and 8?
 8 **A. Yes.**
 9 Q. If you would proceed, please.
 10 **A. So by way of introduction, again my name**
 11 **is John Hock. I have a bachelor's of science**
 12 **degree in chemical engineering from The Ohio State**
 13 **University.**
 14 **As I mentioned, I'm a professional**
 15 **engineer, not only in Illinois, but in five other**
 16 **states. And Civil Environmental Consultants,**
 17 **again give you a little context, we have about**
 18 **1,400 employees in about 29 cities. We're**
 19 **predominantly a Midwest company and we have an**
 20 **office based in Naperville.**
 21 **With CEC, I have served as the solid**
 22 **waste practice lead for the corporation. I've**
 23 **also been the office lead for our Naperville**
 24 **office. I'm a member of the National Waste and**

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1 **Recycling Association.**
 2 **I have over 36 years of experience in**
 3 **the solid waste business, both from the industry**
 4 **and consulting perspective. I have been involved**
 5 **with the development of a large variety of solid**
 6 **waste management facilities, with particular**
 7 **expertise that I have developed in the recent**
 8 **years with the design and permitting of transfer**
 9 **stations.**
 10 **And I have actually been the principal**
 11 **engineering witness at the local siting hearing**
 12 **for four other transfer stations.**
 13 **So before I get into the presentation, I**
 14 **do want to give a little background on the**
 15 **applicant. Which again, is Lakeshore Recycling**
 16 **Systems.**
 17 **They were founded over 20 years ago in**
 18 **the Chicagoland area. Actually up in Morton**
 19 **Grove. And they are really a recycling and**
 20 **hauling company that has expanded into having**
 21 **transfer stations and landfills over time.**
 22 **They currently have over 2,000 employees**
 23 **at approximately 60 locations. Mr. Mueller had**
 24 **mentioned the majority of their assets are**

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1 Illinois and specifically the Chicagoland area,
 2 but they do have assets in throughout the Midwest
 3 now. They remain privately owned. And they are
 4 the owner of Henson Disposal LLC.
 5 As I mentioned, they really specialize
 6 in residential and commercial waste collection and
 7 transfer. They are very big on recycling. Again,
 8 that's how they really started in the business.
 9 Especially with construction and demolition
 10 debris, which is partially why the acquisition of
 11 Henson was a very good match.
 12 They also offer portable restroom
 13 services. Street sweeping services. They have
 14 now expanded and have their own single stream
 15 recycling processing facilities. And those are
 16 the facilities that for all of the recyclables
 17 that we all put out at the curb in our separated
 18 bin. Those recyclables are typically all mixed
 19 together; so the cans, the bottles, the plastic,
 20 the newspaper and such. They have facilities that
 21 will pull those pieces apart into their component
 22 pieces so the paper is all together, the glass is
 23 all together, and then they send them off to the
 24 respective recycling facilities for further

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1 processing.
 2 And then they also do have solid waste
 3 disposal. And in Illinois they do own a landfill
 4 in Atkinson, Illinois.
 5 So the site that's already been talked
 6 about, it is a 3.09 acre parcel. It's located
 7 within unincorporated McLean County. On the
 8 screen is actually a map of the approximate
 9 location. So it's basically south of Veterans
 10 Parkway. Just south of kind of the south central
 11 part of the City of Bloomington.
 12 The figure up now shows the location of
 13 what we will call the Henson Recycling Campus,
 14 which is the approximately 42 acre property that's
 15 shown in yellow up on the screen. The 3.09 acres
 16 is shown in red hatched on the screen. And in
 17 terms of the existing operations, we've mentioned
 18 it is the area's only general construction or
 19 demolition debris recycling facility. So again,
 20 it's where construction and demolition debris is
 21 brought in. The recyclable pieces are removed
 22 from the overall material, broken into their
 23 component parts and sent off for recycling.
 24 They have will a woody waste mulching

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1 and recycling operation, which is where tree
 2 branches, stumps and similar yard waste is brought
 3 in. It's then actually ground up. Can be colored
 4 if desired by a customer. And then it's sent off
 5 as mulch. Predominantly in the Bloomington Normal
 6 area.
 7 There's also a concrete recycling
 8 operation. So again, chunks of sidewalk, streets,
 9 curbs, those type of materials are brought in.
 10 They are crushed. They are screened. And then
 11 sent back out as a saleable product, as an
 12 aggregate.
 13 And then there's also a concrete batch
 14 plant that's operated by Roanoke Concrete. And
 15 they even have a recycling component to their
 16 operation. Where the leftover concrete, again
 17 they are the type of company who will bring
 18 concrete out, pour it for driveways, streets,
 19 whatever it is. If there's leftover concrete,
 20 they will bring that back, and they will recycle
 21 that material as well.
 22 So with all of these recycling
 23 operations going on, that is why we call it the
 24 Henson Recycling Campus.

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1 The transfer station that is proposed
 2 would include a building, an engineered metal
 3 building with concrete floors, concrete wall that
 4 would accept and transfer residential and
 5 commercial waste.
 6 And maybe just a shorthand, instead of
 7 saying residential and commercial waste many
 8 times, I will start to say municipal solid waste.
 9 It really means the same thing. And residential
 10 commercial waste, again, is just the garbage or
 11 trash that all of us throw away from our homes and
 12 businesses.
 13 The facility will have a scale for
 14 weighing vehicles. It will have a storm water
 15 management system to handle any rain water that
 16 falls. And it will have related infrastructure,
 17 meaning utilities such as water and electric.
 18 This slide is a rendering of the
 19 facility. This is from about 40 feet in the air
 20 looking in the northwest direction. So in the
 21 center is the transfer station building, which is
 22 white with the large blue doors. Those blue bay
 23 doors, you see three of them, that is where the
 24 trucks would enter and exit the facility. There's

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1 another lower bay door that you can see that would
 2 be where the transfer trailers come in and out.
 3 There's a scale that you can see in red at the
 4 foreground where the vehicles would weigh in and
 5 weigh out if necessary.
 6 You see it's all going to be concrete.
 7 There's landscaping around it. A fence. We do
 8 show arrows on the rendering just to give you an
 9 idea of the traffic flows of how the vehicles
 10 would come in from the entrance, go through it.
 11 I will actually show you a video in a
 12 moment that gives you a little bit better
 13 overview, and it's also important to clarify that
 14 when Mr. Finke comes up and testifies he'll go
 15 into the details of the facility and the Criterion
 16 2 testimony. I just want to provide an overview
 17 at the moment, just to help everyone understand
 18 the additional testimony that I will be providing
 19 on the need and the consistency with the solid
 20 waste management plan. So this is going to be
 21 fairly brief on the moment and you will see more
 22 details on it as our presentations go. 'Cuz
 23 you'll notice some things on the building that
 24 again that Mr. Finke will talk about.

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1 There's air control and filtration where
 2 we are actually keeping a negative air pressure on
 3 the building and filtering air before it leaves.
 4 There's a lot of high tech features that make this
 5 a very environmentally friendly and secure
 6 facility.
 7 The other thing that's already been
 8 talked about is the development of the new public
 9 road, which we call HDI Court. Again, that road
 10 will be constructed to meet the City of
 11 Bloomington requirements. It actually has a
 12 sidewalk designed for it. It would be the utility
 13 corridor for the electric and water and such to
 14 come in to the Henson Recycling Campus transfer
 15 station.
 16 The HDI Court, basically similar to any
 17 subdivision, whether it be commercial or
 18 residential, the road would be constructed by the
 19 developer, which in this case would be Lakeshore.
 20 And then eventually turned over to what I
 21 understand would be the township for -- it would
 22 be dedicated to the public and then the township
 23 would take it over. And then be responsible for
 24 the maintenance and such from there.

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1 That road would not only serve the
 2 transfer station, it would serve the mulching
 3 operation. As I mentioned, this is a campus.
 4 There's a number of things going on currently.
 5 This would be a key new piece of it. And like any
 6 subdivision, there's potential other uses that,
 7 whether it be the operator needs or the county is
 8 interested in terms of recycling, so it would
 9 serve potentially those users. And we do show, it
 10 would change the traffic patterns.
 11 So what you see in blue arrows up there
 12 is some of the potential traffic patterns. So
 13 there would be likely other curb cuts and
 14 entrances and exits, or access off of HDI Court
 15 for these other users.
 16 Again, just wanted to clarify the
 17 acceptable materials. It's again, residential
 18 waste, which is we talked about just garbage from
 19 households. What we all throw away every day.
 20 Commercial waste. Again, garbage from businesses
 21 and institutions. When I say an institution; a
 22 school, courthouse, public buildings. So, just
 23 regular waste. And then we would also accept some
 24 recyclables.

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1 This is a unique situation in
 2 Bloomington where there is a processing facility
 3 operated by Midwest Fiber directly in town
 4 already. So, a lot of what Lakeshore may pick up
 5 would be delivered directly to Midwest Fiber, but
 6 there are situations that may occur where it would
 7 be more convenient and more efficient to actually
 8 bring it to the transfer station first before
 9 bringing it to Midwest Fiber. So, we do want the
 10 ability to accept some recyclables as well.
 11 So again, in terms of the proposed
 12 operations, all of the existing operations that I
 13 had mentioned will continue. So the C&D
 14 recycling. The woody waste. Mulching and
 15 recycling. Concrete recycling. All of those are
 16 proposed to continue.
 17 What would simply happen is loads of the
 18 residential and commercial waste from the
 19 collection vehicles would be brought in. They
 20 would be unloaded in the building on the concrete
 21 floor and fully contained. They would be
 22 basically consolidated and put into larger loads
 23 and transported to an out-of-county landfill.
 24 The waste business is really a

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1 transportation logistics business. It is about
 2 getting waste from all of our homes and businesses
 3 to more distant landfills in the most efficient
 4 manner possible. And transfer stations are a key
 5 piece of that, that I'll talk in more detail about
 6 as the presentation goes.

7 The other thing that's important to
 8 mention is the trucks coming in and out, they're
 9 basically the same type of trucks that are already
 10 coming in and out of the facility. The same type
 11 of trucks bring in the construction and demolition
 12 debris currently to the recycling facility. These
 13 are the same type of trucks that would just be
 14 hauling municipal solid waste instead of
 15 construction and demolition debris. So again, all
 16 of the waste handling would occur indoors.

17 As I talk about efficiency, a little fun
 18 fact that basically the collection vehicles that
 19 drive up and down our streets, you can fit about
 20 three to four of the contents of those trucks into
 21 a larger load, which is what we call a transfer
 22 trailer. Again, kind of an obvious term. It's a
 23 trailer, so an 18 wheeler, and we transfer the
 24 waste into it. So that's how we call it transfer

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1 trailer.

2 And really what happens, the waste is
 3 really just on site for a very short time as it is
 4 brought in; it's loaded out and kind of a first
 5 in, first out basis.

6 And then similarly for any recyclables
 7 that we may bring in, they would similarly be
 8 consolidated and put into the transfer trailers
 9 and then taken over to someone like Midwest Fiber
 10 for recycling.

11 Just to give you hopefully a better
 12 perspective. We did put together an animation
 13 that will hopefully clarify a lot of the things
 14 I'm talking about. And with that, let's give it a
 15 whirl and hopefully -- I'm going to try to turn
 16 down the volume.

17 (At this point there was an off the
 18 record discussion.)

19 MR. HOCK: Okay. It sounds like it's
 20 started. This is user error. I don't know why
 21 it's not showing up on the screen.

22 MR. SIERRA: I can call someone from IT
 23 to help out with that.

24 (At this point there was an off the

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1 record discussion.)

2 DERKE PRICE: Let's go ahead and play it
 3 on the TV.

4 MR. HOCK: Just give it a moment to get
 5 through the introduction.

6 (Video playing.)

7 MR. HOCK: So, this is a typical
 8 collection vehicle turning in from Bunn Street.
 9 You can see the residential homes in the
 10 background. So the truck is now traveling up HDI
 11 Court, heading to the east. It's actually almost
 12 a quarter mile from Bunn Street to the HRC
 13 transfer station. You can see the sidewalk that
 14 is directly adjacent to the road.

15 Again, the end of it is designed as a
 16 cul de sac in a moment so it would have an
 17 entrance into the facility, so it would pass
 18 through; see the collection vehicle traveling
 19 through the gate?

20 A VOICE: They're having trouble hearing
 21 you, if you can speak closer to the mike.

22 MR. HOCK: So the truck is now passing
 23 over the scale. At the scale is where again we
 24 collect the weight, which is how we charge

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1 customers is based on the weight of the material
 2 in the truck. Collect billing information.
 3 Verify that the material is acceptable. It would
 4 then leave the scale. It's actually on that scale
 5 for a very short amount of time.

6 The truck would pull around. Again, we
 7 put the arrows out there just to try to give a
 8 better idea of the traffic patterns. So it would
 9 have one of three bay doors that it could back
 10 into. The idea is that it would pull up to a
 11 line, a light would give it kind of the go ahead
 12 that it's clear to back into the building. Once
 13 inside the building, it would simply deposit the
 14 material out on to the tipping floor. Again,
 15 recognize it's an animation and a simplified
 16 version. The amount of waste that would come out
 17 the back is more than what is shown there. It
 18 would take the loader a few scoops to pick it all
 19 up and put it into the transfer trailer. But for
 20 simplicity purposes we're just showing it is one
 21 scoop.

22 So, once it's deposited, a loader would
 23 pick it up; again, while all we are doing is
 24 consolidating loads from smaller vehicles into a

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1 larger one. And again, it's a picture of three or
 2 four collection vehicles equating to one transfer
 3 trailer. Once a transfer trailer is filled, it
 4 would be tarped and covered before it leaves the
 5 building.
 6 What you see right there though is
 7 actually those air filtration and blowers that I
 8 had mentioned that would eliminate any potential
 9 for any odors. Again, once the truck is unloaded
 10 it would leave through the doors and depart the
 11 facility. Most of the time it would not actually
 12 need to stop on the scale because we would already
 13 have an empty weight for the vehicles stored in
 14 the system.
 15 And then similarly once the transfer
 16 trailer is full, it would also just simply exit
 17 through the door. And what you're seeing is the
 18 way this is designed, the facility, is that there
 19 be fast opening and closing doors, so they would
 20 be closed during normal operation other than when
 21 a vehicle is entering or exiting the building.
 22 We would actually have scales in the
 23 loading pit so that we would know the volume or
 24 the amount in that transfer trailer. And

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1 typically it would also not have to stop at the
 2 scale. But again, hopefully that was helpful just
 3 in terms of animating or depicting the basic
 4 operations.
 5 As I mentioned, Mr. Finke will show that
 6 same video, only take more time going through it
 7 to explain some of the features of the facility.
 8 Are you able to hear me better now?
 9 Can you hear me through the microphone?
 10 How about now? Okay.
 11 So again, before I get into the
 12 presentation, I just wanted to quickly highlight
 13 the main benefits of the facility that we're going
 14 to be talking about.
 15 I'm going to focus on the first three
 16 that are bolded up here. And it's really improved
 17 pricing for waste and recycling management. What
 18 I'm going to be talking about is competition, and
 19 the ability for other companies to beat the market
 20 which will improve pricing.
 21 Similarly, competition also improves
 22 level of service. So that's another benefit that
 23 would come from this facility. I'll talk about
 24 the host fees that will come to both McLean

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1 County, Bloomington, so there would be funding for
 2 the community.
 3 And then Mr. Finke will talk about the
 4 fact that this facility will have the highest
 5 level of environmental protection and safety for
 6 transfer stations.
 7 We will have another expert that will
 8 talk about the fact that this really is an ideal
 9 location. And then a fourth expert that will talk
 10 about why this facility will have minimal impacts
 11 on traffic. So again, I'm going to focus on the
 12 first three during my presentation.
 13 So, Criterion 1, we will be
 14 demonstrating the facility is necessary to
 15 accommodate the waste needs of the area it is
 16 intended to serve.
 17 To do that, the methodology that we
 18 follow is that we first define the service area of
 19 the transfer station. Meaning, what is the area
 20 from which we intend to or that we believe will
 21 take waste and recyclables from?
 22 We'll then evaluate the municipal solid
 23 waste generation and disposal volumes from that
 24 service area. Again, pick out the area, then

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1 estimate how much waste is really generated out
 2 there. Then we will talk about where it goes,
 3 which is the characterization of the current waste
 4 disposal system. That will lead right into an
 5 evaluation of the trends of that waste disposal
 6 system. Meaning again, the benefits of why this
 7 facility will bring benefits to the community?
 8 Which is the last piece.
 9 So, in terms of the service area, for
 10 this facility it's McLean County. Again,
 11 interesting tidbit, McLean County by area is
 12 actually the largest county out of the I think 102
 13 in the State of Illinois. So it's a large area.
 14 What we do show, so the figure you see
 15 up there is a map of the various county
 16 boundaries, with some of the major roadways shown.
 17 And again, McLean County is hatched in kind of the
 18 pink. And you can see the location of the Henson
 19 Recycling Campus Transfer Station, which I
 20 described before. So, just kind of just southwest
 21 of the center of the county, and just south of
 22 Bloomington and Normal.
 23 So for the generation of the disposal
 24 volumes, the service area is estimated to generate

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1 about 500 tons per day of municipal solid waste
 2 that requires disposal. So the service area
 3 generates more, but this is subtracting the amount
 4 of waste that is in fact recycled. And that's
 5 based on 2022 data. It's important to know that
 6 there are no active landfills in McLean County for
 7 the service area. There's in fact only one active
 8 municipal solid waster transfer station in the
 9 area, which is the Republic Services Bloomington
 10 Transfer Station. I will describe it in more
 11 detail.

12 But, the data we have indicates that
 13 that facility accepts approximately 300 tons per
 14 day. So there's an estimated 200 tons per day of
 15 municipal solid waste that is currently being
 16 managed by transfer stations or landfills not
 17 located in McLean County. That is what we would
 18 describe as part of a shortfall or need.

19 So what's up on the screen now is again
 20 that same map that we showed you before of the
 21 various counties that are labeled. Again, McLean
 22 County or the service area is hatched in pink
 23 again. And now we have added the operational
 24 facilities in and around the service area.

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1 So, we'll start with Republic Services.
 2 They, as I mentioned, they have the only transfer
 3 station in McLean County. They have a proximate
 4 landfill in Livingston County that is called the
 5 Livingston landfill. And the figure is colored
 6 coded so if you can't quite read the names, the
 7 light blue is a facility that's owned and operated
 8 by Republic Services.

9 Down by the transfer station, both the
 10 Republic Services Bloomington Transfer Station,
 11 there's a -- we added it, because we'll talk about
 12 it in a moment. It's the closed McLean County
 13 landfill. And maybe again just to give you a
 14 sense of the value of transfer stations, is that
 15 landfill, it is closed and actually closed in
 16 2018. That even when it was operating, and again
 17 it's directly adjacent to the transfer station.
 18 Waste was brought not directly to the landfill.
 19 They actually brought it, deposited it at the
 20 transfer station first. And then took it up to
 21 the landfill from there. And I'll explain as we
 22 go why that is.

23 But, again, that's just an example of
 24 the value and power of transfer stations. Even if

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1 it's right next door to a landfill, it's very
 2 helpful and useful.

3 The other facilities from Republic,
 4 there is the closed Streator landfill that's north
 5 of that which is also in Livingston County. Then
 6 they have a hauling company over in
 7 Champaign-Urbana that's down to the lower right on
 8 the picture. So, again, it's pretty apparent
 9 Republic Services has the majority of the assets.
 10 The only other company that really has any
 11 substantive assets is a company called GFL
 12 Environmental. And they have two proximate
 13 landfills. One to the south in DeWitt County
 14 called the Clinton landfill, and one to the west
 15 in Tazewell County called the Indian Creek
 16 landfill.

17 Waste Management has a proximate, so I
 18 -- so the GFL assets landfill, they are shown in
 19 darker blue. They do have another transfer
 20 station up in Peoria that's kind of in the upper
 21 left that's really too far to be any -- to have
 22 any impact on our service area. And we have Waste
 23 Management, they are color coded in red. And
 24 their closest asset is the Tazewell County

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1 landfill that is over in Tazewell County.
 2 And they do, they currently operate the
 3 landfill over in Peoria that's a bit farther away.
 4 And all three of those companies, Republic
 5 Services, Waste Management, GFL, they do offer
 6 collection services in McLean County.

7 What I'm going to talk about more, but I
 8 wanted to introduce this concept right away is the
 9 concept of vertical integration.

10 And Republic Services is the only
 11 company in the service area that is fully
 12 vertically integrated. When I say vertically
 13 integrated, meaning they provide hauling. They
 14 operate an available transfer station. And they
 15 operate a proximate landfill. So again, it's a
 16 transportation logistics business.

17 So, to have each piece of the puzzle of
 18 collection, transfer and disposal is a key
 19 advantage that I will be talking about more.
 20 Again, they are the only company that has it right
 21 now.

22 The other thing I want to make sure
 23 that's clear, 'cuz you'll see names out there on
 24 containers and trucks, Republic Services is the

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1 same as Allied Waste Industries. It's the same as
 2 American Disposal Service of Illinois.
 3 American Disposal Services of Illinois
 4 was a regional company that was actually bought by
 5 Allied Waste Industries way back when, and which
 6 was bought by Republic Services. So names, all
 7 the same company.
 8 GFL bought Peoria Disposal Company. And
 9 Peoria Disposal Company owned Area Disposal. So
 10 if you see Area Disposal, that is PDC, which is
 11 now GFL. And then Waste Management actually
 12 bought Advanced Disposal, so if you see anything
 13 with Advanced Disposal, that's in fact Waste
 14 Management as well.
 15 So, as we get into the waste disposal
 16 system, again there's only one disposal option for
 17 Bloomington Normal. Should be obvious that the
 18 majority of the population in McLean County is in
 19 the Bloomington Normal area. The city and town
 20 actually provide the collection services. So
 21 their public works folks pick up the waste from
 22 residences in their respective municipalities.
 23 And they send out a bid for companies to provide
 24 the disposal.

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1 The bid specifications to win that
 2 contract say that you have to have a transfer
 3 station or landfill that must be located within a
 4 ten-mile radius of the intersection of Main and
 5 Division Streets.
 6 So, it's a limited area. Again, it's
 7 fairly apparent that only Republic Services meets
 8 this specification. So they actually have a
 9 monopoly. They are the only ones that can take
 10 the waste from Bloomington Normal as it stands.
 11 GFL and Henson/LRS, they are both
 12 interested in winning that work, trying to bid on
 13 it, but they're precluded due to the
 14 specifications. GFL actually went so far during
 15 the last bid, they put it out there just trying to
 16 say hey, we can give you, quote, "a very
 17 competitive rate" if they consider using the
 18 Clinton landfill. And again, the Clinton landfill
 19 is the facility directly south of McLean County.
 20 So even though Republic Services has a
 21 monopoly for Bloomington and Normal, so they do --
 22 Republic Services also does contracted collection
 23 services in some various rural municipalities that
 24 we'll talk about in more detail. Then GFL

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1 actually does contract, or is contracted to
 2 provide collection services in municipalities.
 3 And we'll again give you a little more details as
 4 we move forward.
 5 There are multiple communities outside
 6 of Bloomington Normal that do not contract their
 7 residential collection to a particular company.
 8 Some do. Some don't. The trend is very heavily
 9 towards municipalities bidding it out to two
 10 particular companies if they have people
 11 interested in that market. So if they do not
 12 contract it out, then basically any company can
 13 come in and bid on it and they're bidding by home
 14 or by business.
 15 And then again, the haulers that do
 16 provide those services, Republic, it's GFL, it's
 17 Waste Management, Lakeshore Recycling, and there
 18 are a couple other smaller folks out there that
 19 provide some services as well.
 20 So what's up on the board now is that
 21 similar slide from before that shows McLean
 22 County, again McLean County is kind of hatched in
 23 that pink. And you see the other counties and the
 24 roadways shown, and we show the same proximate

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1 facilities, and now we've added some towns.
 2 And the other thing we did as part of
 3 understanding the waste disposal system is we went
 4 to Republic Services transfer station and we
 5 watched over the course of an entire day. And we
 6 counted trucks that basically went in and left and
 7 observed what name was on the side of them.
 8 In Bloomington Normal, based on the
 9 amount of trucks that went in, they brought in
 10 about 90 tons of waste that day. So again, this
 11 is the approximately 300 tons I've mentioned
 12 before. So approximately 90 of that was from
 13 Bloomington Normal, and that actually correlated
 14 very well with the estimated amount in the
 15 contract for Bloomington Normal, that was right in
 16 that same range. So the data correlated very
 17 well.
 18 Republic Services, their trucks were
 19 over half full, so 160 tons is estimated what they
 20 brought in. Lakeshore, as I had mentioned, does
 21 do a small amount of hauling. They, what we do,
 22 it's nearly all residential waste from basically
 23 unincorporated and rural areas. So again, all of
 24 Bloomington Normal. The incorporated portions of

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1 town come through the public works department.
 2 So, we kind of take a small amount.
 3 Then there were a few other haulers
 4 bringing in roll off boxes from construction sites
 5 and such and they equated to about 20 tons. But
 6 what was very interesting was GFL or Waste
 7 Management, neither of those companies had any
 8 trucks that went into the facility that day. So,
 9 by all appearances they do not use that transfer
 10 station at all.
 11 And what the data starts to show, and as
 12 you look at municipalities, and I will explain
 13 those too. So again, the light blue towns, and
 14 again it may be hard to read the names, was
 15 they're color coded. You can see they're all
 16 north and east of Bloomington Normal. The point
 17 is, it's way farther away from anybody else with
 18 any infrastructure.
 19 So, why is it, and those are the only
 20 ones that we were able to find that had contracted
 21 services.
 22 So why are those all Republic Services?
 23 It becomes pretty apparent because nobody else has
 24 any infrastructure assets in that area. So

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1 Republic Services, they're crushing it in the
 2 market. They basically got it all. GFL, they do
 3 haul and provide contracted services to the five
 4 communities that we were able to find. And they,
 5 if you notice, again they can be darker blue. And
 6 they're all south, with one kind of west.
 7 And again, hopefully the pattern is very
 8 apparent. GFL is not using Republic Services
 9 Bloomington transfer station. Even though if you
 10 look at it, those communities are clearly closer
 11 to Bloomington Normal than to drive it all the way
 12 to the Clinton landfill, or in the case of the one
 13 that's to the west out to the Indian Creek
 14 landfill. But that's what's occurring. And
 15 again, that's the power of vertical integration
 16 that I'll again talk a little bit more as we go.
 17 So those companies are driving farther
 18 to bring it to their own landfill versus bringing
 19 it to a much more efficient process, which would
 20 be in the Bloomington Normal transfer station.
 21 Republic Services, again, they are fully
 22 vertically integrated. They got the best of the
 23 whole scenario. So they're bringing their waste
 24 that comes to the Bloomington transfer station.

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1 And then again, the other waste that comes in
 2 there as well. So that is all going to the
 3 Livingston landfill.
 4 And again, you can see that Livingston
 5 landfill is the lighter blue up to the north and
 6 in Livingston County just northwest of Pontiac.
 7 Hopefully it becomes apparent for obvious -- well,
 8 what are the closest landfills to the Bloomington
 9 Normal transfer station? Well, it's actually the
 10 GFL landfills. That's not where they're going.
 11 Why not? They want to be fully vertically
 12 integrated.
 13 This is what I mentioned before. That
 14 GFL appears to be direct hauling their waste to
 15 their out-of-county landfills, which really
 16 precludes them from the advantages of the transfer
 17 station.
 18 And again, I want to hit this, 'cuz the
 19 efficiencies are hopefully very obvious. I
 20 mentioned that three or four collection vehicles,
 21 the contents of that fit in one transfer trailer.
 22 So they hold three or four times more. What
 23 people might not be aware of that the gas mileage
 24 for a transfer trailer, so one of these 18

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1 wheelers, is actually over twice that of a
 2 collection vehicle, with much better gas mileage.
 3 And another key piece is that they are
 4 built and designed more for disposal landfills.
 5 Collection vehicles do not like going to
 6 landfills. It's muddy. They have -- or can be
 7 muddy. They have a lower ground clearance.
 8 There's a lot more wear and tear on the collection
 9 vehicles going to a landfill. And plus,
 10 delivering waste to a transfer station is much
 11 quicker. You get in and out much faster.
 12 So those collection vehicles, again,
 13 it's all about transportation efficiency, so they
 14 want to fill the trucks as fast as they can, get
 15 to the transfer station, deposit the material and
 16 get back out on the road as quick as they can.
 17 Going into the landfill slows them down.
 18 In fact, when you look at the
 19 Bloomington Normal bid contract that I mentioned
 20 before, the Republic Services was the only company
 21 that could bid on, it actually says right in there
 22 that the facility that goes to it needs to be a
 23 concrete floor and the wait time needs to be less
 24 than 30 minutes.

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1 So what I'm talking about is clearly
 2 recognized by Bloomington Normal as part of their
 3 contract.
 4 Another important trend, I'm going to
 5 start talking about a few trends, then leading
 6 into some of the benefits.
 7 The first main one, there is a
 8 decreasing number of landfills. So, in Illinois,
 9 the number of active landfills has actually
 10 decreased by nearly 40 percent since 1995. Almost
 11 half as many.
 12 I mentioned Streator landfill closed.
 13 The Republic Services McLean County landfill
 14 closed, so there's two nearby examples.
 15 The other important piece of the McLean
 16 County landfill closing is host fees. And I'll
 17 get into that a little bit more. But, when the
 18 McLean County landfill was open, Bloomington
 19 received a host fee. So for every ton of waste
 20 that was disposed at that landfill, they received
 21 a certain amount of money. When the landfill
 22 closed, that funding went away. There is no host
 23 fee with the Bloomington Republic Services
 24 Bloomington transfer station, so there's no

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1 funding provided from there, so instead that waste
 2 goes to Livingston County, and Pontiac and
 3 Livingston County in fact get the host fee because
 4 of the disposal at the Livingston landfill now.
 5 I mentioned this before, one of the
 6 other main trends, in addition to the decreasing
 7 number of landfills, is ongoing consolidation.
 8 So, it is very hard for a small business to exist
 9 in the industry any more. So they were the small
 10 fish, and again the font up there is kind of our
 11 play on small fish getting eaten by the middle
 12 sized fish, getting eaten by the big fish.
 13 So again, American Disposal Service was
 14 bought by Allied Waste Industries, that was bought
 15 by Republic Services. It was actually the Waste
 16 Management acquisition of Advanced Disposal that
 17 brought GFL into the market. And then GFL
 18 acquired Peoria Disposal Company which had already
 19 acquired Area Disposal. And all three of these
 20 companies, they are what I would call big waste.
 21 These are national waste providers. Waste
 22 Management is the larger waste disposal company in
 23 the United States. Republic Services is number
 24 two. GFL is right behind them. They are actually

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1 based out of Canada and doing their best to catch
 2 up with the United States.
 3 So I'm going to come back to vertical
 4 integration. So, again, if you think about the
 5 transportation logistics of waste collection.
 6 There's a vehicle that again picks up waste from
 7 all of our houses and businesses. It's parked at
 8 the facility at some point. It leaves that
 9 location. Goes out on to its route. Collects the
 10 waste. Drives back to a transfer station once its
 11 full to, or in this case potentially a landfill to
 12 offload the waste.
 13 If it does go to a transfer station,
 14 that waste is transferred into a transfer trailer,
 15 which then transports the municipality solid waste
 16 down the road to a more distant landfill and then
 17 that's where the landfill is disposed.
 18 And I mentioned it before, transfer
 19 trailer much larger, gets better gas mileage than
 20 the collection vehicles. And in the business, all
 21 of the companies are very much incentivised to
 22 vertically integrate. And think of it as simply
 23 this. When you are collecting waste you're
 24 getting revenue, you're putting money in your

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1 pocket. You want to keep the money in your
 2 pocket. No different than any business. So
 3 they're going to be incentivised to bring it to
 4 their own transfer station and their own landfill.
 5 It's also control of your costs. So,
 6 think of it as you and I having a hauling business
 7 and we are both trying to compete for the same
 8 collection service. If I have the transfer
 9 station and you don't, and you have to bring the
 10 waste, and you collect at my transfer station and
 11 have to get pricing from me to dispose of it,
 12 hopefully the advantage I have becomes glaringly
 13 apparent.
 14 Just to give you a sense, the disposal
 15 pricing is, generally speaking, about 30 to 40
 16 percent of your total cost. So if your competitor
 17 has control of 30 to 40 percent of your costs to
 18 go try to collect waste, it's very easy for them
 19 to simply price you out of the market and win that
 20 work themselves. And that's essentially the
 21 situation that's going on right now.
 22 Same thing. If you have the landfill in
 23 addition to the transfer station, you control that
 24 cost as well, so you control it all the way up the

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1 chain. You keep the money in your own pocket.
 2 That is why everybody is so incentivised to do it.
 3 Again, this is kind of hitting the same
 4 point. That if another collection company needs
 5 to use Republic Services transfer station, reduces
 6 their margins, and improves Republic Services
 7 margin so you're feeding right into your
 8 competitor.
 9 The other really important pieces are,
 10 again if you're trying to bid on, and I'll say
 11 like the Bloomington Normal contract, let's say
 12 they didn't even have that specification in there
 13 for, they have a lot of other options. So find
 14 your contract. So to bid on it, you have to
 15 understand your costs for five years out. If you
 16 don't have control of 30 to 40 percent of your
 17 costs, how do you like sharpen your pencil and
 18 really bid that? It's tough. I mean, 'cuz you
 19 can't even get a price for five years from your
 20 competitor. So, who knows what happens over that
 21 time?
 22 So you're going to be more conservative,
 23 you're going to struggle to compete cost-wise. To
 24 bid on it you may need to make a capital

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1 investment. You may need to go borrow money. How
 2 do you go borrow money if you can't control your
 3 costs and you don't know where that's going to be?
 4 And then there's operational
 5 inefficiencies. If you have the transfer station,
 6 you can actually park your vehicles right there at
 7 night. So, it's the most efficient. It leaves
 8 from there in the morning. Goes to the route.
 9 Comes back. You park it. If you have to park it
 10 somewhere else, you gotta drive. After you're
 11 done at the end of the day, you gotta drive an
 12 additional distance. The person at the transfer
 13 station controls operating hours. There's a
 14 number of other advantages as well.
 15 And again, this is why vertical
 16 integration is so important. And why Republic
 17 Services again is basically crushing it in this
 18 market.
 19 So, I know I've kind of beat on it, but
 20 it really is the key point that McLean County, the
 21 main benefit of this transfer station, right now
 22 McLean County relies on one transfer station to
 23 transport all its nonrecyclable waste to
 24 out-of-county landfills, resulting in an effective

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1 monopoly. Again, you saw it in the observations
 2 that we had at the transfer station where Republic
 3 Services, basically all of it other than
 4 Bloomington Normal. And Henson Recycling Campus
 5 Transfer Station would provide additional capacity
 6 and competition to that single transfer station
 7 which has been proven to control costs and improve
 8 services.
 9 I just made a pretty powerful statement.
 10 There's actually a bureau of the Federal
 11 Government, the Federal Trade Commission. Bureau
 12 of Competition that advances the United States
 13 Government policies that protect consumers and
 14 promotes competition.
 15 If you go to their website, and I'm
 16 going to read these to you because it's so
 17 relevant. Competition in America is about price,
 18 selection and service. It benefits consumers by
 19 keeping prices low and the quality and the choice
 20 of goods and services high. Competition also
 21 encourages businesses to offer new and better
 22 products. Competition makes our economy work.
 23 That's what we're talking about here. Competition
 24 to this market.

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1 As an example, prior to 2020 there was
 2 one municipality waste transfer station in Will
 3 County. It was operated by Waste Management
 4 called the Joliet Transfer Station. They had a
 5 similar monopoly. That's what we're talking about
 6 here. And there was a new transfer station
 7 proposed, actually by a small family run company,
 8 that was only a mile and a quarter from the Waste
 9 Management transfer station. Waste Management
 10 showed up to that siting hearing. Again, 'cuz
 11 they were the other competitor. So, analogous
 12 situation here. They actually vehemently opposed
 13 the transfer station for the obvious reasons. But
 14 the Village of Rockdale, which was the siting
 15 authority, they recognized the same competition
 16 benefits we're talking about here and they
 17 approved the Moen Transfer Station. And it was
 18 originally permitted for 350 tons per day. Due to
 19 the demand from the outside haulers who were so
 20 eager to get into and compete in that market, the
 21 capacity of that transfer station has tripled to
 22 actually over 1,080 tons per day now, and it
 23 regularly accepts 600 to 800 tons per day. So the
 24 demand was actually quite amazing.

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1 Another example where there's the waste
 2 connections DuKane transfer station is the only,
 3 actually still is the only municipality solid
 4 waste transfer station in DuPage County. And it's
 5 located in West Chicago. And earlier this year
 6 West Chicago approved the local siting of what we
 7 call the West DuPage Recycling and Transfer
 8 Station, which is operated by LRS. So, it's again
 9 a very analogous situation. Lakeshore has a C&D
 10 recycling facility on that property, and want to
 11 turn it into a municipal solid waste transfer
 12 station. It's located just a half a mile from the
 13 waste connection facility.

14 That process, or that facility is still
 15 going through the various steps. Again, West
 16 Chicago did approve the local siting application.
 17 And the West Chicago hauling contract came up for
 18 bid. So, even though the facility is not
 19 operational, Lakeshore bid on that contract. They
 20 did not end up winning it. Waste Connections did,
 21 who was the incumbent. But, what occurred was
 22 that the pricing actually dropped. Again, only
 23 two companies bid on it. It was Waste Connections
 24 and Lakeshore. So if Lakeshore did not have the

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1 opportunity at that facility, they would not have
 2 been able to bid. But because they did, Waste
 3 Connections actually bid a lower amount than what
 4 they were already collecting it for. Five-year
 5 savings is about 1.7 million dollars, which
 6 actually equates to about \$300 for every single
 7 family unit, and they threw in additional
 8 services.

9 So hopefully that makes the point of the
 10 benefits of competition.

11 I now want to turn to another trend in
 12 the waste disposal system, which is recycling
 13 challenges. So McLean County is actually very
 14 aggressive and has been on the forefront of
 15 recycling for many years.

16 In 2017 they upped their recycling goal
 17 from 25 percent to 40 percent. Around that time
 18 is when the Henson facility started to take in
 19 more material and they started to bring in more
 20 C&D. And this actually comes right out of the
 21 McLean County solid waste management plan, that
 22 basically that facility, and the recycling of the
 23 C&D, helped push the recycling rate beyond 40
 24 percent for the first time ever. Because of that

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1 significant impact of that single strategy, they
 2 started to look at and emphasize more of a
 3 strategic and holistic approach. They identified
 4 various strategies to try to continue to increase
 5 the recycling amount from McLean County. They
 6 talk about additional multi-family housing
 7 recycling, commercial recycling. You can see the
 8 list on the screen. One of the other importance
 9 is more recycling of construction and demolition
 10 debris. They talked about that only -- that even
 11 though it was very helpful, there's still only
 12 about 1/5th or 21 percent of the construction
 13 demolition waste that they believe is being
 14 currently recycled.

15 And they talk about because of the cost
 16 savings and the economic benefit, including lower
 17 tipping fees, that they want to continue to try to
 18 increase C&D recycling by all means possible.

19 Again, McLean County has very aggressive
 20 recycling goals, which is very -- which is great.
 21 They actually have hit the 40 percent recycling
 22 rate starting in 2016. They have hit it through
 23 2022. They had actually increased the recycling
 24 goal for 2022 up to 50 percent. And you actually

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1 see every five years they would like to continue
 2 to increase it by ten percent, and eventually get
 3 to 80 percent recycling by 2037. Again, it's
 4 going to take unique facilities to continue to
 5 help, and help them try to come as close as they
 6 can to reaching that goal.

7 With the proposed facility, Lakeshore
 8 would be able to better and more effectually serve
 9 the recycling needs of its commercial and rural
 10 residential customers. Again, we would take in
 11 some single stream or source separate recyclables.
 12 Again, it's all about transportation efficiencies,
 13 but still all likely end up at Midwest Fiber. And
 14 a lot of it would probably be direct hauled, but
 15 there are occasions where it's more efficient to
 16 bring it through the facility where it would help
 17 especially, again, the multi-family or rural
 18 customers. And then the infrastructure and
 19 operational improvements we're talking about that
 20 would come from the proposed transfer station
 21 would provide efficiencies and synergies for the
 22 C&D recycling that would in fact increase capacity
 23 and efficiency of the C&D facility.

24 So, there would be some nice synergies

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1 that would occur. And again, the C&D recycling,
 2 being able to handle more capacities, would be a
 3 nice benefit.

4 The third benefit I mentioned talked
 5 about with funding. It's the -- actually we got
 6 the county solid waste management plan, recognizes
 7 the need for additional funding due to the closure
 8 of the Republic Services McLean County landfill.
 9 And then a new waste transfer station could
 10 possibly provide a new revenue source through host
 11 fees. That's in fact exactly what's occurred.

12 So there is a host agreement that's been
 13 executed with McLean County, and McLean County
 14 would get a host benefit fee of one dollar for
 15 every ton of waste that would be transferred
 16 through the facility that goes to a landfill, with
 17 50 percent of that earmarked to support recycling.

18 Maybe just to give you a sense, we're
 19 talking about a 400 ton capacity. If we get to
 20 about two or 250 tons, that would be about 70
 21 thousand dollars a year that would go to McLean
 22 County.

23 The similar benefit to the City of
 24 Bloomington is part of the utility agreement.

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1 There would be a similar host benefit fee of a
 2 dollar a ton for every ton of waste that's
 3 transferred through the facility to a landfill.
 4 So, similarly, Bloomington would also get about 70
 5 thousand dollars a year based on a reasonable
 6 expectation of the amount of waste we would
 7 accept.

8 So in summary, the Henson Recycling
 9 Campus Transfer Station will increase competition
 10 and available transfer capacity in the service
 11 area, which has been clearly recognized to help
 12 control price increases and maintain a high
 13 quality level of service in both residential and
 14 commercial sectors. The Henson Recycling Transfer
 15 Station will facilitate recycling in the service
 16 area by expanding the Henson Recycling Campus
 17 service offerings and increasing the capacity
 18 and/or efficiency of C&D recycling.

19 The Henson Recycling Campus Transfer
 20 Station will provide direct benefits to McLean
 21 County as detailed in the host agreement with the
 22 county. And will provide direct benefit to the
 23 City of Bloomington as detailed in the utility
 24 agreement with Bloomington.

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1 So for all of these reasons, it is my
 2 professional opinion that the Henson Recycling
 3 Campus Transfer Station meets the criterion, meets
 4 the requirements of Criterion 1 as it is necessary
 5 to accommodate the waste needs of the area it is
 6 intended to serve.

7 I'm now going to turn the presentation
 8 to Criterion 8. And Criterion 8 says, if the
 9 facility is to be located in a county where a
 10 County Board has adopted a solid waste management
 11 plan consistent with the planning requirements of
 12 the local Solid Waste Disposal Act, or the Solid
 13 Waste Planning and Recycling Act, the facility is
 14 consistent with that plan.

15 Again, in simpler terms is the facility
 16 consistent with McLean County's solid waste
 17 management plan?

18 So again, just a little bit of
 19 background. Each county in the state is required
 20 to adopt a 20 year plan for managing the
 21 municipality solid waste generated within its
 22 borders. The plan is required to include a
 23 recycling program designed to achieve at least a
 24 25 percent recycling rate. Again, that's really

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1 what's the impetus of the act is they wanted
 2 counties to move forward with recycling. And they
 3 established an initial goal of 25 percent, which
 4 is still really the minimum that the State of
 5 Illinois requires. Again, McLean County has
 6 voluntarily been more aggressive, which is great.
 7 That plan is required to be updated and reviewed
 8 every five years.

9 McLean County adopted their original
 10 plan back in 1992. So a little over 30 years ago.
 11 They have had multiple five-year updates. And in
 12 2017 the Ecology Action Center coordinated the
 13 process to create a new solid waste plan.

14 It considered improvements in recycling
 15 strategies, systems. It talked about fluctuations
 16 in commodity markets. Part of the challenge of
 17 the recycling out there. It talked about
 18 contemporary perspectives and behaviors by
 19 residents on waste issues. And it talked about
 20 new and emerging technologies for more efficient
 21 waste management.

22 So again, trying to come up with a
 23 holistic and strategic view of how to continue to
 24 increase the amount of recycling in the county.

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1 Not only was that plan actually approved
 2 by McLean County, but the town of Normal and the
 3 City of Bloomington also formally adopted and
 4 approved it, which again it's really a kudos to
 5 this community. That is unusual for
 6 municipalities to formally join hands like that.
 7 And that 2017 plan, they called it the
 8 20 year plan, superceded the previous solid waste
 9 management plan and the updates. So the solid
 10 waste management plan recognized the need for
 11 additional funding. I had mentioned before, and
 12 it's stated that a new transfer station by the
 13 possibility of new revenue source through host
 14 fees. Again, I mentioned it was a benefit. But,
 15 the Henson Recycling Campus Transfer Station will
 16 provide additional funding to both McLean County
 17 and Bloomington through the host fees from
 18 agreements with each entity.
 19 The solid waste management plan
 20 recognized the benefits of increasing the amount
 21 of construction and demolition debris waste that
 22 is recycled in the community. As I had mentioned,
 23 the Henson Recycling Campus Transfer Station will
 24 provide efficiencies and synergies at the Henson

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1 Recycling Campus that will increase the capacity
 2 and/or efficiency of C&D recycling.
 3 The solid waste management plan
 4 recognized that the establishment of additional
 5 waste transfer stations could have multiple
 6 economic benefits, including increased
 7 competition, resulting in more beneficial waste
 8 disposal rates.
 9 So, everything that I was talking about
 10 is actually recognized in the McLean County plan
 11 as well. And as I talked about, the Henson
 12 Recycling Campus Transfer Station would provide
 13 competition to the single other transfer station
 14 in the county, which has been proven to control
 15 costs and many prove services.
 16 And lastly, we talked about a host
 17 agreement between Henson or Lakeshore Recycling
 18 and McLean County. The host agreement actually
 19 reiterates that the development of an additional
 20 transfer station facility, that again if approved
 21 by the county, developed and operated in
 22 accordance with all the applicable requirements
 23 would be consistent with recommendations in the
 24 2017, 20 year plan. Which was that updated

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1 version. And obviously the Henson Recycling
 2 Campus Transfer Station would be an additional
 3 transfer station, and of course is proposed to be
 4 designed, constructed and operated in accordance
 5 with all applicable requirements.
 6 So based on that information, it is my
 7 professional opinion that the Henson Recycling
 8 Campus Transfer Station is consistent with the
 9 solid waste management plan and all provisions in
 10 effect at the time of the submittal of this siting
 11 location application.
 12 **MR. MUELLER:** Thank you, Mr. Hock.
 13 **DERKE PRICE:** We have been at this about
 14 two hours and 55 minutes, so we're going to take a
 15 ten-minute break. Actually make it 15. I think
 16 people need the first one here. Figure out where
 17 everything is. So we'll reconvene and start at
 18 3:10. The witness will be yours, Ms. Manning, at
 19 that time.
 20 And then just before we go, I wanted to
 21 review again the opportunity to sign up for public
 22 comment. It is near the table. And I have
 23 already received, that's all going to be part of
 24 the overall record, written comment was submitted

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1 by Sam Leman, L-E-M-A-N, corporate, that's already
 2 in. And then I know the following four
 3 individuals have signed up indicating they would
 4 like to provide public comment: Riley Frances.
 5 Henry R. Theresa Kouth. And Frances Green.
 6 That's who I have signed up at the moment. So if
 7 you want to join that list, the sign up is over
 8 there. And with that, let's take a break.
 9 (The time is 2:55 p.m.)
 10 (The time is 3:14 p.m.)
 11 **DERKE PRICE:** Back on the record. A
 12 couple of updates while we're getting ready here.
 13 So just to remind everybody, we go today until
 14 six. Tomorrow one to six. Friday one to six.
 15 And then if we need to, we're going to work days
 16 starting on Monday December 4th from 9 AM to four.
 17 And there's some more dates thereafter. But,
 18 we'll take it up after that.
 19 I have received some additional sign ups
 20 and there's more sign ups over there. So, don't
 21 forget your opportunity to do that. I have also
 22 received Ms. Manning's letter, Exhibit 4, that is
 23 now here in the record. Exhibit 5 is to come from
 24 the applicant. And Exhibit 6 is Mr. Hock's CV

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1 which I'm informed you have, Ms. Manning. I want
 2 to confirm you've received a copy of the CV.
 3 **MS. MANNING:** I do.
 4 **DERKE PRICE:** With that then, the floor
 5 is yours, Ms. Manning. And I don't know how, I
 6 guess we have to be in the microphone for folks to
 7 hear us. So to the extent you can, everybody
 8 please stay close to their microphone.
 9 **EXAMINATION BY**
 10 **MS. MANNING:**
 11 Q. Good afternoon, Mr. Hock.
 12 A. Thank you.
 13 Q. If I end up calling you John once or
 14 twice, that's not surprising, I guess. But, a
 15 couple of things.
 16 I know you, Mr. Hock, to be a fine
 17 professional engineer in design and in those kinds
 18 of things. I don't know your experience in market
 19 integration and economics and those kinds of
 20 things. And you're presented here today as a
 21 witness on need, but not on the design of this
 22 facility.
 23 My question is, did you have any input
 24 in the design of this facility? Do you intend to

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1 testify on the design of this facility? Or shall
 2 I ask all of the questions that I have related to
 3 the design of the facility to Andrews Engineering?
 4 A. I believe you should ask those questions
 5 to Mr. Finke from Andrews when he testifies on
 6 Criterion 2.
 7 Q. Okay. Thank you. Then let's go to your
 8 professional opinion on the fact that it is your
 9 professional opinion that Criteria 1 is met. And
 10 could you read for the County Board what they
 11 actually have to decide, in terms of the statutory
 12 language that is applicable to this particular
 13 criteria?
 14 A. Are you referring to the language that
 15 says that it needs to accommodate the waste needs
 16 of the area it is intended to serve?
 17 Q. Correct. And your slide says, is
 18 necessary to accommodate the waste needs of the
 19 area it is intended to serve. It doesn't say it's
 20 beneficial to, correct? Nor cost efficient? But,
 21 necessary?
 22 With that, I would like to ask you a
 23 series of questions as to your figures in terms of
 24 what it is that you come up with for a 200 ton per

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1 day of shortfall.
 2 You are aware, are you not, that the
 3 figures that the facility is only designed for a
 4 400 ton per day capacity, correct?
 5 A. Correct.
 6 Q. And largely, that capacity is already
 7 being met by the existing transfer station,
 8 correct?
 9 A. Yes. Again, our information says that
 10 they are taking about 300 tons per day of the 500
 11 tons per day that requires disposal.
 12 Q. So let's examine the 300 tons per day
 13 and how you determine that.
 14 You determine that by a one day
 15 observation of trucks coming in and out of the
 16 transfer facility, is that correct?
 17 A. Yes.
 18 Q. So not counting for any seasonal
 19 fluctuations? Not accounting for any daily
 20 fluctuations? Just one day observation?
 21 A. It was one day. But what you do know
 22 about these transfer station, the flows are
 23 reasonably consistent and you're correct. There
 24 are fluctuations by season and other factors.

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1 **But, for the rough numbers we're talking about,**
 2 **those are good estimations.**
 3 Q. We'll talk about that because we have
 4 the figures directly from Republic Services. So
 5 in our testimony we will present the County Board
 6 with the actual figures.
 7 But, you made some conclusions, I think
 8 as well. You concluded, for example, that no one
 9 else uses it or can use it. You're aware, are you
 10 not, that anybody can use the waste transfer
 11 station that Republic Services operates?
 12 **MR. MUELLER:** I'm going to object. She
 13 mischaracterizes his testimony.
 14 **DERKE PRICE:** He can handle himself, Mr.
 15 Mueller. Objection is overruled.
 16 Q. Thank you.
 17 A. Could you repeat the question?
 18 Q. Sure. I believe that you concluded,
 19 correct me if I'm wrong, that you did not -- that
 20 no one else uses, none of the other companies, use
 21 the existing waste transfer station?
 22 A. What I said is that it does not appear
 23 that GFL or Waste Management were using it.
 24 Q. And that's based on the one day

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1 observation, is that correct?

2 **A. Yes.**

3 Q. So, the one day you looked at, neither

4 trucks from GFL or Waste Management were using --

5 **A. Yes.**

6 Q. Were bringing waste to the transfer

7 station?

8 **A. Yes.**

9 Q. So let's look at the number that you

10 came up with in terms of, I think you concluded

11 that there was 500 tons per day needed in the

12 particular service area?

13 **A. 500 tons per day of municipal solid**

14 **waste that would go to either a transfer station**

15 **or landfill for disposal. Not the total amount**

16 **generated.**

17 Q. Right. And you came up with those

18 figures by looking at the figure from the

19 ecological -- the ETC here. The county's Ecology

20 Action Center, excuse me, has indicated that they

21 believe that with the recycling goals, that they

22 believe that estimated waste disposal per day in

23 the service area is 393; would you agree with

24 that?

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1 **A. I'd have to look back at the exact**

2 **number. But we did use the numbers from the**

3 **Ecology Action Center. We also used numbers from**

4 **reports by the Illinois Department of, the**

5 **response by the Illinois department of -- the**

6 **ECEO in terms of waste characterizations, which**

7 **and those reports are used by counties throughout**

8 **the state. So we looked at multiple sources to**

9 **come up with our answer.**

10 Q. But the Ecology Action Center uses the

11 actual recycling goals for the county, correct?

12 And the other one, the state goals? It's a

13 statewide goal? It's not a goal that's specific

14 to the county? Correct?

15 **A. We were using estimates of the -- their**

16 **estimates of the actual amount of recycling,**

17 **versus goals.**

18 Q. So, let's talk about recycling in some

19 of your conclusions about that as well because I'm

20 a bit confused about the whole issue of

21 construction and demolition debris, and whether or

22 not it is going to be accepted at the waste

23 transfer station.

24 Is it your understanding that the

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1 construction and demolition debris is not accepted

2 as one of the waste that will be taken to the

3 waste transfer station?

4 **A. That's incorrect. So, construction or**

5 **demolition debris is part of the municipal solid**

6 **waste. So certainly there may be some that come**

7 **in as part of the transfer station. But obviously**

8 **our intent and our goal is to recycle as much**

9 **construction or demolition debris as we can.**

10 Q. In the Criteria 2 report prepared by

11 Andrews Engineering, when it talks about what

12 kinds of waste were projected to go into the waste

13 transfer station, the number zero is utilized in

14 terms of construction and demolition debris going

15 into the waste transfer station?

16 **A. We may be talking about semantics here.**

17 **So loads of construction or demolition debris are**

18 **not intended to go to the municipal solid waste**

19 **transfer station if they can be recycled. So they**

20 **would continue to go to the recycling facility;**

21 **and again, we recycle as much as we can. But,**

22 **there is things that are typically considered**

23 **construction and demolition debris that may end up**

24 **in municipal solid waste loads that do in fact go**

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1 **to the municipal solid waste transfer stations. I**

2 **guess that's what I was trying to clarify.**

3 Q. And I guess could you further clarify

4 how you would consider that to be helping the

5 county meet its recycling goals? Because I

6 believe you indicated as well that it will help

7 meet its recycling goals?

8 **A. Okay. I think I understand your**

9 **question. And I'm going to take a little liberty**

10 **to try to explain.**

11 **So, again, construction or demolition**

12 **debris loads go to the recycling facility today.**

13 **The intent is for them to continue to go there.**

14 **But there are differing degrees of recyclable**

15 **materials in construction or demolition debris**

16 **loads. The what I would call more clean loads,**

17 **those are the things we like. It's easier to pull**

18 **them apart. It's easier to then recycle the**

19 **material that's there.**

20 **One of the challenges with recycling in**

21 **general, along with construction or demolition**

22 **debris, is you get -- I don't want to call them**

23 **contaminants, that sounds bad. But you get things**

24 **that kind of spoil the load and make pieces of**

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1 that construction or demolition debris or portions
 2 nonrecyclable. And the loads that have smaller
 3 amounts of construction or demolition debris, we
 4 spend a lot of time trying to pull that stuff
 5 apart. It takes labor. It takes equipment. So
 6 if there is a what I'll call now a bad C&D load,
 7 really just not practically recyclable, those we
 8 would send over to the transfer station now. Then
 9 it keeps it out of the other facility. It allows
 10 us to free up manpower and equipment to take more
 11 clean loads.

12 Because there is a, like any facility,
 13 there is -- we have sorting equipment, a lot of
 14 machinery and we have our own manpower limits. So
 15 what it does, it allows us to take more of what I
 16 would consider to be the cleaner loads. We can do
 17 a better job recycling and get rid of the, what
 18 I'll call the bad loads, and do with them what
 19 would end up even if it went to the C&D facility,
 20 most of that stuff would end up in the landfill
 21 anyway. We can't recycle everything. We want to
 22 recycle as much as we can.

23 So my point with it is in terms of the
 24 efficiencies and synergies, is it gives us more

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1 capacity to take the good stuff, run it through,
 2 do a much better job recycling, get cleaner
 3 material out the back end. Because to recycle it
 4 you not only have to pull it apart, but it has to
 5 have a certain level of cleanliness or purity to
 6 actually do something with it. So it makes the
 7 whole operation much better. So hopefully that
 8 answered your question.

9 Q. A little bit. We'll testify about this
 10 as well actually. But, there is no processing
 11 ability at the waste transfer station, right?
 12 They're not processing waste at all?

13 A. No, we are not going to process waste.

14 Q. So it's basically in and out, right?

15 A. Correct.

16 Q. It comes in, it goes out?

17 A. Yes.

18 Q. And when it goes out you indicated in
 19 your report that it goes to -- would you tell us
 20 where it's going? Where it's planned to go?

21 A. It's planned to go to the Clinton
 22 landfill.

23 Q. And what about recycled material?

24 A. Any recyclables go through there? The

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1 intent would be to take it to Midwest Fiber.
 2 Q. 100 percent of it to Midwest Fiber or
 3 anyone else?

4 A. Well, they are the only one around that
 5 takes recyclables that I'm aware of. So, yes, we
 6 would take it there unless there's some other
 7 facility I'm not aware of.

8 Q. And that's when you're referring to the
 9 material recovery sector?

10 A. I'm not sure what you're referencing.

11 Q. So when you referred to in your report,
 12 the material recovery center, you were talking
 13 about Midwest Fiber? MRF?

14 A. I'm not sure exactly what you're
 15 referring to. But, the recyclables are intended
 16 to go to Midwest Fiber.

17 Q. Okay. So, let's talk about, you talked
 18 a lot about vertical integration. And I'm really
 19 kind of flummoxed about how it's really all that
 20 directly relevant to whether the county needs to
 21 service its waste industry, another waste
 22 treatment facility.

23 But, let me ask you --

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

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1 speech making by counsel. Questioning is fine.
 2 But, her flummoxing is not.

3 DERKE PRICE: We have allowed a relaxed
 4 standard here with the narrative and all the rest,
 5 so I'm going to overrule the objection. You may
 6 continue.

7 BY MS. MANNING:

8 Q. I'll try not to be more flummoxed,
 9 George, if that's all right with you.

10 So, the applicant itself is not
 11 vertically integrated, is that correct?

12 A. That's correct.

13 Q. But other companies are? Waste
 14 Management? GFL? Correct?

15 A. No.

16 Q. Waste Management is vertically
 17 integrated as a company, maybe not in the service
 18 area?

19 A. Oh, yes. I'm sorry, misunderstood your
 20 question. All of those companies are vertically
 21 integrated in other areas. They're just not
 22 vertically integrated here.

23 Q. And GFL and Waste Management to your
 24 knowledge are both doing business in this service

1 area?
2 **A. GFL I know is. Waste Management**
3 **advertises that they are. I don't see them as**
4 **much, like when you drive down the road and you**
5 **look around. But, they do advertise that they**
6 **service this area. Yes.**

7 **Q. How often are you in McLean County,**
8 **John? I'll withdraw that. I'm just asking for**
9 **your knowledge of the service area here, because**
10 **it seems to me that the entity most knowledgeable**
11 **about the needs of this particular area is the**
12 **ecology center. And they have indicated that 365**
13 **estimated net waste of disposal is what the**
14 **correct number is, in terms of both considering**
15 **their waste needs?**

16 **MR. MUELLER: She's testifying again.**

17 **DERKE PRICE: I think there's a question**
18 **in our future, right, Ms. Manning?**

19 **Q. Yes. Why did you find the need to**
20 **average the DCEO statewide number with the number**
21 **that has been already determined by this**
22 **particular county for this particular area in this**
23 **particular service area by the Ecology Action**
24 **Center, actually rather recently based on 2022?**

1 **it's the most used source of information.**
2 **So, balancing the two, because again if**
3 **the Ecology Action Center is off, they're going to**
4 **be off low. And you're right; the point you're**
5 **making is that if you use the other numbers it's a**
6 **higher number. Well, you're correct. But, again,**
7 **those are also very trusted and true numbers.**

8 **So, I thought the fairest estimate was**
9 **to average the two. And when you look at the**
10 **market as a whole, because as you do this it's a**
11 **series of puzzle pieces that you start putting**
12 **together, as you put together all the puzzle**
13 **pieces, it starts to make sense. And the numbers**
14 **made sense.**

15 **Q. Well, let's look at one of your examples**
16 **that you gave to the County Board, in terms of the**
17 **benefits of increased competition. And I'm**
18 **referring to page 18 of your power point. Where**
19 **you sort of applauded the capacity of the transfer**
20 **station was increased from 350 tons per day to**
21 **1,080 tons per day. And this was I think at the**
22 **Village of Rockdale. Would you agree with me that**
23 **the county -- well, let me just ask this a**
24 **different way.**

1 **A. So, many municipalities have attempted**
2 **to estimate these type of generation numbers**
3 **themselves in the past. And that's what the**
4 **Ecology Action Center is doing here. Most have**
5 **stopped doing it.**

6 **And the reason is, it's hard to get an**
7 **accurate number 'cuz you're doing surveys. You're**
8 **trying to -- in fairness to the Ecology Action**
9 **Center, they do not publish how they come up with**
10 **these numbers. But, I can tell you from being on**
11 **the business side, haulers and companies are**
12 **generally resistant and hesitant to fully disclose**
13 **everything that they are doing because they view**
14 **it as a bit of an intrusive request of**
15 **confidential information. So it's hard. So when**
16 **people do it themselves, they always miss low**
17 **based on my experience. So, most municipalities**
18 **have gone away from doing it.**

19 **So, Will County, DuPage County, Cook**
20 **County, Kane County, all use the numbers in the**
21 **D-C-E-O studies out as part of the municipal**
22 **solid waste management plan generation.**

23 **So, it's such a well trusted and well**
24 **used report in those figures, that like I said,**

1 **You're not proposing that the county**
2 **would benefit by accepting 1,080 tons per day in**
3 **its transfer station, are you?**

4 **A. No.**

5 **Q. Thank you. So, it's kind of an example**
6 **that has limited relevance; would you agree with**
7 **that, in terms of this particular service area?**

8 **A. No, I don't agree.**

9 **Q. Do you believe that the county has**
10 **sufficient waste needs to accommodate the capacity**
11 **of the existing waste transfer station, plus the**
12 **proposed capacity of the proposed transfer**
13 **station?**

14 **A. I'm a bit confused by your question.**
15 **But, could you restate that to make sure that I'm**
16 **clear?**

17 **Q. Could you read it back.**

18 **(At this point the court reporter read**
19 **the requested portion of the record.)**

20 **A. There's clearly a need for another**
21 **transfer station for all of the reasons I talked**
22 **about, which is competition to help control prices**
23 **and improve services. In terms of the capacity,**
24 **yeah, I mean we have a 400 ton capacity. Will we**

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1 ever get there? I don't know. But we over design
2 the facilities.
3 **So, we don't expect to be getting the**
4 **400 tons a day. I believe we can get to 200, 250.**
5 **Again, I'm not sure if that answers your question.**
6 Q. So again, in terms of your focusing on
7 competition and alleged benefits. But, the
8 numbers do not suggest that both a new waste
9 transfer station and an existing waste transfer
10 station are necessary based on the number and the
11 loads of waste that are currently generated and
12 expected to be generated in the future in McLean
13 County, is that correct?
14 **A. It's not a question of capacity. It's a**
15 **question of service and pricing.**
16 Q. Okay. I think you've answered my
17 question.
18 You talked about in terms of benefits,
19 host agreements. And that we have competition,
20 you know, you indicated that there's a host
21 agreement that has been negotiated with the
22 applicant and the City of Bloomington.
23 Are you aware, I think you are because
24 on page 114 of your -- page 14 of your report, you

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1 indicated that Republic Services in fact also
2 offered a bid to the City of Bloomington, which
3 was rejected.
4 **A. You're referring to the bid for the**
5 **ten-year contract versus the five-year contract?**
6 Q. Yes.
7 **A. Yes. They rejected the ten-year bid.**
8 Q. So, you aren't asking the County Board
9 to conclude that Republic Services is not willing
10 to provide benefits for the services to the local
11 governments for the services they provided to the
12 county?
13 **A. I'm not testifying in terms of what**
14 **Republic is willing to do or not willing to do.**
15 **They're not my client.**
16 Q. But, that's right. But, you testified
17 to the benefits that a new waste transfer station
18 will bring to the county, in terms of host
19 agreements?
20 **A. Correct. We have a host agreement that**
21 **would bring benefit to McLean County and City of**
22 **Bloomington if the facility is proposed; or if the**
23 **proposed facility is approved and becomes**
24 **operational.**

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1 Q. Okay. Thank you. A couple of questions.
2 We talked a little bit before about the clean
3 construction and demolition debris, and you
4 explained what construction and demolition debris
5 might be brought.
6 My question is this: Is this in your
7 mind any connection between the C&D facility
8 that's already on the Henson campus and this waste
9 transfer station? And if so, what is it?
10 **A. I don't understand what you mean by**
11 **connection.**
12 Q. In other words, will there be any
13 material from the Henson C&D facility being
14 brought to this transfer station, the proposed
15 transfer station?
16 **A. The short answer is no. So, if you're**
17 **talking about like the nonrecyclable portion of**
18 **the material that goes to the C&D facility, it**
19 **would be -- continue to be loaded into transfer**
20 **trailers directly from the C&D facility and taken**
21 **to the landfill the way it is today. They would**
22 **not take the nonrecyclable materials, bring them**
23 **to the municipal solid waste transfer station for**
24 **loading. Again, if that's what you were asking.**

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1 Q. I think that's all I have, but could I
2 just have a minute, please?
3 **DERKE PRICE: Sure.**
4 **BY MS. MANNING:**
5 Q. I think one last question.
6 I had asked you whether LRS Henson is
7 vertically integrated here. I guess what I would
8 ask is do they own a landfill? I know the
9 Atkinson landfill, is that still operational?
10 **A. It is.**
11 Q. Thank you. Do they intend to bring
12 anything from this proposed facility to Atkinson
13 landfill?
14 **A. No. There's actually -- well, if you**
15 **may or may not know, Lakeshore bought the Moen**
16 **transfer station in Rockdale. And those folks all**
17 **had a contract with the Clinton landfill to bring**
18 **waste there. So, we now have that contract. And**
19 **like every waste disposal company, our objective**
20 **is to be as efficient as possible. Taking it to**
21 **the Atkinson landfill is a long way. It's**
22 **actually one of the benefits. So our intention is**
23 **to bring waste to the Clinton landfill so that --**
24 **and in fact when it opens, is the door for GFL**

1 then to also bring waste potentially to our
 2 transfer station or another one. So combined,
 3 becomes vertically integrated.
 4 And what it really does is for one, the
 5 one transfer station, you bring two new players
 6 into the market. Not just Lakeshore. But GFL can
 7 now compete better as well. So it's really a
 8 double whammy in terms of benefit. Now you've got
 9 some real marketplace competition.
 10 And like I said, there's, to me, clear
 11 and obvious pricing and service benefits that
 12 would occur because of that.
 13 Q. That's all I have right now. Thank you.
 14 **DERKE PRICE:** Thank you, Ms. Manning.
 15 Anything from staff. Mr. Brown? Anything? Mr.
 16 Sierra, anything from the County Board?
 17 **MR. SIERRA:** Yes, Mr. Price.
 18 **DERKE PRICE:** I would encourage you to
 19 also be on the microphone.
 20 **MR. SIERRA:** Thank you.
 21 EXAMINATION BY
 22 **MR. SIERRA:**
 23 Q. Mr. Hock, thank you for all your
 24 testimony here today. I wanted to discuss the

1 calculations on the need or the demand for
 2 existing solid waste out of the service area.
 3 Were you able to determine why there's a
 4 discrepancy between the DCEO figures and the
 5 Ecology Action Center calculations?
 6 **A. I was not. 'Cuz the EAC, for good and**
 7 **obvious reasons, did not share how they come up**
 8 **with their data.**
 9 Q. Were you aware that the DCEO report uses
 10 -- I'm sorry, uses a calculation of the population
 11 in McLean County at 171,000 persons, and then the
 12 DCEO figure added in another approximately 20,000
 13 people to account for Illinois State University
 14 and Illinois Wesleyan University students? Is
 15 that your understanding of the DCEO figures?
 16 **A. So, we did not use the population**
 17 **information from the DCEO studies. We went to, we**
 18 **used census data. We only used the per capita**
 19 **data. Meaning the amount of waste generated per**
 20 **person, per pound per day.**
 21 Q. So was that limited to the per capita
 22 was calculated using 171,000? Or was it
 23 calculated using 190,000?
 24 **A. So we did our own population estimates**

1 from the census. And then we did use data from
 2 the universities, in terms of enrollment and such.
 3 So, if you give me a moment. So we did
 4 estimate the population of the service area to be
 5 approximately 193,000 based on the 2022 data.
 6 Q. And that took the -- there was an actual
 7 population of 170,000 and then added in additional
 8 population for the Illinois Wesleyan and Illinois
 9 State students, correct?
 10 **A. Correct.**
 11 Q. Were you aware that the census figure of
 12 170,000 already includes students who live at
 13 Illinois Wesleyan, or who attend Illinois Wesleyan
 14 and Illinois State University?
 15 **A. We assumed it did not, which is why we**
 16 **added that in.**
 17 Q. If the 170,000 figure does include the
 18 student population, would your calculation as to
 19 the total need for the service area be reduced?
 20 **A. It would.**
 21 Q. Thank you. No further questions.
 22 **DERKE PRICE:** Thank you, Mr. Sierra.
 23 That brings us back to the applicant. Any
 24 redirect, Mr. Mueller?

1 **MR. MUELLER:** I do have one.
 2 **FURTHER EXAMINATION**
 3 **BY MR. MUELLER:**
 4 Q. Mr. Hock, can you give us a quick
 5 example of what you refer to as a bad recyclable
 6 load?
 7 **A. Sure. So, again, construction or**
 8 **demolition debris can be construction, demolition,**
 9 **or something from remodeling or renovation.**
 10 **So, you may get a load that is with**
 11 **nonrecyclables or maybe it's overly wet.**
 12 **Nonrecyclables are plastic. They may throw a**
 13 **bunch of trash in there. Some -- when you have a**
 14 **construction site, it should be just the C&D**
 15 **debris. But sometimes the workers just literally**
 16 **just throw garbage in there. And you will get**
 17 **loads that just have a big percent of garbage. We**
 18 **don't want that because now we just have garbage**
 19 **going through our whole recycling system and it**
 20 **just makes a mess.**
 21 **So you do get some with, like I said, a**
 22 **high percentage of garbage for whatever reason.**
 23 **And that would be a bad load.**
 24 Q. That's all I have.

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1 **DERKE PRICE:** Ms. Manning, any recross
 2 on that example?
 3 **MS. MANNING:** No, thank you.
 4 **DERKE PRICE:** Anything else from staff?
 5 Mr. Sierra?
 6 **MR. SIERRA:** Nothing additional. Thank
 7 you.
 8 **DERKE PRICE:** All right. Then that
 9 concludes your testimony, Mr. Hock. Thank you.
 10 Mr. Mueller, your next witness, please.
 11 (Witness excused.)
 12 **MR. MUELLER:** We will call Karl Finke.
 13 **DERKE PRICE:** Mr. Finke, please come
 14 forward.
 15 **MS. MANNING:** Point of order, Mr.
 16 Hearing Officer. I thought Mr. Mueller and I had
 17 discussed us putting our need witness on
 18 subsequent to the Criterion 1 discussion.
 19 **DERKE PRICE:** Well, that's not typical.
 20 But Mr. Mueller?
 21 **MR. MUELLER:** I didn't understand that
 22 was the thrust of her discussion. I assumed that
 23 we would put on all of our witnesses and they
 24 would put on theirs in their case.

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1 **DERKE PRICE:** Yeah, that's typically
 2 where I'm at. The applicant puts on its whole
 3 case and then you put on your case to take it
 4 apart. That will be next.
 5 **MS. MANNING:** That's fine.
 6 **DERKE PRICE:** So what you are handing
 7 out, Mr. Mueller, is the power point for Mr.
 8 Finke, is that correct?
 9 **MR. MUELLER:** That's correct.
 10 **DERKE PRICE:** So that will be Exhibit 8.
 11 **KARL FINKE,**
 12 the deponent herein, called as a witness, after
 13 having been first duly sworn, testified as
 14 follows:
 15 EXAMINATION BY
 16 **MR. MUELLER:**
 17 **DERKE PRICE:** You may proceed.
 18 Q. Thank you. Would you state your name,
 19 please?
 20 A. My name is Karl Finke.
 21 Q. And what is your profession, sir?
 22 A. I am a project director with Andrews
 23 Engineering. I am an environmental engineer.
 24 Q. And you are a professional engineer in

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1 Illinois?
 2 A. I am.
 3 Q. Were you involved in the preparation of
 4 the reports on Criteria 2, 4, 5, 7 and 9?
 5 A. I was.
 6 Q. And did you also prepare power point
 7 slides that summarize the contents of the reports
 8 in the application?
 9 A. I did.
 10 Q. Would you proceed with those, please.
 11 A. So good afternoon. My name is Karl
 12 Finke. I'm here today to provide testimony on the
 13 proposed LRS Henson Recycling Campus Transfer
 14 Station.
 15 I'm an environmental engineer and
 16 project director for Andrews Engineering. I have
 17 an undergraduate degree in geological engineering
 18 from the University of Missouri, Rolla. And a
 19 master's of business administration from Columbia
 20 College. I am a registered professional engineer
 21 in Illinois and Missouri. I am a registered
 22 professional geologist in Missouri. I have over
 23 26 years of experience in all aspects of solid
 24 waste.

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1 I formerly worked at the Missouri
 2 Department of Natural Resources, solid waste
 3 management program, and the permit unit reviewing
 4 construction and operating permits for transfer
 5 stations, landfills and composting facilities.
 6 Giving me a unique perspective as I have worked on
 7 both the permitting side as a state regulator and
 8 as a consultant designing solid waste facilities.
 9 I have years of experience designing and
 10 permitting solid waste landfills and transfer
 11 stations, including providing construction quality
 12 assurance, and preparing closure and post-closure
 13 plans.
 14 In addition, I have design permitting
 15 and closure experience with utility waste
 16 landfills. And coal tailing and coal combustion
 17 residual impoundments.
 18 As previously discussed by Mr. Mueller
 19 and Mr. Hock, there are several key benefits of
 20 the proposed HRC transfer station. The key
 21 benefits are: Improved pricing for waste and
 22 recycling management. Improved level of service
 23 for waste and recycling management. Funding for
 24 the community. Highest level of environmental

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1 protection and safety. Ideal location. And
 2 minimal impacts on traffic.
 3 Mr. Hock previously discussed the first
 4 three benefits. And as part of my testimony, I'm
 5 going to demonstrate that this proposed facility
 6 would provide the highest level of environmental
 7 protection and safety.
 8 So, these are the steps for a transfer
 9 station development. The local siting approval is
 10 the first step of a multi-year process, which is
 11 why we are here today.
 12 This is just the beginning of the
 13 process. If we are successful at siting, then we
 14 will apply for a construction permit with the
 15 IEPA, where their experts will insure our design
 16 and operations are compliant with the regulations.
 17 After permitting is approved by the IEPA, local
 18 building permits will be secured. The facility
 19 will be constructed. And a final application will
 20 be submitted to the IEPA for an operating permit.
 21 My testimony is based upon the narrative
 22 calculations and drawings submitted for the siting
 23 application. The format of the siting application
 24 meets the requirements of Section 39.2 of the

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1 Illinois Environmental Protection Act and the
 2 McLean County Chapter 289, pollution control
 3 facilities.
 4 I will be presenting on Criterion 2, 4
 5 5, 7 and 9 of the 9 criterion. Criterion 2 covers
 6 the protection of public health, safety and
 7 welfare. Criterion 4 confirms that the proposed
 8 facility is located outside of the 100 year
 9 floodplain or is flood proofed.
 10 Criterion 5 is the establishment of an
 11 accident prevention and emergency response plan.
 12 Criterion 7 is that this proposed facility will
 13 not accept hazardous waste. And Criterion 9 is
 14 that the proposed facility is not located within a
 15 regulated recharge area.
 16 I will begin covering Criterion 2.
 17 Criterion 2 of the act states that the facility is
 18 so designed, located and proposed to be operated
 19 that the public health, safety, and welfare will
 20 be protected.
 21 The proposed transfer station will be
 22 operated by Lakeshore Recycling Systems.
 23 The proposed transfer station site is
 24 approximately 3.09 acres. Located in an

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1 undeveloped and isolated portion of the
 2 approximately 42 acre Henson recycling campus.
 3 And is located outside the corporate limits of the
 4 City of Bloomington currently zoned M2
 5 manufacturing.
 6 This is a list of the location standards
 7 within the act. Archeological, architectural or
 8 historic sites. None are present within the
 9 vicinity of the proposed site as verified by the
 10 Illinois Historic Preservation Agency.
 11 Threatened or endangered species. None
 12 are present in the proposed project area as stated
 13 in the EcoCAD, which is a compliance tool of the
 14 Illinois Department of Natural Resources. I will
 15 cover in greater detail the location standards for
 16 the wild and scenic rivers. Residential setback.
 17 Wetlands. Airports. 100 year floodplain. And
 18 regulated recharge area later in my presentation.
 19 The Middle Fork of the Vermilion River
 20 near Danville, Illinois, is the only registered
 21 wild and scenic river. This river is over 60
 22 miles from the proposed transfer station. So the
 23 proposed facility meets this location standard.
 24 The location standards for residential

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1 properties requires that a proposed transfer
 2 station be located at least 1,000 feet from a
 3 residential area, and at least 1,000 feet from the
 4 nearest residence. The proposed facility boundary
 5 is located over 1,000 feet from the nearest
 6 residence shown to the southeast, and the nearest
 7 residentially zoned property located west of Bunn
 8 Street.
 9 The location standard for wetland was
 10 met by performing a wetland study with submittal
 11 to the Army Corps of Engineers. The Army Corps of
 12 Engineers determined that no jurisdictional
 13 wetland are present on the site.
 14 The proposed transfer station is
 15 approximately 2 and three-quarters of a mile to
 16 the southwest of the Central Illinois Regional
 17 Airport. The FAA provides guidance on land uses
 18 within five miles of a public airport. Which
 19 includes municipal solid waste transfer station
 20 that have the potential to attract hazardous
 21 wildlife on or near public airports. The proposed
 22 HRC transfer station is designed with all of the
 23 protections and safeguards as if it were in a
 24 runway protection zone. The proposed transfer

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1 station is well outside of the runway protection
 2 zone for the Central Illinois Regional Airport.
 3 Therefore, the proposed design and
 4 operations will exceed the FAA guidance. This
 5 will benefit the community and the airport as the
 6 proposed design would deter birds from the
 7 adjoining pond, thus decreasing wildlife
 8 attractants in the area. The Central Illinois
 9 Regional Airport and LRS have agreed to work
 10 together to not cause an increase in wildlife
 11 attractants. This proposed transfer station will
 12 be an advanced modern facility, as I'll
 13 demonstrate further in my presentation.
 14 The proposed transfer station will be
 15 fully enclosed, with all waste handling performed
 16 indoors.
 17 Not only will the transfer station have
 18 operating bay doors, but the bay doors will be
 19 rapid opening and closing, which would fully open
 20 or fully close in under ten seconds. All inbound
 21 and outbound vehicles will be tarped or fully
 22 enclosed. If a vehicle shows up on site and it is
 23 not tarped or fully enclosed, they will receive a
 24 warning the first time, and would be turned away

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1 if they show up a second time without being tarped
 2 or fully enclosed.
 3 The proposed transfer station will have
 4 state of the art ventilation system using
 5 ozonators to destroy odors, not mask them. The
 6 ozonators provide low levels of ozones that
 7 rapidly oxidizes compounds, which are odors. The
 8 proposed facility will have four rooftop mounted
 9 ventilation with ozonators to create a negative
 10 air pressure condition, providing 6 to 8 air
 11 exchanges per hour.
 12 As previously discussed, this facility
 13 has been designed to exceed FAA guidance.
 14 The proposed transfer station would be
 15 constructed of a pre-engineered metal building,
 16 with three bay doors for incoming vehicles as you
 17 can see in this image. There is one load out bay
 18 for the transfer truck and trailer at the north
 19 interior of the building, with a scale in the load
 20 out bay.
 21 All of the bay doors are fast acting and
 22 would either fully open or fully close in under
 23 ten seconds, with only one door open at any one
 24 time.

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1 There are four roof top exhaust fans to
 2 create a negative air pressure within the
 3 building. There will be filtration of the air
 4 prior to entering the duct system towards the
 5 exhaust fans. And ozonators will generate ozone
 6 that is introduced into the duct system to destroy
 7 any odors compounds or bacteria.
 8 This proposed transfer station is modern
 9 with features that most other transfer stations
 10 don't have, which is what makes it highly
 11 protective of the environment.
 12 There is a mechanical room located on
 13 the southwest corner of the building which
 14 contains spill kits and other operational
 15 equipment.
 16 There is a scale house and two scales
 17 located in the foreground. One for inbound
 18 traffic along the east side of the scale house,
 19 which is on the side closest to us. And outbound
 20 scale along the west side of the scale house.
 21 Proposed facility has an 8 foot tall wooden fence
 22 and an entrance gate that will be closed when the
 23 proposed transfer station is closed.
 24 There is employee parking located along

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1 the south side of the proposed transfer station
 2 building.
 3 The proposed transfer station is
 4 designed with below ground on site storm water
 5 detention. The below ground storm water detention
 6 has numerous benefits such as freeing up area on
 7 the site for operations, cleaning of the storm
 8 water by removing suspended sediment before the
 9 slow release from the detention. And not
 10 contributing to additional wildlife attractants.
 11 Security cameras would be installed and utilized
 12 to manage the operations. Determine available
 13 bays for unloading collection vehicles. And
 14 watching for any potential issues.
 15 The proposed transfer station would have
 16 lighting within and surrounding the transfer
 17 station building to allow safe operations during
 18 low ambient light conditions such as early morning
 19 or late afternoon in the winter.
 20 There is a utility agreement with the
 21 City of Bloomington to provide water and sewer
 22 services. The water and sewer will be connected
 23 to the scale house for use in an employee break
 24 room and restrooms. Water will be available

1 within the transfer station for washing down the
2 facility to the fire suppression system, which I
3 will discuss later, and a fire hydrant on site.

4 The proposed facility will have 15 to 20
5 foot tall mature spruce trees or other similar
6 types of trees planted along the surrounding of
7 the site as depicted in this image.

8 And along HDI Court, the neighboring
9 pond would receive a grid wire system and rip rap
10 shore line as bird deterrents if the facility is
11 approved.

12 The benefit to the community and the
13 airport is that this transfer station, the pond,
14 will receive cabling and rip rap shore line to
15 deter birds.

16 As I mentioned before, the proposed
17 transfer station would be a pre engineered metal
18 building, with dimensions of 100 feet wide and 120
19 feet long. The pre engineered metal building
20 would be constructed with concrete short walls,
21 and an 8 inch thick concrete tipping floor sloped
22 towards floor drains within the building.

23 All free liquids within the transfer
24 station building would be contained and drained to

1 such as Midwest Fiber or one of LRS's facilities
2 that sort SSR for further use and recycling.

3 The proposed transfer tipping floor has
4 excess staging areas for waste. The load out bay
5 would be equipped with a scale to weigh the
6 transfer trucks prior to departing the transfer
7 station building.

8 The on site storm water will be managed
9 in subsurface chambers as shown in this picture.
10 The proposed design of the on site storm water
11 detention would have a total capacity exceeding
12 30,000 cubic feet, when only 21,321 feet of storm
13 water capacity is required based upon the McLean
14 County storm water requirements for the size of
15 the proposed facility's site. The on site storm
16 water is designed to be in two similarly sized
17 subsurface detention systems. The maximum release
18 rate based on the McLean County storm water
19 requirement is 1.97 cubic feet per second or less.

20 The proposed design would be below this,
21 with a release rate of 1.6 cubic feet per second.

22 Additionally, valving will be installed
23 on the 12 inch discharge pipe exiting from each of
24 the two subsurface detention areas. This

1 floor drains. These floor drains would gravity
2 drain to a holding tank located along the north
3 end of the proposed transfer station building to
4 contain any free liquids from the tipping floor.
5 Once the holding tank is near capacity, the water
6 contained will be tested and hauled to an
7 appropriate treatment facility.

8 The west wall in the western half of the
9 southern wall will be steel plated concrete push
10 walls, which allows a high lift to push waste up
11 against them for filling the bucket.

12 The tipping floor has ample space for
13 unloading three collector vehicles at a time,
14 loading a transfer truck and adequate waste
15 staging capacity on the tipping floor. With an
16 elevated tipping floor we gain a grade load out
17 bay allowing transfer trucks a complete view of
18 the load out bay when backing in.

19 To the southwest corner of the tipping
20 floor is a single stream recyclables staging area.
21 SSR for short. The SSR has adequate staging
22 capacity to store materials until a full load can
23 be loaded into a transfer truck.

24 The SSR would be hauled to a facility

1 discharges to the pond adjoining the facility
2 property. The benefit to the community is that
3 the airport -- and the airport, is that this does
4 not attract wildlife and releases water at a
5 slower rate.

6 The proposed transfer station would
7 accept the following waste and materials.
8 Residential waste, which is typical garbage from a
9 household. This is the waste that each of us
10 throw away. Commercial waste, which is garbage
11 from business and institutions such as schools.
12 Residential and commercial recyclables are various
13 recyclables that are mixed together in a single
14 bin or container. This is SSR or single stream
15 recyclables. They are typically composed of
16 paper, cardboard bottles and cans.

17 The unacceptable waste are hazardous
18 waste as defined by Section 3.220 of the act.
19 Potentially infectious medical waste. Asbestos
20 waste. White goods, which are appliances.
21 Batteries and tires.

22 The purpose of the transfer station is
23 to collect smaller loads from the local collection
24 vehicles and consolidate them into a larger

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1 transfer truck for transport to a landfill.
 2 Collection vehicles are more costly than transfer
 3 trucks and trailers. Transfer trucks get better
 4 mileage per gallon than collection vehicles.
 5 Collection vehicles are purpose built for
 6 collecting waste along a route. Transfer trucks
 7 and trailers are purpose built for hauling waste
 8 from a transfer station to a landfill.
 9 All of the waste will be handled
 10 indoors. Typically, three to four incoming
 11 collection vehicles would fill a transfer trailer.
 12 The waste that enters the site first would be the
 13 waste that is loaded out first to minimize the
 14 time that any waste is in the proposed transfer
 15 station.
 16 Proposed transfer station is designed
 17 for effective controls for odor and blowing
 18 litter. As mentioned before, the proposed
 19 transfer station would only allow one bay door to
 20 be open at a time, with a negative air pressure
 21 condition to contain any odors. Blowing litter
 22 will be minimized by having fully enclosed or
 23 tarped loads of waste. As part of the operations,
 24 a spotter would be policing the site for litter,

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1 and the 8 foot tall fence would help to contain
 2 any blowing litter.
 3 Loads of recyclables brought to the
 4 proposed transfer station would be unloaded from
 5 the collection vehicles on to the tipping floor
 6 and staged in the SSR area in the southwest corner
 7 of the tipping floor, until a fully load, or a --
 8 until it is loaded into a larger load such as a
 9 transfer truck for transport to material recovery
 10 facility for separation and reuse as a commodity.
 11 This is an elevated view of the HDI
 12 Court from Bunn Street. HDI Court would be a new
 13 road to provide access from Bunn Street to the HRC
 14 transfer station and would be a public road paid
 15 for by private funding. HDI Court will include a
 16 sidewalk, landscaping similar to the proposed
 17 transfer station facility boundary, and a utility
 18 corridor to provide the utilities to the proposed
 19 transfer station.
 20 From an elevated view, you can see the
 21 transfer station building is setback to the far
 22 east of the 42 acre complex. It would be
 23 difficult to see the transfer station at ground
 24 level. HDI Court would be utilized by others,

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1 other operations, provide safer ingress, egress,
 2 reduce dust, maintenance, and provide storm water
 3 management and a public road paid for with private
 4 funds.
 5 All right. I'm going to run that same
 6 video.
 7 (At this point there was an off the
 8 record discussion.)
 9 (Video played.)
 10 MR. FINKE: All right. So collection
 11 trucks will enter on to HDI Court from Bunn
 12 Street. So as you can see, HDI Court will have
 13 striping. It also has a sidewalk and curbing.
 14 Also you can see the spruce trees or other types
 15 of trees, mature 15 to 20 foot tall lining HDI
 16 Court. It will take approximately 45 minutes for
 17 a haul truck to get from Bunn Street to the end of
 18 HDI Court to enter the site. Here it's trucks
 19 entering the site.
 20 MR. MUELLER: While there's a pause, did
 21 you mean to say 45 minutes or 45 seconds?
 22 MR. FINKE: 45 seconds.
 23 A VOICE: That's a long road.
 24 DERKE PRICE: Or a slow truck.

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1 MR. FINKE: All right. So at this point
 2 the collection vehicle will typically be stopped
 3 on the scale for less than a minute, closer to 30
 4 seconds. The scale operator will record the truck
 5 information for electronic ticketing. Each truck
 6 number will have a recorded empty weight or tare
 7 weight. So on most trips to the transfer station
 8 collection vehicles would only cross the inbound
 9 scale. Once a collection vehicle has been
 10 weighed, the driver will be directed to the bay
 11 door of the transfer station to enter for
 12 unloading on to the tipping floor. There's ample
 13 employee parking as you can see along the south
 14 side of the transfer station building.
 15 Also you can see a spotter over here.
 16 He will assist in guiding the collection vehicles
 17 and patrolling for litter. And see the mature
 18 trees surrounding the site also. That's not as
 19 easy to see but there is cabling shown in this
 20 image across the neighboring pond, and the shore
 21 line will have rip rap. These are both bird
 22 deterrents.
 23 There's also an eight foot tall fence,
 24 wooden fence, surrounding the site. The truck

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1 will back up to a bay door that was designated.
 2 The doors will be automated, so once the truck
 3 activates a censor, the door will open. Then once
 4 the light turns green, the truck can back in. And
 5 once it's in, it will automatically close. It's
 6 rapid opening and closing doors.
 7 Here you can see the roof top unit for
 8 ventilation. And destruction of odors and
 9 filtration. Also, there's a transom light across
 10 the south and north side of the building for
 11 allowing natural light to enter the building.
 12 Once inside, the collection vehicle will
 13 discharge its load on the tipping floor. Then the
 14 load that was discharged can be collected by the
 15 end loader and placed into the transfer trailer.
 16 I'm stopping at this point. At this
 17 point you can see the push wall that's along the
 18 south side of the building, the western half.
 19 It's concrete tipping wall with steel plating.
 20 Also, in that southwest corner will be the SSR or
 21 the single stream recycling area. This will be
 22 the staging area. Also, there is the mechanical
 23 room located on the southwest corner of the
 24 transfer station building next to the employee

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1 parking.
 2 Transfer trailer, once it's fully
 3 loaded, would be weighed and tarped inside the
 4 load out bay. All of the waste is handled indoors
 5 with all of the doors being closed at all times
 6 feasible.
 7 Now the collection vehicle may proceed.
 8 Since this collection vehicle had an empty weight
 9 or a tare weight it doesn't need to cross over the
 10 outbound scale. It exits the site and returns to
 11 its collection route or final destination.
 12 Transfer truck and trailer will exit the transfer
 13 station. It was weighed within the load out bay
 14 on the scale that was contained within the load
 15 out bay. So, it will as well bypass the outbound
 16 scale. Will proceed offsite to the landfill.
 17 Now, I will continue on. Throughput
 18 analysis was conducted for the proposed transfer
 19 station using the estimated facility maximum daily
 20 average of 400 tons. A part of the analysis is to
 21 determine vehicle stacking and queuing at the
 22 inbound scale to verify that there would be --
 23 would not be collection vehicles backed up
 24 offsite. The throughput analysis looks at the

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1 cycle times for unloading collection vehicles,
 2 loading of the transfer trailers, and the
 3 available area for staging of materials and waste
 4 on the tipping floor.
 5 This is a table showing the hourly
 6 breakdown of the anticipated number of inbound
 7 collector vehicles and outbound transfer trucks.
 8 During the peak hour of ten AM, there would be
 9 eight inbound collector vehicles and two outbound
 10 transfer trucks. This is a total of ten vehicles
 11 in the peak hour, approximately one every six
 12 minutes. This is the maximum estimated
 13 throughput for a 400 ton per day.
 14 These are the key assumptions for the
 15 throughput analysis. One ton of residential and
 16 commercial waste is approximately equivalent to
 17 five cubic yards of waste on the floor of the
 18 proposed transfer station. A transfer truck has a
 19 capacity of 24 tons. A local collection packer
 20 truck or your local trash truck that picks up your
 21 waste has a capacity of eight tons. And a roll
 22 off box has a capacity of four tons. Cycle times
 23 for transfer stations are based upon scale
 24 studies, evaluation of transfer stations by

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1 Andrews Engineering, transfer station and
 2 operational experience of Andrews Engineering, and
 3 the design of the scales, access roads and roadway
 4 entrances for a 400 ton per day capacity transfer
 5 station.
 6 This is a summary table of the results
 7 of the throughput analysis. During the peak hour
 8 in the peak 15 minutes, there would be no
 9 collector vehicles stacking at the scale. This is
 10 because the collector vehicles can enter the site
 11 and drive on to the scale, be weighed, and exit
 12 the scale in under a couple of minutes.
 13 Less than a minute would be spent on the
 14 scale, and it's typically closer to 30 seconds.
 15 This is accomplished due to having electronic
 16 ticketing, collection vehicles with stored empty
 17 weights, which are also called tare weights, and
 18 cameras at the scale house. There's room for six
 19 collection vehicles before any would be backed off
 20 on site on to HDI Court. Thus the excess capacity
 21 is six collection vehicles. If half of the peak
 22 power collection vehicles arrived all at once,
 23 there is excess capacity preventing collection
 24 vehicles from backing up on to HDI Court.

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1 The number of outbound loaded transfer
 2 trucks per hour during the estimated peak is two
 3 loaded trucks. A very conservative design
 4 capacity of three transfer trucks per hour was
 5 used for the analysis. This allows for up to 20
 6 minutes per transfer truck to back into the
 7 load out bay, be fully loaded, tarped and weighed
 8 within the load out bay, then pull out of the load
 9 out bay. Based upon the conservative design
 10 capacity of three transfer trucks per hour, we
 11 have an excess capacity of one transfer truck per
 12 hour.

13 During the peak hour there would be
 14 eight collector vehicles unloaded. The design
 15 capacity is 21 collector vehicles per hour, with
 16 seven collector vehicles per hour for each bay.
 17 This is based upon allowing up to eight and a half
 18 minutes for each collector vehicle to back up, and
 19 in an available bay, discharge our load, then pull
 20 back out of the bay to exit the site. This can
 21 typically be accomplished in approximately six to
 22 seven minutes, but was conservatively designed
 23 with just over eight and a half minutes per
 24 collector vehicle.

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1 The proposed transfer station has an
 2 estimated peak of eight collector vehicles per
 3 hour, so the very conservative excess capacity
 4 would be 13 collector vehicles per hour.

5 The proposed transfer station tipping
 6 floor has excess capacity for staging of waste on
 7 the tipping floor. It was calculated that a
 8 maximum of 180 cubic yards of waste on the tipping
 9 floor would be the estimated peak, with the
 10 transfer station receiving up to 400 tons per day.

11 The very conservative design capacity of
 12 400 cubic yards was calculated for an area along
 13 the western portion of the tipping floor. This
 14 allows for a conservative excess capacity of 220
 15 cubic yards of additional waste that could be
 16 staged on the tipping floor and not hinder
 17 operations.

18 To summarize the throughput analysis.
 19 No collector vehicle will be stacked behind the
 20 scale during the peak one hour or the peak 15
 21 minutes. There is conservatively excess capacity
 22 for at least one additional transfer truck per
 23 hour. And it is possible to load four transfer
 24 trucks per hour, with only eight collector

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1 vehicles unloading per hour, and with three bays
 2 for unloading.

3 There is excess capacity of 13
 4 additional collector vehicles per hour. This
 5 transfer station was thoughtfully designed to
 6 assure that it would have excess capacity even if
 7 it were accepting the estimated peak daily average
 8 of 400 tons per day. The proposed transfer
 9 station was designed with modern features and
 10 excess capacity to be safe for use. This proposed
 11 transfer station has excess capacity for an
 12 estimated peak 400 tons per day and could easily
 13 handle twice that volume.

14 The hours of operation for the proposed
 15 transfer station to accept waste is weekdays, six
 16 AM to six PM. Saturdays, six AM to noon.

17 Odor and dust control will be
 18 accomplished through daily street sweeping of the
 19 transfer station,
 20 HDI Court and Bunn Street. The streets sweeper
 21 has regenerative air and water spray for wet
 22 sweeping. The regenerative air allows for high
 23 air flows to cut dirt and grime from the surfaces
 24 and collect the debris via the suction of the

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1 system.

2 An available water spray system can be
 3 directed to the surface directly ahead of the
 4 sweeping and pick up heads. Regenerative air
 5 sweepers are better at picking up smaller
 6 particles than mechanical and vacuum sweepers
 7 because the air blast and suction action of the
 8 pick up bed reaches areas not accessible to
 9 circular brooms. The regenerative air street
 10 sweeper will be used on the tipping floor on a
 11 daily basis after all of the waste has been loaded
 12 into transfer trailers as a part of the facility
 13 cleaning.

14 The tipping floor and push walls will be
 15 power washed on a weekly basis. Litter will be
 16 effectively controlled by all inbound loads of
 17 waste to be tarped for fully enclosed. Staff will
 18 patrol the site on a daily basis along with the
 19 spotter continually providing observation and
 20 patrolling for litter. And the eight foot tall
 21 wooden fence surrounding the proposed transfer
 22 station would provide additional litter control by
 23 preventing litter from blowing offsite.

24 Additional key site operational controls

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1 are that the first waste brought into the proposed
 2 transfer station would be the first waste loaded
 3 and hauled off to minimize the amount of time the
 4 waste would be -- would reside at the facility.
 5 On a quarterly basis at a minimum, pest
 6 control services would be on site. The proposed
 7 transfer station was thoughtfully designed to have
 8 the bay doors facing away from the area zoned
 9 residential, and that the doors are fast acting;
 10 fully opening or closing in under ten seconds.
 11 The design of the proposed transfer
 12 station is modern, with fast acting bay doors that
 13 are used throughout the day.
 14 All equipment would be equipped with
 15 mufflers and state of the art back up alarms that
 16 are dynamic using a low frequency unless other
 17 noises are occurring, which would increase the
 18 frequency of the back up alarm for safety
 19 purposes.
 20 The staff site would be trained in the
 21 operations of the facility of the site and the
 22 site safety. Load checking begins at the curb
 23 prior to picking up waste. On site load checking
 24 would continue with loads checked at the scales

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1 and on the tipping floor with staff trained to
 2 visually identify unacceptable waste. Three
 3 random formal loads would be checked per week as
 4 part of the load checking program.
 5 The summary and benefits of the proposed
 6 transfer station is that it meets all the location
 7 standard requirements. Exceeds FAA guidance for
 8 land use within five miles of a public airport.
 9 It has been over designed for the amount of
 10 materials proposed to be accepted. And it would
 11 provide the county with a new modern transfer
 12 station with enhanced safety and environmental
 13 protection.
 14 Therefore, it is my opinion that the
 15 facility is so designed, located and proposed to
 16 be operated that the public, health, safety and
 17 welfare will be protected. This completes my
 18 testimony on Criterion 2.
 19 Moving on to Criterion 4, which requires
 20 that the facility is located outside the boundary
 21 of the 100 year floodplain or the site is flood
 22 proofed. The facility is greater than 4,600 feet
 23 from the nearest 100 year floodplain and the
 24 proposed design is in an elevation above 850 feet

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1 mean sea level. The nearest 100 year floodplain
 2 has a base flood elevation of 810 feet mean sea
 3 level. Our facility is approximately 40 feet
 4 higher than the nearest base flood elevation.
 5 Therefore, it is my opinion that the
 6 proposed transfer station is located outside the
 7 boundary of the 100 year floodplain. This
 8 concludes my testimony on Criterion 4.
 9 Criterion 5 requires that the plan of
 10 operations for the facility is designed to
 11 minimize the danger to the surrounding area from
 12 fires, spills and other operational accidents.
 13 As part of Criterion 5, an accident fire
 14 protection and a contingency plan have been
 15 established and emergency coordinator and a back
 16 up coordinator will be designated, along with a
 17 corporate emergency coordinator.
 18 The fire prevention measures for the
 19 proposed transfer station include visually
 20 inspecting incoming loads prior to and during
 21 handling. The visual inspection will include
 22 signs of a possible fire, such as smoke or
 23 blistering paint. Fire extinguishers will be
 24 placed throughout the proposed transfer station

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1 and on all mobile equipment. Additional fire
 2 prevention measures include the installation of a
 3 dry pipe fire suppression sprinkler system in the
 4 transfer station building. A fire hydrant will be
 5 located on site near the transfer station building
 6 for fire fighting.
 7 In addition to all of the above methods
 8 of fire prevention and fire protection, LRS
 9 chooses to use the fire rover at their facilities.
 10 The fire rover system would have a foam shooting
 11 canyon and a camera centrally located along the
 12 west wall of the proposed transfer station
 13 building so they could easily shoot foam in all
 14 directions and into all corners of the building.
 15 The fire rover would be active 24 hours per day,
 16 seven days per week. The fire rover is over and
 17 above what a typical modern transfer station has.
 18 The fire rover is used at multiple LRS
 19 facilities. The fire rover has been demonstrated
 20 effective at early detection and fire fighting of
 21 fires. Prior to the activation of a dry pipe
 22 sprinkler system, the fire rover is monitoring 24
 23 hours per day, seven days per week. It uses a
 24 military grade thermal camera to detect

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1 temperature anomalies and has a high definition
 2 camera for remote monitoring by a live person 24
 3 hours per day, seven days per week, and a command
 4 center.
 5 The canyon can shoot fire fighting foam
 6 up to 150 feet, and 343 degrees of rotation,
 7 approximately 180 degrees of rotation for this
 8 installation being wall mounted. If the system is
 9 activated by the command center, it would begin
 10 shooting foam at the potential fire, automatically
 11 dial 911, and activate on-site alarms notifying
 12 site staff to evacuate the site.
 13 The fire fighting foam is nontoxic,
 14 allowing safe use around site staff. In most
 15 instances, the fire rover will extinguish a fire
 16 before any other fire prevention method is
 17 utilized. The fire rover is the first line of
 18 defense against a potential fire, and would stop
 19 fires before they start.
 20 The fire rover would preclude the need
 21 for the dry pipe sprinkler system. LRS goes above
 22 and beyond in fire protection.
 23 The site will employ the following spill
 24 prevention measures. Train facility personnel in

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1 the operation and maintenance of equipment to
 2 prevent spills. Spill cleanup kits will be
 3 available and stored in a mechanical room attached
 4 to the transfer station building. And the
 5 subsurface storm water detention would have valves
 6 on the discharge pipes so that if a spill were to
 7 occur, the storm water detention could be isolated
 8 from the neighboring pond, and the contained
 9 waters would be tested and properly treated or
 10 disposed of.
 11 Accident prevention begins with safety
 12 training. Training for the proper use and
 13 availability for site staff of personal protective
 14 equipment and hearing protection. It is
 15 imperative to keep sources of ignition away from
 16 flammables. Good housekeeping minimizes slips,
 17 trips and falls. The implementation of
 18 lock out/tag out procedures prevents unintended
 19 powering or use of equipment during maintenance or
 20 repair. Continually improve upon the safety
 21 practices, reporting of all unsafe conditions, is
 22 required.
 23 The accident, fire protection and
 24 contingency plan is a living document, and will be

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1 updated to improve upon site safety.
 2 This is a diagram of the evacuation plan
 3 showing the direction of flow from the site to the
 4 rally point in the cul de sac. The rally point
 5 allows the site staff to be able to provide site
 6 specific information to arriving emergency
 7 services if necessary.
 8 The summary and benefit to the proposed
 9 transfer station, is that it would be a new modern
 10 transfer station with enhanced safety and
 11 environmental protections. And in addition to
 12 typical fire prevention and fire protection, LRS
 13 has elected to use the fire rover at their
 14 facilities.
 15 It is my opinion that the plan of
 16 operations for the facility is designed to
 17 minimize the danger to the surrounding area from
 18 fire, spills, or other operational accidents. This
 19 concludes my testimony on Criterion 5.
 20 Moving on to Criterion 7. Criterion 7
 21 states that if the facility will be treating,
 22 storing or disposing of hazardous waste, an
 23 emergency response plan exists for the facility
 24 that includes notification, containment and

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1 evacuation procedures to be used in case of
 2 accidental release.
 3 It is my opinion that the proposed
 4 facility will not be treating, storing or
 5 disposing of hazardous waste, therefore Criterion
 6 7 is not applicable.
 7 Criterion 9 is related to the regulated
 8 recharge area criteria. A regulated recharge area
 9 is an area that receives surface waters quickly to
 10 recharge ground water. Criterion 9 states that if
 11 the facility will be located within a regulated
 12 recharge area, any applicable requirements
 13 specified by the Illinois Pollution Control Board
 14 for such areas have been met.
 15 As you can see on this slide, the only
 16 regulated recharge area is located in Peoria
 17 County. Therefore, it is my opinion that the
 18 proposed facility will not be located within an
 19 area that is designated as a regulated recharge
 20 area. This concludes my testimony.
 21 **MR. MUELLER:** Mr. Price, we will tender
 22 the witness.
 23 **DERKE PRICE:** All right. Then Ms.
 24 Manning, before you begin, let's take ten minutes,

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1 and then we'll use the remainder of the time until
 2 six o'clock for your questioning, Ms. Manning. So
 3 ten minutes.
 4 (The time is 4:46 p.m.)
 5 (The time is 4:56 p.m.)
 6 **DERKE PRICE:** Again, the schedule
 7 tomorrow is at one, we begin sharp, with whatever
 8 is left of the applicant's case.
 9 By my calculation, we have got traffic
 10 and compatibility. And then it will be on to
 11 Republic Services to put in their case.
 12 **CROSS EXAMINATION BY**
 13 **MS. MANNING:**
 14 Q. Good afternoon, Mr. Finke.
 15 A. Hi.
 16 Q. I'm most interested in the site that was
 17 chosen for the waste transfer station. So if I
 18 could have you turn to the facility location map,
 19 your sheet number two, and I think on your power
 20 point it is slide number, on page five; the top
 21 slide, Criteria 2, public health, safety, welfare,
 22 location standards.
 23 You have two bullet points. The nearest
 24 residence is located 1,000 feet to the southeast

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1 along Hamilton Road.
 2 A. **What was the slide number?**
 3 Q. It's the PDF five. I think it might be
 4 slide number nine. Where is the nearest residence
 5 on the setback as you're asserting the thousand
 6 feet along Hamilton Road? Could you point it to
 7 please?
 8 A. **(Witness pointed.)**
 9 Q. Okay. Thank you. How many feet is
 10 that?
 11 A. **Over 1,000 feet.**
 12 Q. 1,030? 1,020?
 13 A. **Probably close to 130, 140.**
 14 Q. And the nearest residential zoned
 15 property located 1,000 feet to the west across
 16 Bunn Street, where would that be? That would be
 17 the trailer park, correct?
 18 A. **Yes.**
 19 Q. Okay.
 20 A. **So it's over 1,000 feet as well.**
 21 Q. Okay. So, I want to focus on that
 22 rectangle. And while it's clearer in your sheet
 23 number two that was placed in the siting
 24 application if the County Board wants to look at

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1 it, it's clear also from the green area there's a
 2 greater shaded green area within that rectangle
 3 that is water, correct?
 4 A. **Correct.**
 5 Q. So, the facility is actually being
 6 placed on one or more of the original lakes that
 7 were the tri lakes, is that correct?
 8 A. **That is correct.**
 9 Q. Okay. And in order to -- just kind of
 10 give me an estimate of how heavy this building is,
 11 and how much weight will be placed in that area,
 12 both in terms of all of the waste that will be
 13 accepted, the building, the trucks? Can you give
 14 me an estimate of the amount of tonnage that's
 15 going to be within that particular rectangle? How
 16 heavy is the building?
 17 A. **So, eight inches of concrete is**
 18 **approximately 100 pounds per cubic foot. So that**
 19 **is the weight of the concrete floor.**
 20 **The building, the footing, would be**
 21 **designed to spread the load as required to make**
 22 **sure that you don't have settlement. So, the most**
 23 **of these would be constructed with under 1,500**
 24 **feet per square foot loading; bearing capacity.**

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1 Q. And how and when was that lake filled?
 2 Do you know?
 3 A. **I wasn't involved with the filling. And**
 4 **there would be testing that would be done prior to**
 5 **construction to determine the proper way to**
 6 **construct the facility.**
 7 Q. You're not aware of whether that was
 8 done though? Correct?
 9 A. **Repeat the question?**
 10 Q. Were you aware that such testing was in
 11 fact done?
 12 A. **I was not.**
 13 Q. So, you are not aware, and neither can
 14 you testify, that there was any stability analysis
 15 done to insure that this particular area is going
 16 to be able to accept the load?
 17 A. **So, a stability analysis would be**
 18 **continued during the construction permitting**
 19 **process. You can do site improvements, ground**
 20 **improvements. You can also use piers, piles,**
 21 **micro piers and piles to help carry the load. So**
 22 **the construction of a facility like this isn't an**
 23 **issue.**
 24 Q. Explain to me a little bit, if you will,

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1 the storm water detention. Is this the first
 2 facility you've worked on, where there would be
 3 underground water storage under the facility?
 4 **A. It is.**
 5 Q. It's rather unique, is it not, for a
 6 waste treatment station?
 7 **A. I have not worked on a waste facility**
 8 **that had underground storage. But, that's used in**
 9 **a lot of retail centers where they have to detain**
 10 **water, so it's under parking lots at your local**
 11 **retail centers.**
 12 Q. And part of the -- but, when you go to
 13 the EPA to get a permit, your storm water permit,
 14 where will the NPDES storm water outlet be in this
 15 circumstance?
 16 **A. There will be two discharge pipes. One**
 17 **from each area of the underground detention. And**
 18 **both of those would discharge to the neighboring**
 19 **pond.**
 20 Q. And you indicated that the neighboring
 21 pond or that this facility design insures that
 22 there would be no spill. Is that because the
 23 neighboring pond would accept any spill from water
 24 from the waste transfer station?

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1 **A. So, the pond would not receive any spill**
 2 **because all surface waters within the site would**
 3 **go into the subsurface detention. And we have**
 4 **designed it with valving to shut off the detention**
 5 **from discharging to the pond if there were a spill**
 6 **to occur.**
 7 Q. So, you indicated that the ponds are
 8 there, and they are to deter wildlife as part of
 9 the benefit to deter wildlife? Yet, I don't quite
 10 understand why there would be a deterrent effect
 11 with water and trees and garbage all in one
 12 location?
 13 **A. So, the site currently has these**
 14 **neighboring ponds. And these neighboring ponds**
 15 **have nothing to deter birds currently.**
 16 **But, if this facility were approved and**
 17 **constructed and operational, it would have the**
 18 **cabling and the rip rap shore line to prevent**
 19 **birds. It would deter birds from using the site.**
 20 **Also, all incoming loads are tarped, are**
 21 **fully enclosed, and the transfer station is fully**
 22 **enclosed, so no waste is accessible for birds.**
 23 Q. Let's talk about the incoming waste.
 24 It's going to come in on this road that you

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1 indicated to us is going to be a public road?
 2 **A. As part of a subdivision, whenever a**
 3 **developer develops a subdivision, typically there**
 4 **is a public road. What happens is private funds**
 5 **are used to construct the public, to construct the**
 6 **road, to access the parcels within a subdivision.**
 7 **Then once it's constructed and it meets the**
 8 **requirements of the local authority, the local**
 9 **authority usually accepts the road, and it would**
 10 **be under their maintenance.**
 11 Q. And here you declared and indicated that
 12 that local authority is the City of Bloomington?
 13 **A. It's McLean County. It's the township.**
 14 Q. So, who will own this new public road?
 15 I'm confused.
 16 **A. So, the road will meet the criteria of**
 17 **the City of Bloomington, because of its location**
 18 **near the City of Bloomington. But the road would**
 19 **be within the township.**
 20 Q. So, it needs to be authorized by the
 21 township?
 22 **A. It would -- it's part of the platting.**
 23 **Once the plat is approved.**
 24 Q. The incoming traffic; you showed us very

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1 nice pictures of the collection trucks that will
 2 be coming, this is a public road. Will it be
 3 accepting waste and recyclables from the public?
 4 Because you don't have them in your plan, in terms
 5 of, you know, coming in and out quickly, all of
 6 those garbage trucks?
 7 **A. So, we don't currently have any plans**
 8 **for recycling for residential drop off at the**
 9 **site. This facility is designed for collection**
 10 **vehicles and for roll offs. If there were**
 11 **contractors and such, as long as they came in with**
 12 **tarped loads they could bring waste, or if a**
 13 **resident were to bring waste it would have to be**
 14 **tarped or fully enclosed as well, and could be**
 15 **accepted at the site.**
 16 Q. How would you know if they're coming?
 17 It seems like it's so orchestrated in terms of
 18 people coming and going?
 19 **A. So, when somebody comes to the site,**
 20 **they should either contact the site prior to**
 21 **coming, that way they know what to do. Also, we**
 22 **have a spotter that's on site that is walking**
 23 **around. It was depicted on the image of the site.**
 24 **That spotter was standing between, located to the**

1 north of that scale house in that depiction. But
2 that spotter would float around the site. So they
3 would see somebody that's incoming that is not a
4 typical customer and could help with directing
5 them.

6 Q. I understand that part of the plan from
7 your discussion in the larger Criteria 2
8 discussion, not in the power point, but in the
9 siting application, you indicated that Tri Lakes
10 Road will have some modifications as well. I
11 think that was in your report?

12 A. So, currently Tri Lakes Road has -- it's
13 a private road. So Tri Lakes Road, where it comes
14 through the site, would actually be intersected by
15 HDI Court. So where a portion of Tri Lakes Road
16 currently runs, would become HDI Court.

17 Q. So, I'm wondering why the design has the
18 HDI Court, as you say, being a public road, and
19 Tri Lakes is not a public road. Why does this
20 design create a public road, which services
21 completely an owner that owns the entirety of the
22 property surrounding the public road?

23 A. So, the road would be part of a
24 subdivision. The subdivision, they could later

1 lakes?

2 A. They are.

3 Q. And they have been there for a long
4 time, right? Do you know?

5 A. For quite a period of time.

6 Q. And do you know how and why they were
7 constructed?

8 A. So, I've heard, but I'm not certain. So
9 I'd rather not speculate.

10 Q. Could it have been as borrow pits for
11 construction of the expressway, or did you --

12 A. It may have been.

13 Q. And tell me again what your knowledge is
14 as to how these lakes were filled that allows for
15 the type of construction that is going to be
16 necessary for your designed facility?

17 A. So, in any site, whenever we need to
18 construct, we test the soils that are there. If
19 they're not adequate, they're replaced with other
20 materials. It's not uncommon to over excavate a
21 site to create a foundation that's proper for a
22 facility.

23 Q. But, that hasn't been done yet, right?

24 A. That's part of construction. And we're

1 sell lots. And lots could be owned by others for
2 use. It doesn't necessarily have to be owned by
3 the current owner. Also, the other operations on
4 site would use the road.

5 Q. And what other operations are you
6 talking about? The woody landscape?

7 A. Correct.

8 Q. And who is going to maintain this public
9 road?

10 A. It would be the county. Once the county
11 adopts it.

12 Q. You indicated that a wetlands study was
13 done with the Army Corps of Engineers?

14 A. Correct.

15 Q. And that wetlands study looked at it and
16 considered the lakes were deep water lakes, right,
17 in the jurisdictional determination? They
18 classified them as deep water lakes, is that
19 correct?

20 A. So, in the jurisdictional, the -- they
21 determined that they didn't have continuous nexus
22 to waters of the United States. So they are not
23 jurisdictional waters.

24 Q. But they did classify them as deep water

1 not to that point.

2 Q. Okay. So here in front of the County
3 Board you're not able to explain that the site as
4 is can be constructed in a manner that is stable
5 and safe?

6 MR. MUELLER: I'm going to object. It's
7 already been asked and answered.

8 DERKE PRICE: Overruled. You can
9 answer.

10 A. So the site can be improved to be stable
11 for the facility if it's, after testing, to
12 determine if it's stable already. If it's not, it
13 can be improved.

14 Q. And could you walk us through a little
15 bit this underground water detention center that's
16 going to be underneath a waste transfer station
17 that is continuously filled with waste obviously?
18 So, explain to me how that works? I don't quite
19 understand.

20 A. So, the underground detention is under
21 the parking area, the drive area. It's not
22 underneath the transfer station itself.

23 Q. So, the fact that I'm looking at this
24 and the rectangle is on the water, that water is

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1 all gone from your -- or it will be gone? Or
 2 construction needs to occur? Are the lakes still
 3 there?
 4 **A. There are lakes there.**
 5 Q. But, have been filled in? Many of them?
 6 **A. A portion of the lake has been filled**
 7 **in. There was a permit that was approved by Army**
 8 **Corps of Engineers that said that it was not a**
 9 **jurisdictional wetland. And then there was a**
 10 **permit that was applied for with the county**
 11 **through the buildings department that allowed for**
 12 **the filling.**
 13 Q. Okay. So, let's talk about the permit
 14 with the Army Corps of Engineers. It wasn't
 15 really a permit, right? It was just a
 16 jurisdictional?
 17 **A. It was a jurisdictional determination.**
 18 Q. And a jurisdictional determination for
 19 purposes of the County Board, would you explain
 20 what that means?
 21 **A. That means that it is not considered**
 22 **waters of the United States. So, that means you**
 23 **can do with them as you need to, but you have to**
 24 **follow other regulatory authorities requirements.**

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1 Q. And are there any other -- in filling
 2 these ponds, isn't it true that the Illinois EPA
 3 has filed violation notices against the owner of
 4 Henson for the filling of these lakes? Are you
 5 aware of that?
 6 **A. There has been a violation filed. I**
 7 **don't believe it was because of the filling of the**
 8 **lakes.**
 9 Q. And what, where do you get that belief
 10 from?
 11 **MR. MUELLER:** Mr. Price, before the
 12 witness goes on, I have already told Ms. Manning
 13 that our Criterion 10 expert is John Hock. And we
 14 can put him on the stand whenever she likes to
 15 answer all of the questions that she might have
 16 about the violation notices and the operational
 17 history.
 18 **DERKE PRICE:** Thank you, Mr. Mueller. I
 19 understand that. But, to the extent that this
 20 remains relevant to the design, what I'm hoping
 21 Ms. Manning will tie it up, I'm going to allow it
 22 to go a little further. But, this is not a
 23 Criterion 10 witness. He has related a little bit
 24 about the geology to the structure and the design.

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1 So, I'm going to let Ms. Manning have a little
 2 more room. But, it needs to be focused on the
 3 criteria he talked about.
 4 **THE WITNESS:** Can you repeat your
 5 question?
 6 **MS. MANNING:** Miss court reporter, could
 7 I ask you to read me the question?
 8 (At this point the court reporter read
 9 the requested portion of the record.)
 10 **BY MS. MANNING:**
 11 Q. That's right. You had indicated that
 12 you did not believe that these were unlawfully
 13 filled?
 14 **A. I didn't say that.**
 15 Q. Okay.
 16 **A. What I meant was they could fill the**
 17 **lakes.**
 18 Q. From what regulatory authority are you
 19 talking about now? The Army Corps of Engineers?
 20 **A. From the county.**
 21 Q. From the county?
 22 **A. Yes.**
 23 Q. We're not talking about state authority
 24 then?

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1 **A. State authority is related to other**
 2 **criteria, not specific to filling of the lakes**
 3 **specifically.**
 4 Q. But, if the filling of the lakes with
 5 C&D, just as a hypothetical, with C&D from the C&D
 6 filler, wouldn't that impact the quality of the
 7 design ultimately and the work that would need to
 8 be done? In order to insure the safety of this
 9 building on the top of what used to be a lake and
 10 is now filled potentially with C&D?
 11 **A. So, if it were filled with C&D, C&D is**
 12 **actually a very strong material. It's better than**
 13 **soil, as far as the strength for a foundation.**
 14 Q. But if they filled it with C&D and were
 15 not authorized to fill it with C&D, and I can deal
 16 with John Hock about this later, but I'm going to
 17 ask you in terms of design, might it not some day
 18 have to be removed because it was unlawfully put
 19 there?
 20 **A. That doesn't hurt construction of the**
 21 **facility because the filling can still occur at a**
 22 **later date once all approvals have been received.**
 23 Q. But we're here in front of the County
 24 Board now to talk about the proposed design. And

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1 I don't see anything in the application in
 2 Criteria 2 that discusses stability or potential
 3 for leaking with the storm water underneath, as
 4 your design is intending?
 5 **A. So, the storm water is designed with a
 6 liner underneath. And that helps to prevent
 7 leakage. Also, it's designed for the site based
 8 upon the elevations so that it can have the proper
 9 height of fill over it, and not overload the
 10 chambers. It was carefully designed, and it's at
 11 the proper elevation to allow discharge to the
 12 neighboring pond.**
 13 Q. So, in addition to design you testified
 14 on Criteria 4. And you indicated that your
 15 opinion on Criteria 4, and I don't dispute it.
 16 It's outside the 100 year floodplain. However,
 17 Criteria 4 requires two conclusions. One is that
 18 it's outside the 100 year floodplain and the site
 19 is flood proof.
 20 What work has been done, what assurance
 21 is made in your application that the site, which
 22 has water surrounding a waste transfer station, is
 23 in fact flood proof?
 24 **MR. MUELLER:** I'm going to object. I

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1 disagree with Ms. Manning's characterization of
 2 Criterion 4. I think the flood proof requirement
 3 is for sites that are or have portions within the
 4 100 year floodplain. If you're not in the
 5 floodplain, flood proofing is a non sequitur.
 6 Q. And I disagree with that. And I think
 7 the statute speaks for itself.
 8 **DERKE PRICE:** The statute uses the word
 9 "or". It's either in the 100 year floodplain or
 10 the site is flood proof.
 11 **MS. MANNING:** Correct.
 12 **DERKE PRICE:** Yes. So it doesn't have
 13 to be both. The objection is sustained. Next
 14 question.
 15 **MS. MANNING:** Just following up on that,
 16 Mr. Hearing, it uses the word "or"? It's either
 17 within the 100 year floodplain or it's flood
 18 proof?
 19 **DERKE PRICE:** Criteria 4, for the
 20 record, for a facility other than a sanitary
 21 landfill or waste disposal site, the facility is
 22 located outside the boundary of the 100 year
 23 floodplain or the site is flood proof.
 24 **MS. MANNING:** Okay. Thank you.

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1 I think this is going to be my last
 2 question. The Army Corps of Engineers
 3 jurisdictional determination, you are aware that
 4 it was a five-year determination?
 5 **A. I was.**
 6 Q. And it was done in 2018, I believe?
 7 **A. Correct.**
 8 Q. And therefore, it is -- the five-year
 9 determination is up as of December of this year,
 10 correct?
 11 **A. Correct.**
 12 Q. Thank you. Hold on just a second.
 13 One of the things that we were concerned
 14 about the traffic flow to and from the facility,
 15 and your quick moving doors up and down.
 16 How is it that -- how many trucks do you
 17 have or do you anticipate being on that road
 18 waiting to get in? And how do they know that
 19 you're -- do they come at certain times?
 20 **A. So, the throughput analysis determined
 21 that when trucks came in there wouldn't be any
 22 traffic backed up behind the scale. Does that
 23 answer your question?**
 24 Q. I think so. So, before it gets to the

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1 gate to the transfer station, someone there is
 2 aware that that truck is coming in?
 3 **A. Not necessarily. But, you have typical
 4 routes. So you can anticipate when loads will be
 5 coming in.**
 6 Q. Except that you also indicated, correct
 7 me if I'm wrong, that other people might come in
 8 that you don't anticipate, right?
 9 **A. That's correct.**
 10 Q. And one final thing, back to the flood
 11 proofed. Even if the statute doesn't require,
 12 wouldn't you want to be sure, in terms of your
 13 design, that it is in fact flood proofed?
 14 **A. We want to make sure that it doesn't
 15 flood.**
 16 Q. Thank you. And what assurances can you
 17 provide today that it won't?
 18 **A. So during a 24 hour, 25 year flood event
 19 or rain event, there's plenty of capacity within
 20 the neighboring pond to not encroach upon the
 21 facility. The facility is being constructed above
 22 that pond.**
 23 Q. That's all I have.
 24 **DERKE PRICE:** Thank you, Ms. Manning.

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1 ASA Taylor Williams, questions for staff? Or from
2 staff?

3 **MS. WILLIAMS:** Thank you.

4 EXAMINATION BY

5 **MS. WILLIAMS:**

6 Q. I have received a few. Based off of the
7 video that you showed, and some of your
8 descriptions, could you show or explain where the
9 restrooms and break rooms are going to be?

10 **A. The restrooms and the break room will be**
11 **in the scale house.**

12 Q. Okay. Could you explain the process of
13 sorting the waste, and specifically the recycling
14 while it's on the floor?

15 **A. So, the SSR would go to the southwest**
16 **corner of the building, and the municipal solid**
17 **waste or the commercial and residential waste**
18 **would be placed into the transfer truck, if it's**
19 **available. If there's not one, and when they**
20 **dump, it would be pushed to the west wall near the**
21 **load out bay and would be loaded once the next**
22 **transfer truck was in the load out bay and**
23 **prepared to load.**

24 Q. Okay. And one more question. You had

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1 indicated that the county will maintain the new
2 public road that you will be creating. Did you
3 mean Bloomington Township will be maintaining that
4 road?

5 **A. Bloomington Township.**

6 Q. Okay. Thank you. Just one moment.
7 That's all that I have received. Thank you.

8 **DERKE PRICE:** Thank you ASA Williams.
9 State's Attorney Sierra.

10 EXAMINATION BY

11 **MR. SIERRA:**

12 Q. Mr. Finke, I have a few questions. I'm
13 sorry if some of these have been addressed through
14 your testimony. First, has a traffic survey been
15 completed for Bunn Street?

16 **DERKE PRICE:** Traffic is Criteria 6, and
17 their witness is here, but I doubt we will get to
18 him tonight.

19 **MR. SIERRA:** I will withdraw that
20 question. Sorry.

21 Could you discuss the disposal practices
22 of hazardous waste if hazardous waste was
23 discovered upon collection or transfer?

24 **A. So, if hazardous waste were discovered,**

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1 **it would be sent back out with the collection**
2 **vehicle that it came in if it's a hauler. If it's**
3 **small quantities, there is a segregated area that**
4 **we would contain it until it could be properly**
5 **disposed of. But we don't intend to receive or**
6 **deal with hazardous waste.**

7 Q. Are you aware of any research on how
8 effective the visual spot check method, how
9 effective that method is, to filter out hazardous
10 waste?

11 **A. So, within the transfer station on the**
12 **tipping floor all staff will be trained in the**
13 **identification of hazardous materials. And you**
14 **can identify numerous hazardous materials. So,**
15 **it's usually pretty good at screening whenever you**
16 **have the waste on a tipping floor. But, we try to**
17 **identify at a collection point, if they suspect**
18 **hazardous waste.**

19 Q. Thank you. To your knowledge, will the
20 proposed facility make use of any green energy
21 options such as a solar or geothermal energy?

22 **A. I'm not aware at this time. But, it**
23 **could likely be incorporated at a later date**
24 **during the final design.**

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1 Q. What process would potentially lead to
2 any changes in the design that might lead to the
3 use of green energy?

4 **A. So there could be the possibility of**
5 **placing solar panels on the floor or something**
6 **like that. It just depends upon what's readily**
7 **available at the time.**

8 Q. Thank you. In your presentation you
9 referred to odor controlling features, I'm sorry,
10 that would -- buffering landscaping to retain and
11 maintain a buffer around from residential areas
12 with regard to noise and lighting pollution.

13 How would that landscaping be retained
14 and maintained?

15 **A. So, there would be a maintenance plan,**
16 **and LRS would be responsible for maintaining that**
17 **vegetative buffer along HDI Court and around the**
18 **transfer station site.**

19 Q. Are those plans currently in existence
20 or something that would occur in the future?

21 **A. They would occur in the future. We**
22 **would work with a landscape architect and they**
23 **would help us to develop that plan, along with the**
24 **proper plan plantings. So we showed typical**

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1 **spruce trees. But, there would be other trees**
 2 **mixed in. But they would all be mature, 15 to 20**
 3 **foot tall to help screen the site and beautify it.**
 4 Q. Is LRS providing any assurances that
 5 that landscaping and the fencing would be
 6 maintained? Is there any assurance that the
 7 County Board can have faith that that will be
 8 done?
 9 **A. They can make that assurance.**
 10 Q. But anything concrete? I mean, it's not
 11 --
 12 **A. There is no written agreement right now.**
 13 **MR. MUELLER:** Counsel, if the county
 14 imposes a special condition regarding maintaining
 15 landscaping, LRS will accept it.
 16 **DERKE PRICE:** Thank you. That's the
 17 stipulation I was just going to ask for. As a
 18 condition of approval, that's the kind of thing
 19 the county could add, and we already know now that
 20 the applicant would not object.
 21 **MR. SIERRA:** Thank you, Mr. Mueller. Mr.
 22 Finke, could you describe the impacts that this
 23 facility will have on the lakes that are
 24 surrounding the facility?

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1 **A. So, it wouldn't have an impact on the**
 2 **lakes. It would actually be cleaner water that's**
 3 **discharged from the transfer station site because**
 4 **it goes through subsurface detention. The**
 5 **subsurface detention has access ports where any**
 6 **accumulated sediment would be vac trucked out and**
 7 **disposed of. So the water that would leave the**
 8 **transfer station going to those, to the pond,**
 9 **would be cleaner than what it currently is.**
 10 Q. Do you have any knowledge as to the
 11 effects on the water flow that may have occurred
 12 from filling in the pond? So any discharge from
 13 the pond or any water that is flowing to the pond,
 14 the lakes themselves?
 15 **A. I'm not aware.**
 16 Q. Are your professional conclusions
 17 regarding Criterion 2 contingent on approval of
 18 the Hamilton Street extension?
 19 **A. No.**
 20 Q. So, the proposed plan has an extension
 21 that would build a new railroad crossing that
 22 would have to be approved by a railroad, correct?
 23 **A. I'm not aware of where they currently**
 24 **are on the process with that Hamilton extension.**

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1 **So, I'm not the best person to answer that.**
 2 Q. I'll save that question for the traffic
 3 study.
 4 Nothing else. Thank you.
 5 **DERKE PRICE:** Thank you, ASA Sierra.
 6 Mr. Mueller, any redirect?
 7 **REDIRECT EXAMINATION BY**
 8 **MR. MUELLER:**
 9 Q. Just a few. Mr. Finke, are soil
 10 stability and weight bearing analyses a routine
 11 part of every construction project?
 12 **A. Not during design.**
 13 Q. The word was construction project;
 14 listening is a skill.
 15 **A. During construction, yes.**
 16 Q. Thank you. The plan for the facility
 17 allows sufficient queuing between the scale house
 18 and the transfer building to handle any backup of
 19 trucks, correct?
 20 **A. Correct.**
 21 Q. There is no plan to ever have queuing
 22 outside the facility on HDI Court, is there?
 23 **A. Correct. None.**
 24 Q. All right. And are operations such as

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1 the mulching operation and Roanoke Concrete, which
 2 are run by different entities, going to be
 3 eligible to use HDI Court by getting curb cuts put
 4 in at their access points?
 5 **A. I believe so.**
 6 Q. That's all I have. Thank you.
 7 **DERKE PRICE:** Ms. Manning.
 8 **MS. MANNING:** Just a couple of questions
 9 on the pond.
 10 **DERKE PRICE:** So the redirect was soil
 11 stability, queuing and mulch. And Roanoke curb
 12 cuts. So, the pond is --
 13 **MS. MANNING:** I'm sorry, I was following
 14 up on Mr. Sierra's questions.
 15 **DERKE PRICE:** Well, let's see what it
 16 is. What's your question?
 17 **MS. MANNING:** My question is simply, the
 18 pond that is outside of the 3.09 acre footprint,
 19 under what circumstance might the EPA require that
 20 pond to be permitted as part of the facility? As
 21 part of the storm water permit?
 22 **MR. MUELLER:** Objection. Calls for the
 23 witness to speculate. Also calls for a legal
 24 conclusion. And it's beyond the scope of cross.

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1 **DERKE PRICE:** Do you know?
 2 **THE WITNESS:** I don't.
 3 **DERKE PRICE:** There's the answer. He
 4 doesn't know. ASA Williams? Anything more?
 5 **MS. WILLIAMS:** No. Thank you.
 6 **DERKE PRICE:** ASA Sierra?
 7 **MR. SIERRA:** No, thank you.
 8 **DERKE PRICE:** Thank you, sir. You are
 9 excused.
 10 (Witness excused.)
 11 **DERKE PRICE:** We have 22 minutes left,
 12 Mr. Mueller, what say you about the traffic or
 13 compatibility?
 14 **MR. MUELLER:** I can easily get through
 15 direct on traffic in that time.
 16 **DERKE PRICE:** All right. Well, it's not
 17 going to be to the detriment of Ms. Manning. If
 18 she has more than what you leave her between now
 19 and six, he will have to come back in the morning,
 20 but let's get started. That will be fine.
 21 **MR. MUELLER:** We'll call Michael
 22 Werthmann.
 23 **DERKE PRICE:** I can almost guarantee Mr.
 24 Werthmann will have to come back tomorrow because

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1 it sounds like ASA Sierra has questions regardless
 2 of how many questions Ms. Manning has.
 3 Okay. So we have a power point for Mr.
 4 Werthmann will be forthcoming. That will be
 5 Exhibit 9.
 6 **MICHAEL WERTHMANN,**
 7 the deponent herein, called as a witness, after
 8 having been first duly sworn, testified as
 9 follows:
 10 **EXAMINATION BY**
 11 **MR. MUELLER:**
 12 Q. Your name is Michael Werthmann and you
 13 are a traffic engineer, is that correct?
 14 A. Correct.
 15 Q. All right. Time is short, Michael. Did
 16 you prepare the Criterion 6 report in the
 17 application, and a power point presentation that
 18 summarizes and highlights your report in the
 19 application?
 20 A. Yes.
 21 Q. Would you proceed with that, please?
 22 A. Yes. Good evening. My name is Michael
 23 Werthmann. I'm a principal with the firm of
 24 Kenig, Lindgren, O'Hara, Aboona, Inc. We are a

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1 traffic and transportation engineering firm out of
 2 Rosemont, Illinois. I am a registered
 3 professional engineer in the State of Illinois.
 4 I'm also a certified professional traffic
 5 operations engineer.
 6 I have a bachelor's in science and civil
 7 engineering from Michigan State University. A
 8 Master's of Management from Northwestern
 9 University. I've been practicing traffic
 10 engineering now for over 33 years. And have
 11 provided testimony on over 25 solid waste
 12 projects.
 13 I'm here today to address Criterion 6,
 14 which states that the traffic patterns to and from
 15 the facility are so designed to minimize the
 16 impact on the existing traffic flows.
 17 This was accomplished by performing a
 18 traffic impact study, which was based on the
 19 methodology accepted within the industry and with
 20 transportation and planning officials. It
 21 basically consists of a three-phase study.
 22 The first phase exams the existing
 23 physical and operating characteristics of the
 24 roadway system.

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1 **The second phase determines the traffic**
 2 **characteristics of the proposed facility. Both**
 3 **the type and volume of traffic that will be**
 4 **generated. And the travel routes that will be**
 5 **used.**
 6 **And the last phase looks at the**
 7 **evaluation, it evaluates the impact of the**
 8 **facility generated traffic will have on the**
 9 **roadway system.**
 10 **Based on the results of the traffic**
 11 **study, which will be summarized as part of this**
 12 **presentation, it's my opinion that the transfer**
 13 **station does meet Criterion 6.**
 14 **As you've heard, the site is to be**
 15 **located in the Henson Recycling Campus on the east**
 16 **side of the campus. The campus is located in the**
 17 **northeast quadrant of Bunn Street with Hamilton**
 18 **Road/Rhodes Lane.**
 19 **You have also heard throughout the day**
 20 **the campus contains several existing uses and**
 21 **operations. This includes a general construction**
 22 **and demolition recycling facility and concrete**
 23 **recycling operation that processes on average**
 24 **about three to 400 tons of material per day. Two**

1 is a woody waste recycling and mulching operation
2 that generates on average approximately 30 to 35
3 truck trips, round trip truck trips per day.

4 It also contains the Roanoke Concrete
5 products facility that produces on average
6 approximately 750 tons of products per day. And
7 it also stores and maintains containers and roll
8 off containers on the south side of the campus.

9 So let's talk about the existing
10 conditions are the first phase of the study.

11 We'll discuss some of the roadways that
12 are serving the campus. The first is Bunn Street,
13 which extends along the west side of the campus.
14 It's a north/south major collector road. It's got
15 a two lane cross-section. The intersection of
16 Bunn Street with Hamilton Road/Rhodes Lane, and
17 the intersection of Bunn Street with Lafayette
18 Street, are under all way stop sign control.

19 The roadway is under the jurisdiction of
20 the City of Bloomington. It has a posted speed
21 limit of 35 miles an hour, and has a daily traffic
22 volume between 2,650 to 2,800 vehicles per day.

23 The next road is Hamilton Road/Rhodes
24 Lane. It extends along the south side of the

1 Henson Recycling Campus is currently provided via
2 three access drives. Two of the access drives are
3 on Bunn Street. The north access drive is located
4 at the north side of the campus, and is commonly
5 referred to as Tri Lakes Road. The south drive is
6 located about the mid-section of the campus on
7 Bunn Street, and there's a third access drive on
8 Rhodes Street just east of Bunn Street.

9 It's important to note that there's a
10 significant roadway improvement planned in the
11 vicinity of the campus. This project is the
12 Hamilton Road east/west connection. This roadway
13 improvement project will link the two existing
14 sections of Hamilton Road, and will have a five
15 lane cross-section. As part of the project,
16 significant improvements are proposed at the
17 Hamilton Road and Bunn Street intersection. This
18 includes the addition of a traffic signal. The
19 installation of a traffic signal. Separate left
20 turn lanes. And a through right turn lane will be
21 provided on both approaches of Bunn Street.

22 In addition, both approaches of Hamilton
23 Road will have a separate left turn lane, a
24 through lane, and a through right turn lane.

1 campus. It's an east/west minor collector road.
2 Hamilton Road has a four lane cross-section and a
3 40 miles an hour speed limit and extends west of
4 Bunn Street, where Rhodes Lane has a two lane
5 cross-section and a 45 miles an hour speed limit
6 and extends east of Bunn Street.

7 Hamilton Road, Rhodes Lane, Bunn Street
8 intersection is under all way stop sign control.
9 The roadway is under the jurisdiction of the City
10 of Bloomington. And the roadway has a daily
11 traffic volume of between 3,700 and 4,350 vehicles
12 per day.

13 The last road we want to discuss is
14 Lafayette Street. It's located north of the
15 campus. It's an east/west major collector road.
16 It has a two lane cross-section. The intersection
17 of Lafayette Street with Bunn Street is under all
18 way stop sign control. It's also under the
19 jurisdiction of the City of Bloomington. Has a
20 posted speed limit of 35 miles an hour. And a
21 daily traffic volume between 1,550 to 2,250
22 vehicles a day.

23 This exhibit shows the existing roadway
24 conditions. It should be noted that access to the

1 Based on the current information that I have, the
2 current schedule is to start construction in the
3 spring of 2024 if they can get through some
4 right-of-way constraints and the railroad issues
5 that were mentioned previously. And should take
6 about two years to be completed. So should be
7 substantially completed by the end of 2026.

8 In order to determine the traffic
9 volumes on the area roadways, a week day morning
10 and evening peak period traffic counts were
11 conducted during those commuter peak periods when
12 the traffic volumes are highest on the roadway
13 system. The traffic counts were conducted at
14 seven intersections. These intersections included
15 Bunn Street with Hamilton Road and Rhodes Lane.
16 Bunn Street with Avenue E. Bunn Street with the
17 south access drive to the Henson Recycling Campus.
18 Bunn Street with Avenue A. Bunn Street with Tri
19 Lakes Road. Bunn Street with Lafayette Street.
20 And Rhodes Lane with the Henson Recycling Campus
21 access drive.

22 This exhibit shows the existing morning
23 and evening peak hour traffic volumes at the
24 various intersections within the study area.

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1 **So let's talk about phase two of the**
 2 **study, which goes into the characteristics of the**
 3 **proposed facility, the traffic characteristics.**
 4 **As you've heard throughout the testimony**
 5 **today, the transfer station will be a separate**
 6 **facility located on the east side of the Henson**
 7 **Recycling Campus directly south of the Roanoke**
 8 **Concrete Products facility. The transfer station**
 9 **will process a maximum of 400 tons of municipal**
 10 **solid waste, which probably wouldn't occur for a**
 11 **number of years, as you've heard from previous**
 12 **testimony. The transfer station will have a total**
 13 **of five employees, and is anticipated to receive**
 14 **and transfer waste from 6 AM to 6 PM on weekdays**
 15 **and 6 AM to noon on Saturdays. Access to the**
 16 **Hanson Recycling Campus and the transfer station**
 17 **are to be provided via three locations.**
 18 **The first location is the new public**
 19 **road, HDI Court, that will extend through the**
 20 **campus from Bunn Street to the east side of the**
 21 **campus. This road will be located where the**
 22 **existing south access drive is located, and will**
 23 **replace that access drive.**
 24 **As you've heard, the new public road**

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1 **will serve the transfer station as well as the**
 2 **existing woody waste recycling and mulching**
 3 **operation and any future other access that may be**
 4 **required within the campus.**
 5 **The second access location will be Tri**
 6 **Lakes Road. This will continue to have access on**
 7 **to Bunn Street at the north end of the campus.**
 8 **And will continue to primarily provide access to**
 9 **the C&D recycling facility and the Roanoke**
 10 **Concrete Products facility.**
 11 **The third access location will be the**
 12 **existing Rhodes Lane access drive, and will**
 13 **continue to serve the portion of the campus where**
 14 **the containers are maintained and stored.**
 15 **Regarding the routes that will be used**
 16 **to travel to and from the facility. As you've**
 17 **heard, the transfer station will primarily serve**
 18 **the City of Bloomington, the town of Normal, the**
 19 **adjacent areas, as well as McLean County. Inbound**
 20 **waste will be distributed, the inbound waste,**
 21 **which is delivered via the collection trucks, will**
 22 **be distributed along the existing roadway system.**
 23 **They will be coming to and from the facility via**
 24 **the various roads serving the campus.**

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1 **The outbound waste will be transported**
 2 **from the transfer station via transfer trailers to**
 3 **an out-of-county landfill. As you've heard**
 4 **before, the most likely landfill will be the**
 5 **Clinton landfill. The route that the transfer**
 6 **trailers will use to travel to and from the**
 7 **landfill will be southbound Bunn Street to**
 8 **westbound Hamilton Road, to southbound US Route**
 9 **51, to the interchange with I-74.**
 10 **This is about a two mile route between**
 11 **I-74 interchange and the campus, which helps to**
 12 **minimize the time that these transfer trailers are**
 13 **on the existing roadway system. Local roadway**
 14 **system.**
 15 **Regarding the trip generation or the**
 16 **volume of traffic that will be generated by the**
 17 **facility. The facility will process a maximum of**
 18 **400 tons of waste per day. It will have a total**
 19 **of five employees. And as you've seen in the**
 20 **other testimony, the volume of traffic that's**
 21 **generated in any one time period will be limited**
 22 **as the facility traffic will be distributed**
 23 **throughout the day. So while it does generate**
 24 **traffic throughout the day, it is distributed**

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1 **throughout, and the amount of traffic at any one**
 2 **period is typically limited.**
 3 **This table shows the volume of traffic**
 4 **that will be generated during those critical**
 5 **morning and evening commuter peak periods when the**
 6 **volume of traffic is highest on the roadway**
 7 **system. In the morning peak hour we're looking at**
 8 **generating about 14 inbound trips and nine**
 9 **outbound trips. And in the evening peak hour**
 10 **about five**
 11 **inbound trips and ten outbound trips. This**
 12 **equates to about one trip every three to four**
 13 **minutes, which is very low when it comes to**
 14 **traffic engineering and the capacity of a roadway**
 15 **system.**
 16 **The future evaluation of the roadway**
 17 **system was based on year 2041 traffic volumes.**
 18 **The traffic volumes were estimated based on the**
 19 **following traffic projections. So we projected**
 20 **the volumes out to 2041. And these included the**
 21 **year 2041 projected volumes developed as part of**
 22 **the Hamilton Road east/west connection project.**
 23 **So as part of that project, 2041 traffic volumes**
 24 **were developed.**

1 In addition to that, we increased the
 2 existing traffic currently traveling to and from
 3 the Henson Recycling Campus by 100 percent. So
 4 whatever was generated by that campus when we were
 5 out there, we doubled that traffic to represent a
 6 peak day at the existing Henson Recycling Campus.
 7 And then third we added the traffic to be
 8 generated by the proposed transfer station. So we
 9 layered up the traffic to get to these projected
 10 2041 traffic volumes. It should be noted that
 11 this provides for a very worse case scenario, as
 12 we're looking at an evaluation of traffic volumes
 13 approximately 18 years from now. This slide just
 14 shows the year 2041 total traffic volumes at the
 15 various intersections for both the week day
 16 morning and weekday evening peak periods.

17 Regarding access to the transfer
 18 station, access will be provided via the new
 19 public road, HDI Court, that will extend from Bunn
 20 Street to the transfer station. HDI Court will
 21 also serve the existing woody waste recycling and
 22 mulching operation. HDI Court will intersect Bunn
 23 Street at the location of the existing Henson
 24 Recycling Campus southern access drive and will

1 the worse. Unlike when you were a student, a
 2 level of service D is generally considered
 3 acceptable. In the traffic engineering world,
 4 what you're trying to do in traffic engineering is
 5 weigh how much delay a motorist experiences versus
 6 how much pavement you want to put down. So,
 7 instead of putting six lane roads everywhere, you
 8 accept a little more delay. So, typically a level
 9 of service D is acceptable in urban areas similar
 10 to the City of Bloomington.

11 So the results of the capacity analysis
 12 show that under existing conditions, all of the
 13 critical movements at the area intersections
 14 currently operate a very good level of service A
 15 or B. Under projected conditions, the future
 16 signalized intersection of Bunn Street/Hamilton
 17 Road and the critical movements at the stop sign
 18 controlled intersections are projected to continue
 19 to operate at a very good level of service. The
 20 existing and future roadway system has sufficient
 21 reserve capacity to accommodate the additional
 22 traffic to be generated by the transfer station.

23 Just two more slides. As such, it is my
 24 professional opinion that the traffic patterns to

1 replace that drive. So we're not asking for any
 2 new curb cuts on to Bunn Street. We're just
 3 replacing the existing access drive.

4 HDI Court will provide one lane in each
 5 direction and will provide larger radii to
 6 accommodate the turning truck traffic. The design
 7 and location of the proposed HDI Court will
 8 provide efficient and orderly access to and from
 9 the campus as well as the transfer station.

10 So the third phase is the evaluation.
 11 We look at how the existing roadways are operating
 12 now under the existing conditions. And then we
 13 look at how they're projected to operate given
 14 those 2041 projected traffic volumes.

15 The traffic analyses were performed
 16 using the highway capacity software. In our realm
 17 of engineering, the ability of an intersection to
 18 accommodate traffic flow is expressed in terms of
 19 level of service, which is assigned a letter grade
 20 from A to F based on the average control delay
 21 experienced by vehicles passing through an
 22 intersection.

23 Similar to a grading scale at school, it
 24 extends from A to F, where A is the best, and F is

1 and from the facility are so designed as to
 2 minimize the impact on the existing traffic flows,
 3 satisfying Criterion 6 of the siting ordinance.

4 This opinion is based on a number of
 5 points. The first is the transfer station will be
 6 a separate facility located within the Henson
 7 Recycling Campus which currently contains several
 8 truck facilities and/or uses. The volume of
 9 traffic in any one time period is limited as the
 10 transfer station traffic will be distributed
 11 throughout the day. The design and location of
 12 the proposed HDI Court will provide efficient and
 13 orderly access to and from the transfer station.

14 And lastly, the roadway system has
 15 sufficient reserve capacity to accommodate the
 16 traffic to be generated by the transfer station.

17 MR. MUELLER: Thank you Mr. Werthmann.
 18 DERKE PRICE: The time being six o'clock,
 19 thank you, Mr. Werthmann. Unfortunately, you are
 20 going to have to return tomorrow, the time being
 21 six o'clock. We have a hard stop for the court
 22 reporter and some other logistical things. So we
 23 will pick it up at one o'clock tomorrow. Ms.
 24 Manning, you will be up for questions for Mr.

1 Werthmann, followed by ASA Taylor and ASA Sierra.
2 So, thank you everybody. I'm going to get ahold
3 of the sign in sheet. I've got quite a few new
4 ones added. But please be prepared for public
5 comment to commence tomorrow afternoon. It may be
6 that soon.

7 Depending on, I don't mean to limit Ms.
8 Manning's presentation of her case in any way.
9 But, given how efficient people were today that is
10 a possibility. So, we're going to get started
11 with public comment as soon as the cases are put
12 in. And go until there isn't anybody standing up
13 at the microphone. All right. Thank you. See
14 you all tomorrow at one o'clock. We stand
15 adjourned until then.

16 (The time is 6:01 p.m.)

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1 STATE OF ILLINOIS)
2 COUNTY OF CHAMPAIGN) SS

3 I, DEANN K. PARKINSON, a Notary Public
4 in and for the County of Champaign State of
5 Illinois, do hereby certify that the foregoing was
6 taken on November 29, 2023.

7 That said hearing was taken down in
8 stenographic notes and afterwards reduced to
9 typewriting under my instruction and said
10 transcription is a true record of the testimony
11 given.

12 I do hereby certify that I am a
13 disinterested person in this cause of action; that
14 I am not a relative of any party or any attorney
15 of record in this cause, or an attorney for any
16 party herein, or otherwise interested in the event
17 of this action, and am not in the employ of the
18 attorneys for either party.

19 In witness whereof, I have hereunto set
20 my hand and affixed my notarial seal December 4,
21 2023.

22
23
24

DEANN K. PARKINSON, CSR
NOTARY PUBLIC

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