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MCLEAN COUNTY, ILLINOIS

JAN 12 2024

*Kathy Michael*  
COUNTY CLERK

**In The Matter Of:**

*HENSON RECYCLING CAMPUS TRANSFER STATION*

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*LOCAL SITING HEARING*

*Vol. 2*

*November 30, 2023*

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*Area Wide Reporting and Video Conferencing*

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3 LOCAL SITING HEARING  
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10 November 30, 2023  
1:00 PM  
11 McLean County Government Center  
115 East Washington Street  
12 Bloomington, Illinois  
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17 McLEAN COUNTY BOARD IN ATTENDANCE  
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1 (Commencing at 1:00 p.m.)  
 2 **HEARING OFFICER PRICE:** Good afternoon.  
 3 The appointed hour is one o'clock. It's time for us  
 4 to resume the hearing. A couple of preliminary  
 5 matters. One, I have received Exhibit 5. I believe  
 6 a copy has been tendered to Ms. Manning at Republic  
 7 Services and also members of the county board.  
 8 Exhibit 5 is the response of the applicant to Ms.  
 9 Manning's letter, which was Exhibit 4, so that's now  
 10 available and in the record.  
 11 Also I'm marking as Exhibit 10 for the  
 12 record an electronic copy on a memory stick of the  
 13 animated video that was shown twice yesterday, so  
 14 that's available and in the public record as well.  
 15 It's Exhibit 10.  
 16 With that, we were in the middle of the  
 17 applicant's presentation of the witness on Criterion  
 18 6, traffic, Mr. Werthmann. I believe the direct had  
 19 concluded. And so with that, Ms. Manning, the  
 20 witness is yours.  
 21 **MS. MANNING:** Thank you.  
 22 **EXAMINATION BY**  
 23 **MS. MANNING:**  
 24 Q. Good morning, Mr. Werthmann.

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1 **A. Good afternoon.**  
 2 Q. Good afternoon, I'm sorry. You've  
 3 testified in a lot of -- on the traffic issue, the  
 4 traffic criterion, in a lot of land use hearings I  
 5 understand. How many of those -- in Pollution  
 6 Control Board siting hearings. How many of those  
 7 occurred south of I-80?  
 8 **A. Oh, a good half of them maybe.**  
 9 Q. Thank you.  
 10 **A. Yeah.**  
 11 Q. Looking at your report, I have several  
 12 questions about various things. One is you refer to  
 13 the HRC internal circulation system. When you're  
 14 referring to that, are you referring to both Tri  
 15 Lakes Road and the proposed new public road?  
 16 **A. Where are you seeing that?**  
 17 Q. It's on page 1 of your report.  
 18 **A. Trying to see. What paragraph?**  
 19 **MR. MUELLER:** Let me interpose an  
 20 objection for clarification. Are you talking about  
 21 his report in the application or his PowerPoints?  
 22 **MS. MANNING:** His report in the  
 23 application.  
 24 **MR. MUELLER:** Okay, thank you.

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1 **A. On page 1, correct?**  
 2 Q. Yes.  
 3 **A. Where is it about? Where about?**  
 4 Q. Oh, it's about the fourth full paragraph  
 5 down.  
 6 **A. Okay. Transfer close to the -- yeah, part**  
 7 **of the internal circulation, the main issue was**  
 8 **Tri-State -- Tri Lakes Road, part of that was being**  
 9 **disconnected, being eliminated.**  
 10 Q. And said it's going to remain a private  
 11 road and still service some of the entities in the  
 12 HRC campus, correct?  
 13 **A. Tri Lakes will, yes.**  
 14 Q. And then your next bullet point on that  
 15 same page talks about the new public road that's  
 16 established and you indicate a new public road is  
 17 proposed to extend through the HRC in an east-west  
 18 direction from Bunn Street at the location of the  
 19 existing southern access drive to the western  
 20 boundary of the MSW transfer station site where it  
 21 will terminate as a cul de sac. But then you say as  
 22 a part of the new private road, larger radii will be  
 23 provided at the intersection to accommodate the  
 24 turning traffic. I assume you mean the new public

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1 road not the new private road; is that correct?  
 2 **A. Correct, I had a typo in three locations**  
 3 **throughout the report.**  
 4 Q. Okay.  
 5 **A. Thank you for finding that.**  
 6 Q. So with criteria -- this particular  
 7 criteria we're looking at, efforts to minimize  
 8 impact on traffic, because you do -- you do  
 9 conclude, do you not, that the station will result  
 10 -- that this new waste transfer station will result  
 11 in an increase of traffic.  
 12 **A. It will increase traffic, yes.**  
 13 Q. And the question is how much and what the  
 14 applicant has done to minimize the impact to the  
 15 public, would you agree?  
 16 **A. Correct.**  
 17 Q. And so let's examine what they've done to  
 18 minimize any impact on traffic at this particular  
 19 location. So was there any consideration given to  
 20 another access road to the waste transfer station  
 21 that might be closer, for example, to the road to  
 22 the south as opposed to a road that goes directly to  
 23 Bunn Street which is -- you know, enters between two  
 24 entrances to the trailer park?

1 So I guess the short question is, was  
2 there any consideration done to have an access road  
3 that maybe went south to Rhodes Lane or that went  
4 east or north?

5 **A. I'm not sure of the details of the design,**  
6 **but Bunn Street is a low volume collector road that**  
7 **is already serving mostly an industrial area other**  
8 **than the mobile home park. The roadway has more**  
9 **than sufficient capacity to accommodate this**  
10 **traffic. It's only operating at maybe 30 percent of**  
11 **the capacity of the road. It's a two lane road.**  
12 **And the access drive -- excuse me, the public road**  
13 **has been designed to accommodate the type of traffic**  
14 **that will be coming in and out of the facility.**

15 Q. And you base that -- you base your  
16 conclusions on studies that were done at what you  
17 determine to be the peak areas, the peak times from  
18 6:00 a.m. in the morning 'til 9:00 a.m. and 3:00 to  
19 6:00; is that correct?

20 **A. What we do in a traffic study is we look**  
21 **at the peak periods on the roadway system, which is**  
22 **those commuter peak periods which typically occur**  
23 **between 6:00 to 9:00 and 3:00 to 6:00. If we can**  
24 **accommodate the traffic during the peak times, we**

1 Q. But your counts did not include any counts  
2 of any traffic during the late morning and early  
3 afternoon, correct?

4 **A. It did not.**

5 Q. Okay. And you spell out I think all of  
6 the existing conditions -- well, you spell out the  
7 existing facilities that are located at HRC which  
8 will continue to be located at HRC, but what  
9 consideration did you give -- for example, the C & D  
10 facility, how many trucks go in and out of there on  
11 a daily basis, where do they go in and out  
12 currently, and how will that impact be impacted when  
13 the waste transfer station, if it's approved, will  
14 be operational?

15 **A. We counted each of the access drives, so**  
16 **all of those volumes that are currently generated by**  
17 **the uses on the site are within the traffic counts**  
18 **that we did. We looked at seven intersections**  
19 **within the study area and all of it included the**  
20 **volume of traffic that's already generated by the**  
21 **R -- HRC, excuse me. More importantly, we doubled**  
22 **that traffic. So whatever we observed on that day,**  
23 **we doubled it to provide a worst case conservative**  
24 **analysis.**

1 **can accommodate it at any other hour of the day, so**  
2 **that's why we look at those peak periods, that's why**  
3 **we evaluate the peak hours of traffic on the roadway**  
4 **system.**

5 Q. Yet your report says that the peak traffic  
6 periods of waste transfer stations generally occur  
7 during the late morning and early afternoon. So I'm  
8 wondering did you give any consideration to any  
9 traffic -- were any of your traffic counts done of  
10 any of the existing trucks, for example, the C & D  
11 trucks that already go in and out of that facility  
12 and various of the other trucks in this industrial  
13 area during that period of time which admittedly  
14 will be more likely the peak period of time for the  
15 waste transfer station?

16 **A. Yeah, the peak period of the transfer**  
17 **station is midday, early afternoon. However, the**  
18 **traffic volumes on the roadway system are**  
19 **significantly lower than they are during the peak**  
20 **hours. So when you look at the combination of the**  
21 **existing traffic plus the traffic that will be**  
22 **generated by the transfer station, the peak period**  
23 **is still the times that we looked at, the morning**  
24 **and evening peak hours.**

1 Q. You doubled it on the traffic count itself  
2 or in your 2000 -- your 14 year projection?

3 **A. When we projected the 2041 traffic,**  
4 **whatever was being generated by the HRC now, we**  
5 **doubled that traffic.**

6 Q. But you didn't consider it for the  
7 original count, for the count that exists right now.

8 **A. Yes, we did. We counted it. It's in the**  
9 **existing traffic counts.**

10 Q. But not for those time frames, right? For  
11 just the time frames of the peak hour time frames.

12 **A. I've been doing this for 33 years, over 30**  
13 **siting hearings, and we always count the weekday**  
14 **morning and the evening peak hours because that's**  
15 **the highest volume of traffic on the roadway system.**  
16 **The traffic volumes drop significantly. That's why**  
17 **we do not look at the noon hour.**

18 Q. Do you know how many trucks come in and  
19 out of the CCD -- the general construction and  
20 demolition debris facility on a daily basis?

21 **A. The C & D on a daily basis, it processes**  
22 **about 3 to 400 tons of waste per day.**

23 Q. I understand. I'm just wondering how many  
24 trucks --

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1 **A. We don't look at daily volumes. We look**  
 2 **at the peak hours of traffic on the roadway system.**  
 3 Q. Okay. And so that -- and your answer  
 4 would be the same for the waste recycling, the  
 5 landscape waste recycling I think they call it.  
 6 **A. That generates --**  
 7 Q. Waste recycling and mulching.  
 8 **A. According to the information I received,**  
 9 **it generates about 35 inbound trips and 35 outbound**  
 10 **trips a day.**  
 11 Q. And is that in your report somewhere?  
 12 **A. Yes.**  
 13 Q. Okay. Can you show me where?  
 14 **A. On the first page in that paragraph,**  
 15 **second bullet point.**  
 16 Q. And what kind of traffic is that? Is  
 17 that -- is that small trucks that are bringing --  
 18 **A. It generates --**  
 19 Q. -- residential traffic, bringing --  
 20 **A. It brings --**  
 21 **HEARING OFFICER PRICE:** Please wait for  
 22 her to finish.  
 23 **A. Yeah, sorry. It's about 30 single unit**  
 24 **trucks or collection trucks --**

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1 Q. Okay.  
 2 **A. -- roundtrips and three to five transfer**  
 3 **trailers or bigger trucks that take the mulch away.**  
 4 Q. And how do they enter the facility now?  
 5 **A. They enter -- I just want to make sure I**  
 6 **got it right. Hold on. They enter off of Rhodes**  
 7 **Lane and exit out onto Bunn Street now.**  
 8 Q. And how are they proposed to enter and  
 9 exit under the proposed design of this new public  
 10 road?  
 11 **A. Via HDI Court.**  
 12 Q. Both ways, right?  
 13 **A. Both ways.**  
 14 Q. So did you consider that and, if so, how  
 15 in the traffic that will be on HDI Court?  
 16 **A. It would --**  
 17 Q. The additional traffic that will be there  
 18 as a result of the landscape waste operation.  
 19 **A. We reassigned the inbound traffic that we**  
 20 **observed coming in Rhodes Lane access drive and**  
 21 **reassigned it to HDI Court as part of the projected**  
 22 **traffic volumes.**  
 23 Q. And the entrance and exit to the Roanoke  
 24 Concrete Products, how many trucks per day does that

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1 generate and do they enter and exit off of Bunn  
 2 Road?  
 3 **A. They enter and exit off of Tri Lakes which**  
 4 **intersects Bunn Street.**  
 5 Q. And what's the traffic count as a result  
 6 of the Roanoke Concrete Products which you say  
 7 averages approximately 750 tons of product a day?  
 8 **A. I can tell you what the peak hour volumes**  
 9 **are. We didn't do a daily traffic count for them.**  
 10 Q. Okay. And the peak hour volumes?  
 11 **A. Let's see. Tri Lakes, they had 16**  
 12 **vehicles entering Tri Lakes Road in the morning and**  
 13 **19 exiting in the morning, and then 11 in the**  
 14 **afternoon peak hour and exiting 15 in the afternoon**  
 15 **peak hour.**  
 16 Q. And that traffic pattern will change as a  
 17 result of this proposal or that's what is there now  
 18 and you considered that in terms of your --  
 19 **A. Yes.**  
 20 Q. -- numbers?  
 21 **A. Yes.**  
 22 Q. At peak hour.  
 23 **A. During the peak hours.**  
 24 Q. Thank you. What -- there's a new

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1 stoplight going to be established I believe at  
 2 Hamilton Road. Is that as a result of this proposed  
 3 facility or is that part of the Hamilton Road  
 4 update?  
 5 **A. That is part of the Hamilton Road**  
 6 **connection. A traffic signal is not required to**  
 7 **accommodate the limited traffic that will be**  
 8 **generated by this facility.**  
 9 Q. In consideration of the -- I assume your  
 10 answer -- well, did you give any special attention  
 11 to traffic that goes in and out of avenue, what is  
 12 Avenue A I believe and Avenue E of the trailer park?  
 13 **A. What do you mean by special consideration?**  
 14 Q. I mean, the only -- the only counting of  
 15 the cars that you would have seen would be during  
 16 the peak hours, correct?  
 17 **A. Correct. We evaluated the intersection of**  
 18 **Bunn Street with both access drives to the mobile**  
 19 **home park. They have several other access drives,**  
 20 **too, on different roads.**  
 21 Q. Do you know who will be -- who's  
 22 responsible for regulating traffic on this new  
 23 public road?  
 24 **A. Not sure what you mean by regulating.**

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1 Q. Well, are there going to be any traffic  
2 signs? Is there -- is that all subject to, you  
3 know, regulating the amount of traffic on it?  
4 Yesterday we heard testimony that potentially there  
5 could be a subdivision that, you know, could be  
6 constructed off of this new road.  
7 **A. The design of the road will be designed**  
8 **to, as you've heard previous testimonies, to the**  
9 **City of Bloomington's design standards requirements**  
10 **which are the most strict of the county and the**  
11 **township, so we're designing it to the most strict**  
12 **standards and will meet all of their applicable**  
13 **design criteria.**  
14 Q. And is it your understanding that the  
15 public can then enter and exit as they -- as they  
16 see fit?  
17 **A. They sure can. That's why we have a cul**  
18 **de sac at the end of the road, so if someone comes**  
19 **down there and they need to turn around, they can**  
20 **turn around and get back out to Bunn Street.**  
21 Q. And there will be a distinction because  
22 access will be provided as well to the landscape  
23 area as well at that point, correct?  
24 **A. Yes.**

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1 Q. All right. On Table 1 -- and if you could  
2 turn your attention to page 14 of the report in the  
3 siting application.  
4 **A. Okay.**  
5 Q. You indicate in the third full paragraph,  
6 second line, the proposed MSW transfer station will  
7 generate several trips per day due to the  
8 maintenance and service of the proposed MSW transfer  
9 station. Then the table that, you know, you've  
10 generated that follows considers only as I  
11 understand it the single unit trucks, the semi  
12 trailers and the passenger vehicles for the  
13 employees. Did -- how did you account for what you  
14 said above was the proposed will generate several  
15 trips per day due to the maintenance and service of  
16 the proposed MSW? What are you talking about there?  
17 **A. That there may be other traffic that comes**  
18 **there to service it, Fed Ex, whatever it may be. It**  
19 **was assumed that that traffic didn't arrive during**  
20 **the critical morning and evening peak hours, it's**  
21 **usually midday, so it wasn't included in these**  
22 **tables which shows the morning and evening peak**  
23 **hours once again.**  
24 **Once again, to provide a worst case**

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1 **conservative analysis, we assume that all of the**  
2 **employees were arriving and departing in those**  
3 **critical peak hours when it's likely not going to**  
4 **happen. So you can say we overestimated, maybe**  
5 **someone will deliver, but I think we caught it with**  
6 **the fact that we're assuming all the employees are**  
7 **arriving and departing during those peak hours.**  
8 Q. I see in your report on page 15 where you  
9 account for an increase in traffic volumes in the  
10 2041 traffic. Did you do the same thing, though, in  
11 the MSW transfer station traffic assignment, your  
12 original calculations?  
13 **A. The volume of traffic that's going to be**  
14 **generated by the transfer station is going to be the**  
15 **same under the existing or in 2041. That's our**  
16 **assumption. We assumed a maximum of 400, so we did**  
17 **a worst case analysis assuming a maximum of 400 and**  
18 **assigned that to the roadway system. This is a very**  
19 **conservative analysis in the fact that the criteria**  
20 **says minimize the impact on the existing traffic**  
21 **flows. We went above and beyond that and looked 18**  
22 **years out. So it's a very, very worst case**  
23 **conservative analysis when it comes to the criteria.**  
24 Q. The -- I'm going to go back to your

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1 statement that there's going to be several trips per  
2 day for maintenance and service. There will also,  
3 will there not, be roll-off trucks, a storage area,  
4 you talked about this a little bit in your report.  
5 There's a storage area for containers and garbage  
6 containers and roll-off containers at the facility?  
7 **A. I don't remember that in my report. If**  
8 **you can show me where it is.**  
9 Q. Okay. Page 11, your final bullet point,  
10 existing HRC site.  
11 **A. That's what's occurring now at the site.**  
12 **That's not part of the transfer station.**  
13 Q. No, I understand.  
14 **A. Okay.**  
15 Q. So my question, then, is how much traffic  
16 does that -- is generated as a result of that?  
17 Where do they come, where do they go, how do they --  
18 where is it on the site? There's been no  
19 information about maintenance and storage of  
20 containers and roll-off containers on the HRC site  
21 at all, so I'm wondering how you accounted for that  
22 in the traffic analysis or did you?  
23 **A. I did. That's located on the south end of**  
24 **the site --**

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1 Q. Okay.

2 A. -- my understanding, and all of the access

3 is through the Rhodes Lane access drive which was

4 one of the intersections that we included in our

5 analysis as part of the study area. So we did look

6 at that intersection, it is part of it. A lot of

7 that traffic is internal to the campus, but we did

8 count the drive and the traffic that's coming in and

9 out serving the roll-off and container storage and

10 maintenance area.

11 Q. And could you point on one of your maps,

12 if you could just -- for example, you have one on

13 page 16 of your report. Could you point where that

14 access point is and where that maintenance area is?

15 A. On the PowerPoint?

16 Q. No, not on the PowerPoint, on your report.

17 Page 16 of your -- of what you put in the

18 application for the county to review.

19 A. It's the access drive is on Rhodes Lane

20 just east of Bunn Street and it's the dashed line.

21 Q. Okay. And that's what you're saying

22 there's a lot of -- there's internal traffic within

23 the HRC campus. Was any consideration given to

24 utilizing that particular road as an entrance and

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1 exit or was there any evaluation done?

2 A. As I indicated, I'm not aware of that.

3 Q. Okay.

4 MS. MANNING: That's all I have, thank

5 you.

6 HEARING OFFICER PRICE: Thank you.

7 Assistant State's Attorney Williams.

8 MS. WILLIAMS: Thank you.

9 EXAMINATION BY

10 MS. WILLIAMS:

11 Q. You indicated that the current score is

12 A/B and you said that the projected score is still

13 good. What is the letter of the projected score?

14 A. At a -- do you have a particular

15 intersection or --

16 Q. Just a moment.

17 A. Let me rephrase that. Are you referring

18 to level of service, how the intersections operate?

19 Q. Yes.

20 A. Under 2041 conditions, all the critical

21 movements at the unsignalized intersections are

22 going to operate at a level of service C or better.

23 The eastbound left turn from Rhodes Lane onto the

24 new five lane Hamilton Road connection and the

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1 increase in traffic will work at a level of service

2 D. The intersection of Bunn Street and Rhodes -- or

3 Hamilton is projected to work overall at a level of

4 service C based on those 2041 projections.

5 Q. Okay, thank you. My next question is was

6 there an analysis done taking into consideration if

7 Hamilton Road does not get extended meaning that the

8 traffic would be on Rhodes Lane?

9 A. Yeah. Two things on that. The first is

10 it's our understanding that it's a priority project

11 with the City of Bloomington. This is apparent in

12 the fact that they just received a \$5 million

13 Illinois First grant or Rebuild Illinois grant to

14 help pay for a good portion of that road. But

15 second and more importantly, there's more than

16 sufficient capacity on the roadway system, the

17 existing roadway system, to accommodate the limited

18 volume of traffic that will be generated by the

19 transfer station.

20 More importantly, if the transfer station

21 opens before the Hamilton Road improvement project

22 is done, LRS has committed to using shorter trailers

23 to more efficiently traverse that intersection of

24 Hamilton and Bunn Street. So they're committing to

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1 use shorter, little shorter trailers, transfer

2 trailers, to more efficiently traverse that

3 intersection.

4 Q. Okay. Just a moment please so that I can

5 ensure that all staff questions have been answered.

6 A. No problem.

7 Q. On Rhodes Lane, then, would there be the

8 shorter trailers --

9 A. Yeah.

10 Q. -- if Hamilton is not built?

11 A. Right. All of the transfer trailers will

12 traverse southbound on Bunn to westbound on Hamilton

13 to south on U.S. 51. We do not foresee any of the

14 larger semi trailers, transfer trailers traversing

15 Rhodes Lane.

16 MS. WILLIAMS: No further questions, thank

17 you.

18 A. Thank you.

19 HEARING OFFICER PRICE: Thank you, ASA

20 Williams. Assistant State's Attorney Sierra.

21 MR. SIERRA: Thank you. I have a few

22 questions from the board.

23 EXAMINATION BY

24 MR. SIERRA:

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1 Q. First, the previous animations that we had  
 2 seen showing the truck flow of traffic into the  
 3 facility showed the trucks coming in from the north  
 4 and turning left onto HDI Court and that seems to  
 5 contradict with your report's concluding  
 6 recommendation on page 27 that access will be only  
 7 from the east-west road. Could you explain, is that  
 8 actually an inconsistency or -- thank you, that's  
 9 it.

10 A. On page 27, can you tell me which  
 11 paragraph? I just want to make sure I'm looking at  
 12 the right thing.

13 Q. I believe that's the last bulleted  
 14 paragraph.

15 A. So when we say the east-west, we're just  
 16 referring to the orientation of that public road,  
 17 it's an east-west road. So the traffic will be  
 18 coming either from the north on Bunn or from the  
 19 south on Bunn Street and either will make a right  
 20 turn or a left turn into that east-west public road.

21 Q. Thank you.

22 A. No problem, thank you.

23 Q. Is it -- well, I'm going to skip that one.  
 24 Is it -- could you please clarify, is Tri Lakes Road

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1 going to be closed?

2 A. No, Tri Lakes will still remain open.  
 3 Right now it kind of extends down, around, and  
 4 around again towards the middle of the campus. A  
 5 portion of the road, I would call the eastern  
 6 portion of the road, will be eliminated, but the  
 7 main portion of the road that comes off of Bunn and  
 8 follows the railroad tracks, parallels the railroad  
 9 tracks, that will stay. So you'll still have access  
 10 from Tri Lakes onto Bunn Street.

11 Q. Thank you for that information. Have  
 12 plans been created for alternative routes or detours  
 13 in the event of road closures on the planned routes  
 14 that the trucks will use?

15 A. If there is -- it depends which road  
 16 closure there is, but there's always alternative  
 17 plans to be able to get those trucks in and out, but  
 18 until we know what road is closed, we can't  
 19 accommodate for every possibility.

20 Q. So it's possible that the wait times that  
 21 were forecast as part of the traffic study would  
 22 obviously increase if there happened to be road  
 23 closures or detours?

24 A. Because you would have traffic going in a

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1 different route?

2 Q. Correct.

3 A. Yeah, if you reroute some of the traffic,  
 4 you'll add some additional traffic to the roadway  
 5 system or a particular intersection, but they're all  
 6 working so well, the additional traffic is, you  
 7 know, five, six vehicles in an hour, most people  
 8 won't even notice the difference.

9 Q. Do the plans to accommodate existing  
 10 traffic patterns include any ability to monitor and  
 11 respond to traffic concerns that develop over time  
 12 once the LRS were to go into operation?

13 A. Every time I work with LRS, they're always  
 14 a good neighbor, they're always willing to work with  
 15 the community, they're a partner with the community,  
 16 their phone is always available for a call to talk  
 17 to them.

18 Q. If there was a concern about traffic, I  
 19 mean what kinds of modifications could be made to  
 20 the traffic plans?

21 A. Well, we don't foresee any issues, but  
 22 it's hard to give you an answer when I don't know  
 23 what the specific issue is at this time.

24 Q. Understood. Do you know if there are any

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1 existing plans for periodic reviews of traffic  
 2 management based on observed impacts?

3 A. I am not aware of that one way or the  
 4 other.

5 Q. Could you please discuss at which point in  
 6 the permitting process LRS will work with McLean  
 7 County or Bloomington Township about changes in  
 8 traffic patterns?

9 A. I'm not sure what you mean by changes in  
 10 traffic patterns.

11 Q. I imagine that it's a reference to the  
 12 adoption of the public road if -- I believe that the  
 13 township would have to approve and accept HDI Court  
 14 if that were to become a public road from private;  
 15 is that correct?

16 A. Correct.

17 Q. So have there been any conversations with  
 18 the township to this point?

19 A. I'm not -- I'm not sure, I haven't been  
 20 privy to that part of the process, but like with any  
 21 development, they're going to have to go through the  
 22 city because Bunn is a city road, they got to go  
 23 through the county and they're going to go through  
 24 the township, and that will all be part of the final



1 **engineering, part of the approval process, part of**  
 2 **the permitting process.**  
 3 Q. You said that Roanoke Concrete Products  
 4 averages 750 tons. Do you know what that equates to  
 5 in terms of traffic per truck?  
 6 **A. I do not. I do not have that answer.**  
 7 **MR. SIERRA:** That's all I have for now,  
 8 thank you.  
 9 **HEARING OFFICER PRICE:** Thank you. Mr.  
 10 Mueller.  
 11 **MR. MUELLER:** No redirect.  
 12 **HEARING OFFICER PRICE:** All right, then  
 13 thank you, Mr. Werthmann.  
 14 **A. Thank you.**  
 15 **HEARING OFFICER PRICE:** You're excused.  
 16 Mr. Mueller, your next witness.  
 17 **MR. MUELLER:** We'll call Dale Kleszynski.  
 18 **MR. KLESZYNSKI:** George, I wasn't here  
 19 yesterday so I was not sworn in. I don't know if  
 20 they swear --  
 21 **HEARING OFFICER PRICE:** It will happen.  
 22 **MR. KLESZYNSKI:** -- everybody in.  
 23 **HEARING OFFICER PRICE:** It will happen.  
 24 **MR. KLESZYNSKI:** Oh, okay.

1 **HEARING OFFICER PRICE:** Madam Court  
 2 Reporter, would you swear in the witness?  
 3 (Mr. Dale Kleszynski was duly sworn.)  
 4 **HEARING OFFICER PRICE:** I have received  
 5 the PowerPoint presentation Mr. Kleszynski is going  
 6 to use and so that will be Exhibit 11. With that,  
 7 Mr. Mueller, please proceed.  
 8 **EXAMINATION BY**  
 9 **MR. MUELLER:**  
 10 Q. Would you state your name please and spell  
 11 your last name?  
 12 **A. My name is Dale Kleszynski,**  
 13 **K-L-E-S-Z-Y-N-S-K-I.**  
 14 Q. And, Mr. Kleszynski, what is your  
 15 profession?  
 16 **A. I'm a professional real estate appraiser**  
 17 **and consultant.**  
 18 Q. All right. Did you prepare a Criterion 3  
 19 report that's in the siting application?  
 20 **A. I did.**  
 21 Q. And did you also prepare some PowerPoint  
 22 slides that summarize and highlight what's in your  
 23 report in the application?  
 24 **A. I did.**

1 Q. Would you like to go forward with that  
 2 presentation?  
 3 **A. Sure. In this particular instance, what**  
 4 **was prepared by Associated Property Counselors**  
 5 **Limited is a land use compatibility and real estate**  
 6 **impact study to examine the Henson Recycling Campus**  
 7 **transfer station that's located in McLean County,**  
 8 **Illinois.**  
 9 **By way of background, as I said, my name**  
 10 **is Dale Kleszynski. I'm a member of the Appraisal**  
 11 **Institute and hold the MAI designation. In**  
 12 **addition, I've been awarded the Senior Residential**  
 13 **Appraiser designation, which is the SRA designation.**  
 14 **I am an Illinois Certified Real Estate Appraiser and**  
 15 **hold a license in the state. I've been completing**  
 16 **appraisal and consulting studies since 1979 on**  
 17 **various types of properties. And by way of**  
 18 **background, I am a qualified instructor for the**  
 19 **Appraisal Institute, have held a number of -- have a**  
 20 **number of service offices that I have -- that I have**  
 21 **served in.**  
 22 **The question posed in this matter is the**  
 23 **examination as to whether or not the facility is**  
 24 **located so as to minimize incompatibility with**

1 **character of the surrounding area and to minimize**  
 2 **the effect on value of the surrounding property.**  
 3 **That's Criterion 3.**  
 4 **In order to start that study, the first**  
 5 **thing that is examined is the current conditions**  
 6 **that exist in the subject area. You'll note from**  
 7 **the slide that the current conditions and the Henson**  
 8 **Recycling Campus is outlined in yellow with the**  
 9 **proposed transfer station location outlined in red**  
 10 **at the terminus of HDI Court.**  
 11 **Current conditions include the potential**  
 12 **for the Hamilton Road extension and also this**  
 13 **overhead shows the development that's located to the**  
 14 **north and east of the railroad corridor and partial**  
 15 **indication of the Hilltop -- the Hilltop mobile home**  
 16 **park located across from Bunn Street.**  
 17 **The basic conclusion from the initial**  
 18 **review is that the subject property is located in an**  
 19 **area of ongoing development and there's a dominance**  
 20 **of recycling and industrial applications located**  
 21 **within the subject campus itself as well as adjacent**  
 22 **properties and properties to the north and east of**  
 23 **the railroad right-of-way. The existing facility or**  
 24 **the facility, the Henson Recycling Campus, has**

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1 existed or coexisted with the Hilltop residential  
 2 area to the west for over 50 years and nearby uses  
 3 have basically unfolded and remain consistent over  
 4 an extended period of time.

5 The aerial photographs that are presented  
 6 now are basically designed to give you an idea of  
 7 the history of the area, history of the development  
 8 in the area. The aerial here is from 1969 and this  
 9 aerial identifies the uses that were in existence at  
 10 that point in time that included auto salvage  
 11 applications and vacant land to the west as well as  
 12 to the north and east of the subject property.

13 By 1974 you can see that there's been the  
 14 development of the Hilltop mobile home park that's  
 15 located to the east, and so the Henson -- for  
 16 example, the auto salvage yards were in existence  
 17 first and then the Hilltop residential area was  
 18 introduced into the mix by 1974. I believe the  
 19 construction date was approximately 1970 for that  
 20 facility.

21 By 1983 there's new development that's  
 22 beginning to occur that's located to the south of  
 23 the Hilltop mobile home park as well as to the  
 24 northern portion of the Henson Recycling Campus.

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1 As the area unfolded in 1994, again you  
 2 can see new development that is located to the south  
 3 of Hamilton or Rhodes identified here and the  
 4 transitioning of the area across the railroad  
 5 right-of-way to the north and east is beginning to  
 6 unfold with new development that included both  
 7 industrial as well as commercial applications.

8 By 2007, the area located to the north and  
 9 east of the railroad right-of-way is nearly  
 10 completely built out and there are additional areas  
 11 of development located to the south of Hamilton in  
 12 this particular overhead.

13 The aerial depicting 2017 identifies some  
 14 changes within the campus itself with the Roanoke  
 15 Concrete application as well as the construction and  
 16 -- the construction recycling operation as well as  
 17 the mulching operation.

18 So the area usage map identifies not only  
 19 the subject campus but the area surrounding the  
 20 subject campus. It's approximately 77 acres and  
 21 this aerial identifies the existing campus itself as  
 22 well as the Bradford Supply Company and the auto --  
 23 I would call it an auto salvage and recycling  
 24 application on Bunn Street.

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1 The next slide identifies the zoning map  
 2 for the subject study area as well as the subject  
 3 property. It's identified as being within the M-2  
 4 zoning district, which is the heaviest industrial  
 5 district for the county. It is adjacent to both  
 6 commercial as well as business applications and  
 7 residential applications that are located or  
 8 identified as being the mobile home park.

9 As part of this, to demonstrate the type  
 10 of development that exists in the area, several  
 11 photographs are offered to identify not only the  
 12 location but the condition of the properties that  
 13 are surrounding the Henson Recycling Campus. This  
 14 includes, for example, the mobile home park, the  
 15 Bradford Supply Company, the auto recycling area,  
 16 the industrial applications that are located along  
 17 Hamilton as well as the commercial and industrial  
 18 applications that are located along Commerce Drive  
 19 in the developed, newly or more recently developed  
 20 area I guess I would call it that's located to the  
 21 north and east of the railroad right-of-way.

22 So in summary, the conclusion from the  
 23 examination of the larger 77 acre study area, we  
 24 found that the uses in the study area include

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1 recycling facilities within the Henson Recycling  
 2 Campus, the railroad right-of-way, the Bradford  
 3 Supply Company, the Hilltop residential area, an  
 4 automobile -- an automobile parts and salvage yard,  
 5 general industrial buildings and general commercial  
 6 and retail buildings. We found these applications  
 7 to be consistent and typical of similar -- of  
 8 similar developments in other locations.

9 The next thing that we did was to examine  
 10 the issue of highest and best use, so that begs the  
 11 question or asks the question of whether or not the  
 12 use that is proposed for the subject property will,  
 13 in fact, be the highest and best use of that  
 14 property.

15 Now, this is significant because it goes  
 16 to an issue in part to value, but mostly it goes to  
 17 an issue of conformity. And so the tests of highest  
 18 and best use include the examination of whether or  
 19 not the use would be legally permissible, physically  
 20 possible, financially feasible and provide or be the  
 21 maximum productive use of the property which would  
 22 give the property the greatest value for the longest  
 23 period of time.

24 Now, this is not a standalone analysis.

1 It's used as a test to examine as to whether or not  
 2 the facility is, in fact, located so as to minimize  
 3 incompatibility with the character of the  
 4 surrounding area and minimize the effect on value of  
 5 the surrounding properties. When property is found  
 6 to be the optimum use or use is found to be the  
 7 optimum use of a property, it will contribute the  
 8 greatest value to the property itself. And in  
 9 contributing the greatest value to the property  
 10 itself, it's not considered to be a source of  
 11 locational obsolescence which is the measure of  
 12 whether or not there's a deleterious impact on  
 13 value.

14 So we found under the concept of legal  
 15 permissibility that the subject site is zoned M-2,  
 16 it's a manufacturing district, heavy manufacturing  
 17 district, the current uses within the Henson  
 18 Recycling Campus are legal within this zoning  
 19 classification, and that the uses that are within  
 20 the campus as well as the surrounding applications  
 21 are compatible with this zoning classification.

22 We found that to the best of our knowledge  
 23 the intended use of the property, the development of  
 24 the recycling facility, will -- will be physically

1 have increased, and we considered the market  
 2 conditions to be strong.

3 What's particularly unique about the  
 4 subject property and the Henson Recycling Campus and  
 5 adjacent properties is that many of these are  
 6 special purpose pieces of real estate and those tend  
 7 to be owner occupied and the owner occupied  
 8 properties have a tendency to remain in the area for  
 9 the longest period of time and reflect the stability  
 10 in the marketplace.

11 So we considered -- so we considered the  
 12 property or the use, the intended use of the  
 13 property, to be the highest and best use because it  
 14 is a special use and it is compatible with  
 15 surrounding applications and that there is good  
 16 access to the location in terms of transportation  
 17 amenities.

18 So our findings were that the Henson  
 19 Recycling transfer station is found to be highest  
 20 and best use because the examined use is found to be  
 21 the optimum use of the site, it will contribute the  
 22 greatest value to the property itself, and the  
 23 adjacent properties will not be impacted because it  
 24 is not a form of locational obsolescence supporting

1 possible because there is no physical conditions  
 2 that exist that prohibit the development, that  
 3 there's adequate infrastructure currently and that  
 4 will be developed in terms of the street access to  
 5 the property, and that there are no issues which  
 6 would prevent the property from being developed in  
 7 accordance with the proposed plan.

8 To determine whether or not the property  
 9 or the use as a transfer station would meet the test  
 10 of financial feasibility, we examined the overall  
 11 Bloomington industrial market. We found that as a  
 12 general statement from the sources we have that  
 13 consists of approximately 12 million, almost 13  
 14 million square feet of industrial applications, that  
 15 construction, for lack of a better term, has been  
 16 limited, meaning that the construction -- that  
 17 there's no oversupply, there is no oversupply in the  
 18 marketplace to the best of our knowledge.

19 The vacancy rate in the study area and the  
 20 adjacent locations has been nearly zero over an  
 21 extended period of time or has basically met the  
 22 test of being a frictional vacancy which is typical  
 23 in the marketplace, that the rental rates for  
 24 properties that are leased over the last five years

1 the conclusion that it will not have a negative  
 2 impact on the surrounding properties.

3 The next portion of the study consisted of  
 4 the examination of similar type facilities that are  
 5 located -- well, they're in various locations. And  
 6 in this instance, we were given a study that was  
 7 done, a 2020 study that was prepared by  
 8 Park-Stoutamyer and Associates, a very reputable  
 9 firm that I am familiar with over many years, and  
 10 there was an -- they completed an examination as an  
 11 independent third-party back in 2020 to determine  
 12 whether or not the existence of a transfer station  
 13 had an adverse impact on property values.

14 As a side note, as I examined the  
 15 particular issues associated with the location and  
 16 the development of the transfer station, I found it  
 17 to be a logical extension of the existing uses that  
 18 are there and a logical and consistent extension of  
 19 the -- of this type of application I guess I would  
 20 say.

21 As part of the Stoutamyer, the  
 22 Park-Stoutamyer report, they examined the transfer  
 23 station in Springfield, Illinois, and that transfer  
 24 station is located on Ash Street. You'll note from

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1 the overhead that there are residential, commercial  
 2 and industrial applications that are nearby. Their  
 3 study indicated that on the properties that they  
 4 examined, there was no adverse impact and that the  
 5 values of the properties in this study area were  
 6 consistent with areas that were outside or away from  
 7 the transfer station.

8 We checked as part of this -- under the  
 9 Uniform Standards of Professional Appraisal  
 10 Practice, I'm able to utilize their study assuming  
 11 that the study is done correctly. So as part of my  
 12 work, I examined the information that was found in  
 13 their study, went back and then basically updated  
 14 the material to a current date to determine whether  
 15 or not those conclusions were consistent.

16 The data from their report and the  
 17 research that I completed were consistent and  
 18 support the conclusion that the transfer station did  
 19 not have an adverse impact on surrounding real  
 20 estate values.

21 We examined a -- they examined, as did we,  
 22 an older facility located in Bloomington, Illinois,  
 23 that has been in existence for 30 years, and from  
 24 the appearance of the property, it represented

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1 limited signs of renovation and modernization based  
 2 on my physical inspection. The surrounding area  
 3 consisted of detached single family homes that were  
 4 located across the street from this particular  
 5 facility, and there were several what I would call  
 6 minor commercial properties in this location.

7 The Stoutamyer-Park report -- I'm sorry,  
 8 the Park-Stoutamyer report indicated that the  
 9 properties that they examined demonstrated increases  
 10 in value that were consistent with areas that were  
 11 away from this facility. We examined their  
 12 research, verified their research, and in addition  
 13 updated the research and found that the sale of  
 14 several improved properties in close proximity to  
 15 this location were mirrored -- mirrored value  
 16 patterns for the areas away from this facility.

17 This next slide shows the existence of the  
 18 transfer station on Washington Street and  
 19 additionally shows the location of the single family  
 20 homes and commercial areas that were examined. What  
 21 was particularly interesting about this facility is  
 22 that it's located in closer proximity to the  
 23 residential units than is planned for the subject  
 24 property.

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1 So we found that the -- in this  
 2 competitive site, the data from the report, the  
 3 Park-Stoutamyer report, and our research was  
 4 consistent and supported the conclusion that the  
 5 transfer station did not have an adverse impact on  
 6 surrounding real estate or the property values.

7 Independent of the Park-Stoutamyer report,  
 8 I examined an area in Joliet that included intensive  
 9 waste management and recycling facilities that have  
 10 existed over an extended period of time. The  
 11 surrounding uses included industrial, commercial and  
 12 vacant properties. Across the expressway, there  
 13 were large areas of residential development. Our  
 14 search yielded 70 transactions within the red-lined  
 15 area here over a number of years, and these -- the  
 16 sales of these properties exhibited similar patterns  
 17 that were found in areas that were away from the  
 18 intensive uses that are found within this red-lined  
 19 location.

20 So in the analysis of the Joliet site, we  
 21 found that the properties located nearest the  
 22 transfer station and recycling facilities on Mound  
 23 Road and Moen Avenue increased at a price that was  
 24 similar to those located away from that area, and

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1 that the existence of the transfer station and  
 2 recycling facilities did not have an adverse impact  
 3 on surrounding real estate uses and value.

4 The next area that we examined was the  
 5 Hilltop residential area located on the west side of  
 6 Bunn Street. As a side note, this property just  
 7 sold in a transaction involving national properties  
 8 or 46 properties transferred that included this  
 9 particular piece of real estate to an investment  
 10 group who apparently did -- apparently acquired this  
 11 site as part of that acquisition.

12 Obviously from the overheads that we  
 13 showed earlier, this particular application, the  
 14 Hilltop residential area, has existed at this  
 15 location since 1970, and that it goes approximately  
 16 to Main Street to the west, occupies approximately  
 17 100 acres. We found that the database search  
 18 indicated that the price of units were unimpacted --  
 19 the price of units located nearest Bunn Street were  
 20 consistent with the units that were located on the  
 21 interior sites. We found that the occupancy in this  
 22 particular facility was unimpacted by the existence  
 23 of the recycling applications located to the east.  
 24 The data indicates that the existing uses in the

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1 study area did not have an adverse impact on  
 2 surrounding real estate uses or value.  
 3 The last portion of the study included the  
 4 examination of what had transpired in the adjacent  
 5 retail and commercial area I would call it to the  
 6 east and north of the railroad right-of-way along  
 7 Commerce Parkway, the area generally bounded by  
 8 Veterans Parkway, Morrissey, Rhodes Lane and the  
 9 Norfolk and Southern Railroad right-of-way. That  
 10 area is outlined in red. It's adjacent to the study  
 11 area which is outlined in yellow on this slide.  
 12 The database search indicated that there  
 13 were 28 sales that occurred since 2008 with several  
 14 of the properties being sold and resold; that  
 15 properties nearest the study area operated in a  
 16 manner that was similar to those located further  
 17 away from the study area; that the area has  
 18 increased in capacity or remained consistent over an  
 19 extended period of time; and the existence of the  
 20 uses in the study area did not have an adverse  
 21 impact on the surrounding real estate uses and  
 22 value.  
 23 So in conclusion, we found after examining  
 24 all of the study area itself as well as the adjacent

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1 applications and properties that are similar to the  
 2 subject, we found that or we conclude that the  
 3 Henson Recycling Campus transfer station is located  
 4 in an area of historic and current industrial use  
 5 and development; that the manmade boundaries isolate  
 6 and buffer the subject area which effectively  
 7 minimizes any influences on the outside area. Our  
 8 review of the City of Bloomington and McLean County  
 9 zoning ordinances and the comprehensive plans  
 10 encourage development to occur. And what was  
 11 interesting about both of these, both of these  
 12 reviews, is that there appeared to be a, for lack of  
 13 a better term, an emphasis on having consistent  
 14 applications regardless of what zoning  
 15 classification was being examined.  
 16 The proposed -- so we conclude that the  
 17 proposed use will have minimal impact on the  
 18 adjacent and nearby property values, that the Henson  
 19 Recycling transfer station will include significant  
 20 infrastructure and improvements that will enhance  
 21 the property, and that the Henson Recycling Campus  
 22 transfer station will be a long-term stable use of  
 23 the subject property.  
 24 So it is our opinion that the develop --

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1 the proposed development of the Henson Recycling  
 2 Campus transfer station is located so as to minimize  
 3 incompatibility with the character of the  
 4 surrounding area and it is located to minimize the  
 5 effect on value of surrounding properties and in our  
 6 opinion meets the standards of Criterion 3.  
 7 MR. MUELLER: That's all we have.  
 8 HEARING OFFICER PRICE: Thank you, Mr.  
 9 Mueller. Ms. Manning.  
 10 MS. MANNING: I just have a couple of  
 11 questions.  
 12 A. Sure.  
 13 EXAMINATION BY  
 14 MS. MANNING:  
 15 Q. You mentioned that the trailer park across  
 16 from the entrance to the proposed transfer station  
 17 was recently sold?  
 18 A. Yes.  
 19 Q. Do you know whether the purchasers of that  
 20 property were aware of the proposed waste transfer  
 21 station?  
 22 A. I do not.  
 23 Q. Thank you. Are any of your comparables --  
 24 did any of the sites you looked at have a trailer

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1 park directly across from the entrance to a waste  
 2 transfer station?  
 3 A. No.  
 4 Q. Okay. Did any of the sites that you  
 5 looked at have retail establishments, like a car  
 6 dealership, in close proximity to the residential  
 7 area and the waste transfer station? And/or a  
 8 brewery?  
 9 A. Not those specific uses, but I would  
 10 consider them to be similar uses. Like, for  
 11 example, in the Joliet study in the Joliet area,  
 12 there's a very heavily concentrated area of -- like  
 13 the subject location, that is used for recycling and  
 14 waste transfer applications. The area to the, I  
 15 believe it's to the west -- no, to the east of those  
 16 applications were basically service-oriented  
 17 commercial uses, so those were studied. Now, the  
 18 residential development that occurred occurred I  
 19 guess I would call it to the north of the  
 20 interstate, and the development of those locations  
 21 seemed to be reasonably consistent over an extended  
 22 period of time.  
 23 So I don't know if there's any -- I  
 24 believe there are car dealerships, for example, on

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1 Larkin Avenue and there are breweries and service  
 2 establishments, and as that data came up, we viewed  
 3 that -- we viewed those operations as being  
 4 consistent.  
 5 Q. But is it my understanding that those are  
 6 separated by an expressway, a large highway and --  
 7 A. Well, sure. Clearly it's clearly  
 8 separated by that.  
 9 Q. All right, thank you.  
 10 A. There's no question about it.  
 11 Q. Thank you.  
 12 MS. MANNING: That's all I have for this  
 13 witness.  
 14 HEARING OFFICER PRICE: Thank you, Ms.  
 15 Manning. Let's see, my usual circuit here, ASA  
 16 Williams.  
 17 MS. WILLIAMS: Yes, may I have a moment?  
 18 EXAMINATION BY  
 19 MS. WILLIAMS:  
 20 Q. Okay, on page 3-1, we would like some  
 21 clarification about a sentence in your report.  
 22 A. You're talking about my report not the  
 23 PowerPoint, right?  
 24 Q. Correct.

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1 A. And what --  
 2 Q. 3-1.  
 3 A. Okay.  
 4 Q. It's under the property rates and market  
 5 value section, the first paragraph where it says  
 6 neither the subject property nor any adjacent  
 7 properties have been evaluated as part of this  
 8 study. Could you please clarify what that means?  
 9 A. Sure. That means that I did not  
 10 specifically appraise any specific property as I  
 11 would, for example, if you asked me to appraise your  
 12 residence, okay? I didn't come up with a specific  
 13 market value of any one of the properties. In a  
 14 study like this, what you're really looking for is  
 15 the value trends and you're looking for data that  
 16 supports -- that supports what is going on in the  
 17 area.  
 18 And without getting too far into the weeds  
 19 on this, our text material that deals with -- the  
 20 Appraisal Institute's text material that deals with  
 21 detrimental conditions basically has a matrix of how  
 22 this is done. And basically the way it's done is to  
 23 study the sale and resale, if it's available, of the  
 24 properties that are located the nearest to the

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1 application that's being tested and then try and  
 2 find similar activity or similar uses that are  
 3 located away from that use that's being tested. And  
 4 if the value patterns are similar, meaning they  
 5 trend up and downward in a similar manner over a  
 6 lengthy period of time, then it can be concluded  
 7 that there is no adverse impact on value caused by  
 8 the use that's being tested.  
 9 So all this means, under our USPAP  
 10 guidelines I have to make it clear that I did not,  
 11 in fact, appraise any specific property by, for  
 12 example, doing an income approach on the car  
 13 dealership or the brewery that was referenced and  
 14 things of that character, okay?  
 15 MS. WILLIAMS: Thank you. I've received  
 16 no other questions.  
 17 HEARING OFFICER PRICE: Okay, thank you.  
 18 ASA Sierra.  
 19 MR. SIERRA: Thank you, Mr. Price.  
 20 EXAMINATION BY  
 21 MR. SIERRA:  
 22 Q. A few questions for you, Mr. Kleszynski.  
 23 Did your evaluation account for the decision to  
 24 place the proposed facility on top of one of the Tri

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1 Lakes? Was there either a positive or negative  
 2 impact on this criterion given that factor?  
 3 A. If I'm understanding your question  
 4 correctly, did it take into consideration the fact  
 5 that it's adjacent to the lake?  
 6 Q. Well, I think that the question is, based  
 7 on the testimony we heard yesterday, there is -- the  
 8 facility is going on top of an existing lake.  
 9 A. Okay.  
 10 Q. And the question is trying to determine  
 11 whether the partial loss of that lake or the siting  
 12 of this particular location and the impact on that  
 13 lake is accounted for in your opinion.  
 14 A. Actually it's not, only because of the  
 15 fact that I'm not an engineer. That's really an  
 16 engineering question that you're asking. And so my  
 17 presumption would be, and was for my discussions  
 18 with Andrews as well as for civil and environmental,  
 19 that all of the criterion in order to develop the  
 20 property correctly and from a stable -- in a stable  
 21 manner would be met. And so that's an engineering  
 22 question though. Overall, it's an engineering  
 23 question that you're asking. And so my assumption  
 24 is is that the engineers know what they're doing and

1 are going to basically put things where they belong.

2 Q. Thank you, sir. Does your -- your opinion  
3 discusses use of real estate values in determining  
4 that there would be -- the proposed facility is in  
5 conformance with this criteria. Apart from real  
6 estate values, how does your -- is your opinion  
7 informed by residents in the nearby area and how  
8 they might be using their property?

9 A. Well, it's pretty obvious the way they're  
10 using their properties. What I think is unique  
11 about this particular site is that in the experience  
12 that I have in evaluating and doing appraisal work  
13 and advising people on what are special use  
14 properties that, for lack of a better term, raise  
15 questions such as this, I have -- I have rarely seen  
16 a site that's more suitable for this particular  
17 application because it's located away from the  
18 residential areas. The residential areas came in  
19 after the, after some of -- you know, came in when  
20 there was an automobile salvage and recycling use  
21 adjacent to it. And so the -- and then as the area  
22 has -- the campus itself has developed, there has  
23 been no display of vacancy or resistance to the  
24 residential area that's across the street, okay?

1 home park.

2 Q. Well, either of the mobile home park or  
3 businesses, anyone else surrounding the facility.

4 A. Yeah, there's a handful of residential  
5 properties that are located -- you know, kind of  
6 spot residential properties that are located on  
7 Hamilton, but I was not privy to any discussion, to  
8 any specific discussions between LSR and -- I'm  
9 sorry, LRS and those parties.

10 Q. In your opinion, would concerns of  
11 neighboring properties be relevant to this criteria?

12 A. I think that concerns are always a  
13 relevant issue, okay? However, the real proof in  
14 the pudding is the -- how the market reacts to those  
15 applications, okay? So, for example, I happen to  
16 attend a lot of these sorts of meetings like in  
17 zoning issues and stuff like that and oftentimes  
18 there are residents who come out and they say many  
19 of the same things. Like they say it's going to  
20 ruin our property values, when my kids are waiting  
21 for a school bus they're going to get run over by a  
22 truck, you know, things of that character.

23 However, that's why we use the market data  
24 to say, okay, well, what is really happening not

1 In addition, there has been no -- there's  
2 been no resistance to development of industrial  
3 applications that are located along Hamilton. And  
4 if you take a look at the aerials, the location  
5 along Commerce Parkway unfolded over a number of  
6 years with some basically pretty high-end  
7 applications. So there was no -- you know, there  
8 was no resistance to those, you know, caused by the  
9 subject property which is adjacent to the railroad  
10 right-of-way.

11 So that's -- the answer is is, yes, I've  
12 taken -- to me, the aerials demonstrate specifically  
13 how there is no resistance because of the fact when  
14 you look at the history of development in that  
15 location, it's basically been pretty high-end and  
16 added a lot of value to the, you know, to the city  
17 itself.

18 Q. Has LRS communicated with local residents  
19 regarding their perceived compatibility of the  
20 facility with their existing uses?

21 A. I have no idea if there's been any -- I  
22 mean, I wasn't involved in any specific discussions  
23 with the residents that are -- I presume the  
24 residents that you're talking about are the mobile

1 only in the subject area, but what is in fact  
2 happening in locations that are similar to the  
3 subject area? And when we see that -- when the  
4 trends are identified, we can make a determination  
5 as to whether or not there is or is not an adverse  
6 impact on value.

7 Q. During the course of your study, did you  
8 or have you ever personally been near a waste  
9 transfer station?

10 A. Been near one?

11 Q. Yes.

12 A. Yes.

13 Q. Did you observe an odor when you were  
14 nearby?

15 A. Did not.

16 Q. To your understanding, would the  
17 implementation of this facility create an odor that  
18 would be observable from local residences or  
19 businesses?

20 A. I guess I can't speculate fully, but my  
21 experience in the uses that I have in fact examined  
22 as part of my profession, I think that the modern  
23 methodologies of controlling those things are  
24 superior than those found years before, and I have

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1 not personally experienced any problems in that  
2 area.  
3 Q. Should the history of the use of this  
4 facility be taken into account given that it would  
5 not be entirely -- the current uses are, I guess, of  
6 a commercial or business nature -- actually I'm  
7 going to withdraw that question and I have no  
8 further questions. Oh, I'm sorry, I actually have a  
9 couple more, sorry.  
10 A. Okay, what a surprise.  
11 Q. Yeah, I'm sorry. Can you tell me how many  
12 residents live in Bloomington Heights, one of the  
13 neighborhoods surrounding the existing transfer  
14 station in Bloomington?  
15 A. I do not. I mean, my recollection, you're  
16 talking about the property I think that's on  
17 Washington?  
18 Q. Correct.  
19 A. Okay. When I traverse that area, there's  
20 a very large amount of agricultural land and then --  
21 so I would say that the residential population is  
22 small, but it's located -- it's concentrated in such  
23 a manner that it's adjacent to the existing facility  
24 that's there. So again, if you look at the

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1 overhead, you can see that directly across the  
2 street there are what I would call, you know, larger  
3 lot residential applications and then there appears  
4 to be a subdivision that's nearby. And so there is  
5 a concentration very close by to that facility, but  
6 the balance of the uses in that area are industrial  
7 and agricultural in nature.  
8 Q. Do you know how many residents live in the  
9 Hilltop mobile home park?  
10 A. I couldn't venture to guess, but my  
11 suspicion -- I think when I looked it up, there was  
12 over -- I think there's over 6 or 800 units in that  
13 facility, so, you know, my suspicion would be is  
14 that it's going to be at least to one to three  
15 people. I mean, my experience is that there would  
16 normally be in those facilities one to three people,  
17 so that would be the -- that would be just a wild  
18 guess of what the population of that park would be.  
19 Q. Given that there are more people using the  
20 surrounding area for residential purposes for the  
21 proposed facility compared to the existing facility,  
22 does that factor into your opinion at all?  
23 A. Well, that was an interesting -- that's an  
24 interesting question predominantly because of the

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1 fact that that's where the history of that whole  
2 area really kind of comes into play. That area  
3 developed with a very well-run mobile home park that  
4 has had very little vacancy over an extended period  
5 of time, and although the use of a transfer station  
6 is not specifically there at this time, there are  
7 other applications there that are recycling-oriented  
8 and in appraisal parlance are similar uses to what  
9 you find or what will be developed on the subject  
10 site.  
11 So consequently, given the fact that there  
12 hasn't been a significant amount of -- that there  
13 hasn't been a market resistance that's identifiable  
14 by vacancy of units in that park, I would conclude  
15 that they are compatible, that uses such as this are  
16 compatible. And then when you factor in the  
17 location of this particular facility being a  
18 thousand feet away from even just one line of those  
19 mobile home parks, it would be my observation that  
20 my conclusion is reasonably supported.  
21 MR. SIERRA: Thank you. No further  
22 questions from the board.  
23 HEARING OFFICER PRICE: Mr. Mueller.  
24 MR. MUELLER: Nothing further, thank you.

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1 HEARING OFFICER PRICE: Thank you, Mr.  
2 Kleszynski. Mr. Mueller, your next witness.  
3 MR. MUELLER: Yesterday there was some  
4 discussion about LRS's operating history, and since  
5 no one asked Mr. Hock about that when he testified,  
6 we thought we'd put him back on the stand and offer  
7 him up for questions regarding the operating history  
8 of the company.  
9 HEARING OFFICER PRICE: All right. Well,  
10 just to orient everybody, including the county  
11 board, so there are the nine listed criteria in the  
12 statutes, and then after number 9 is the following  
13 sentence. The county board or the governing body of  
14 the municipality may also consider as evidence the  
15 previous operating experience and past record of  
16 convictions or admissions of violations of the  
17 applicant and any subsidiary or parent corporation  
18 in the field of solid waste management when  
19 considering Criteria 2 and 5. Sometimes in the  
20 industry it's referred to as the ghost criteria or  
21 Criteria 10. I think Mr. Mueller referred to it in  
22 that way in an objection yesterday. So that's the  
23 criteria.  
24 They're not intending to put anything on,



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1 I believe there's materials already submitted in  
 2 writing, but this is the opportunity for Ms. Manning  
 3 to further clarify some of the questions she had  
 4 yesterday. So, Ms. Manning, the floor is yours.  
 5 **MS. MANNING:** Thank you, Mr. Hearing  
 6 Officer.  
 7 **EXAMINATION BY**  
 8 **MS. MANNING:**  
 9 Q. Mr. Hock, there's a very limited amount of  
 10 information --  
 11 **HEARING OFFICER PRICE:** I'm going to do  
 12 one thing for the record, I'm sorry, Ms. Manning, my  
 13 fault. You're still under oath, Mr. Hock.  
 14 **MR. HOCK:** Understood.  
 15 **HEARING OFFICER PRICE:** Thank you.  
 16 Q. The only information in the application  
 17 related to the applicant's history is a couple of  
 18 pages found at 2.7 of your criteria analysis as well  
 19 as Appendix 2-0 the operating record. And the  
 20 operating -- and it explains -- I guess I would ask  
 21 it's correct, is it not, that LRS and the Henson  
 22 entity still have responsibility for the C & D  
 23 facility that is at the site.  
 24 **A. Yes.**

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1 Q. Okay. So you listed -- well, a couple of  
 2 things. You listed one of the things that LRS  
 3 operates is a nonhazardous solid waste landfill in  
 4 Atkinson, Illinois?  
 5 **A. Correct.**  
 6 Q. And did you say that is still operational?  
 7 **A. Yes.**  
 8 Q. And was it closed down at one point in  
 9 time?  
 10 **A. It was.**  
 11 Q. And was it closed down during LRS's  
 12 ownership or operation of it or was that a previous  
 13 operator?  
 14 **A. That was a previous operator.**  
 15 Q. So LRS had no responsibility from your  
 16 perspective in terms of the operations at Atkinson?  
 17 **A. Well, so when LRS bought it, they actually**  
 18 **reopened it so to speak, so -- and what you may be**  
 19 **referring to, there was a consent order associated**  
 20 **with that facility. It was associated with the**  
 21 **previous operator.**  
 22 Q. Okay.  
 23 **A. LRS did assume responsibilities for that**  
 24 **consent order as part of purchasing the landfill and**

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1 **moving forward with reopening it.**  
 2 Q. Okay. So let's -- let's go to just some  
 3 of the things that you articulated on one of -- page  
 4 1 of 2. Particularly I'm interested in your  
 5 information provided, very limited information  
 6 provided on Henson Bloomington Recycling and Henson  
 7 Urbana Recycling, the C & D recycling and transfer  
 8 facilities at this particular location, at the  
 9 Henson location. And you indicated that -- first of  
 10 all, can you explain, is there a difference between  
 11 those two recycling centers? You have two of them  
 12 listed on your page 2 of 2 operating record.  
 13 **A. Yes, they are different facilities. One**  
 14 **is the Henson facility that we've been talking about**  
 15 **that's part of the Henson Recycling Campus and the**  
 16 **other is a separate facility located in Urbana.**  
 17 Q. Okay, thank you. And the one at the  
 18 Henson recycling center, you talk about a violation  
 19 notice that was issued on May 13th, 2023. In fact,  
 20 there were other -- and that that was the subject of  
 21 staff inquiry, correct, in terms of -- staff inquiry  
 22 here at the county in terms of the status of that  
 23 violation notice.  
 24 **A. Yes.**

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1 Q. Okay. And you provided a letter to the  
 2 staff which the staff put -- which Mr. Brown put on  
 3 the website where you're responding to that  
 4 particular violation notice; is that correct?  
 5 **A. Yes.**  
 6 Q. And your response says that you're going  
 7 to attempt to have a meeting with the EPA. And this  
 8 response I think was -- the violation was -- and you  
 9 included a response to the Illinois EPA dated April  
 10 18th, 2023, correct?  
 11 **A. Yes.**  
 12 Q. And your response indicated a disagreement  
 13 over some of the suggested violations, but -- and  
 14 you were going to have a meeting with the EPA. Did  
 15 you have such a meeting with the EPA?  
 16 **A. We did.**  
 17 Q. And was there any sort of resolution to  
 18 any of these violations, this violation that was  
 19 alleged?  
 20 **A. So we had the meeting and discussed the**  
 21 **violations or I should say the alleged violations**  
 22 **because we actually did not agree with any of them.**  
 23 **We -- there was a follow-up response that was**  
 24 **submitted, the requested CCA, and then they**

1 responded later basically denying that and saying  
2 they were going to take a different course. So we  
3 did not enter into a CCA for that violation.

4 Q. So the status is that it's before the  
5 Office of Attorney General?

6 A. Yes.

7 Q. Okay. And you say you don't agree with  
8 any of the violations, but let me suggest what they  
9 are. Cease all open dumping -- and maybe what I'll  
10 do as well is put in the history of both violations  
11 and inspection reports that are relevant to this  
12 particular facility and this particular operation of  
13 the existing Henson Recycling. And would you agree  
14 that some of the violations that are included in  
15 that are illegal dumping? Would you agree with  
16 that, that they're alleging illegal dumping?

17 A. They are alleging that which is actually a  
18 ridiculous assertion.

19 Q. Okay. So -- and they found liquids on the  
20 facility are collecting in a retention basin on the  
21 property. I'm reading from the inspection report  
22 which you did not provide to staff which I received  
23 from FOIA that has not been put into evidence. So  
24 this is the Illinois EPA's inspector's writing as to

1 Q. Well, and you're quibbling with the EPA as  
2 to whether it's CCDD, clean construction demolition  
3 debris or construction and demolition debris, but  
4 nonetheless it's going to the Office of Attorney  
5 General, and the Office of Attorney General does  
6 have the authority to require remediation at that  
7 site; is that correct?

8 A. They could.

9 Q. And they could even -- as part of  
10 remediation, have you ever seen them require if  
11 something's been unlawfully filled for not only a  
12 cease and desist order but an order that requires  
13 the removal of the fill?

14 A. They could, but when they -- with the  
15 understanding of the fact that it won't happen, and  
16 I'd be glad to explain it further in terms of what  
17 has actually occurred out there if you'd like to  
18 hear.

19 Q. To the extent to which you know what  
20 actually occurred, I am reading what the EPA is  
21 indicating actually occurred. So to the extent to  
22 which we probably have, you know, a difference, I'm  
23 going to put the violation notices and the  
24 inspection reports into evidence and indicate that

1 the evaluation that led to this violation.

2 I asked about the liquid leaking from the  
3 trailer. Tom said he didn't know what it was and  
4 implied it was okay because all the liquids on the  
5 facility are collected in a retaining basin on the  
6 property and indicated that the leaking trailer  
7 would be a point source. In addition, he asked  
8 about wood waste in a large pile to the south. In  
9 addition, he indicated that while the facility was  
10 only permitted to use about 5.99 of 6.16 acres  
11 permitted, they were in fact using 34.1 acres of the  
12 facility which would have been a violation of their  
13 permit. And that's what they've been accused of  
14 doing; is that correct?

15 A. Yeah, you're reading the words from the  
16 inspection report. Again, they're misunderstanding  
17 and we do not agree with that characterization.

18 Q. So are they misunderstanding that fill was  
19 used from the -- from that site to fill areas that  
20 the EPA disagreed that there was authority to fill  
21 those sites? Is that one of the -- it is one of the  
22 allegations, is it not, John?

23 A. It is one of the allegations, and again  
24 they're incorrect and they misunderstand.

1 this particular facility has had a history of --  
2 it's going to be evident from these prior violations  
3 that -- and from the inspection reports that this  
4 facility simply was not abiding by its permit, was  
5 placing material outside its permitted area, and was  
6 unlawfully filling as well. If you'd like to  
7 offer --

8 MS. MANNING: I'm going to offer these  
9 into evidence.

10 HEARING OFFICER PRICE: Well, let's do  
11 this. Let's give them to the witness so that he can  
12 authenticate them as being the inspection report and  
13 the violation notice and then we'll put them in  
14 evidence. This is Group Exhibit 12 that's being  
15 tendered. And the question is do you recognize  
16 them, Mr. Hock, and are they what they were  
17 purported to be which is the inspection --

18 Q. Do you recognize these, John, as -- and  
19 I've got a list of what they are, as business  
20 records of the EPA that are standard issue  
21 evaluation inspection reports and letters from the  
22 EPA?

23 A. They're --

24 Q. You want to just take a look, a minute to

1 look at them?  
 2 **A. Yeah, there's ten documents here, so if**  
 3 **you can give me just a moment to flip through them.**  
 4 **HEARING OFFICER PRICE:** Okay.  
 5 **A. So I do recognize a portion of these**  
 6 **documents and the others do appear to be standard**  
 7 **IEPA letters or inspection reports.**  
 8 **HEARING OFFICER PRICE:** Okay, thank you.  
 9 **MS. MANNING:** I offer them to be admitted  
 10 as evidence.  
 11 **HEARING OFFICER PRICE:** They'll be made  
 12 part of the record, yes.  
 13 **MR. MUELLER:** Mr. Hearing Officer, since I  
 14 haven't seen the documents, I don't have a basis to  
 15 make a relevance objection, but to the extent that  
 16 any of them deal with matters predating LRS's  
 17 acquisition of Henson, those would not be relevant  
 18 in any way, shape or form.  
 19 **HEARING OFFICER PRICE:** That's why they  
 20 call it argument. You can make that argument --  
 21 **MS. MANNING:** I would respond that it's  
 22 clearly --  
 23 **HEARING OFFICER PRICE:** It's in. We don't  
 24 need to argue about it. It's in and --

1 and desist accepting regulated soils until a permit  
 2 is obtained from the EPA. The other is do not  
 3 modify, fill in or change a barrow pit without a  
 4 permit from the IEPA. Are those issues the subject  
 5 of discussion with the EPA currently? They will be  
 6 not with the EPA anymore but with the Office of  
 7 Attorney General.  
 8 **A. Well, we disagree with those assertions,**  
 9 **so at some point I'm assuming we will discuss them**  
 10 **again.**  
 11 **Q.** But they continue to be assertions that  
 12 the state makes.  
 13 **MR. MUELLER:** Well, I'm going to object.  
 14 We don't know what the state is saying now.  
 15 **HEARING OFFICER PRICE:** The documents  
 16 speak for themselves and --  
 17 **MS. MANNING:** Okay.  
 18 **HEARING OFFICER PRICE:** -- you can ask him  
 19 questions about what are in these documents, but  
 20 sustained.  
 21 **MS. MANNING:** Well, the documents do speak  
 22 for themselves, and as a result of that, I don't  
 23 know that I need to ask John any more questions, but  
 24 I would indicate that a thorough review of these

1 **MS. MANNING:** I'm sorry, I didn't hear  
 2 you.  
 3 **HEARING OFFICER PRICE:** -- you can make  
 4 your arguments about it. Any other questions, Ms.  
 5 Manning?  
 6 **MS. MANNING:** Yes, I have a few.  
 7 **Q.** The inspection report dated April 6th,  
 8 2022, which is the first document --  
 9 **MS. MANNING:** Just for the record, I'll  
 10 read what these documents are, if that's all right  
 11 with Mr. Hearing Officer.  
 12 **HEARING OFFICER PRICE:** They all have it  
 13 in front of them. I don't know why we need to read  
 14 it.  
 15 **Q.** Look at the first document, the inspection  
 16 report dated December 6th, 2022. Is this the  
 17 inspection report that led to the violation that you  
 18 responded to in April?  
 19 **A. Yes.**  
 20 **Q.** The violation notice. And the suggested  
 21 resolutions for these alleged violations which are  
 22 also contained in the violation notice are --  
 23 there's various of them, but the important one that  
 24 I want to look at right now, one of them is to cease

1 documents would benefit the county board in --  
 2 **HEARING OFFICER PRICE:** Well, that's --  
 3 you can do that in your argument to the county  
 4 board. This is --  
 5 **MS. MANNING:** Thank you, I will do that.  
 6 **HEARING OFFICER PRICE:** -- for questions  
 7 of the witness. Any more questions?  
 8 **MS. MANNING:** Not at this point.  
 9 **HEARING OFFICER PRICE:** Thank you. ASA  
 10 Williams.  
 11 **MS. WILLIAMS:** Thank you.  
 12 **EXAMINATION BY**  
 13 **MS. WILLIAMS:**  
 14 **Q.** I guess I'm working with a little bit of a  
 15 disadvantage because I don't have those documents,  
 16 but okay. So it sounds like there are some current  
 17 unresolved alleged violations by the IEPA regarding  
 18 LRS/Henson facilities; is that correct?  
 19 **A. Yes.**  
 20 **Q.** Are there other alleged violations that  
 21 are not contained within these documents that you  
 22 are aware of?  
 23 **A. Not that I'm aware of.**  
 24 **Q.** Can you please explain how the specific

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1 violations that have been alleged will be prevented  
 2 in the future?  
 3 **A. So if you don't mind, I'm going to take a  
 4 couple one by one. And I do want to touch on the  
 5 alleged filling of the pond and that whole issue  
 6 because it's been talked about quite a bit. What  
 7 actually occurred and what the IEPA did not  
 8 understand that we explained to them is that there  
 9 has been no filling of that pond with materials  
 10 brought in from offsite. What actually happened was  
 11 after that jurisdictional determination was made in  
 12 2018, after we got a building permit from McLean  
 13 County, they reconfigured the pond. They basically  
 14 made it larger than it is, they took out some berms  
 15 that were separating the ponds that made them the  
 16 Tri Lakes or the three ponds, and they did that in  
 17 preparation for the development. So all they did is  
 18 took the soil from the pond and moved it to other  
 19 locations on the pond and in fact in the end made  
 20 the pond larger. There was no permits from the IEPA  
 21 needed for that activity. It's very clear that that  
 22 is unregulated activity.  
 23 **What also did occur that again the IEPA  
 24 misunderstood is we did bring in clean fill to****

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1 **continue to raise the grade of that area and that is  
 2 where the transfer station would go and we needed  
 3 more fill to reach the grade that we want to obtain.  
 4 None of that was fill below grade. It's all above  
 5 ground. Again, it is all unregulated activities.  
 6 There was no permit from the IEPA needed for any of  
 7 that. So we've explained that to them, they have  
 8 not pushed that issue any further, but they also  
 9 have not responded.  
 10 **It's also worth I guess saying, just for  
 11 clarification and for everybody here, where the  
 12 transfer station building is going, there's actually  
 13 been no fill placed there from either the relocation  
 14 of the pond or with any of the clean fill brought  
 15 in. So in terms of questions about stability or  
 16 what's there, there are no concerns. It is the soil  
 17 geotechnical studies will be done and the building  
 18 will be fine. So that's one. So that issue kind of  
 19 goes away.  
 20 **What we did commit to them in terms of  
 21 preventing any future violation or concern is there  
 22 is a small piece of that pond that needs to be  
 23 filled. The depth of the water of the pond on that  
 24 northern end is about a foot. It's very shallow.******

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1 **To make sure that there was no issues going forward,  
 2 we said before we fill any other piece of that pond,  
 3 we will get whatever permits they want, whether it  
 4 be a CCDD permit, an uncontaminated soil fill  
 5 operation permit, whatever they want to see, so that  
 6 will not be an issue going forward. So that's the  
 7 main one that relates to the transfer station.  
 8 **Other ones were really more what I would  
 9 call administrative issues or housekeeping items  
 10 associated with the facility, such as where they say  
 11 it's open dumping, there's not open dumping  
 12 occurring. It's just simply litter that was in a  
 13 ditch or away from the facility. Blowing litter  
 14 occurs. Not ideal, but the permit anticipates such  
 15 things if it gets windy under certain weather  
 16 conditions. And what we're obligated to do is when  
 17 blowing litter occurs, clean it up, which is  
 18 actually what's occurred.  
 19 **Now, that facility is different. It is  
 20 much more open air and it is more susceptible to  
 21 those things. If we talk about the Henson Recycling  
 22 Campus transfer station facility that will be  
 23 accepting municipal waste, none of those issues will  
 24 occur or can be relevant because it's all completely******

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1 **enclosed indoors in the building.  
 2 **So the type of things they're talking  
 3 about there that are associated with different  
 4 facilities will not be occurring at the proposed  
 5 facility.  
 6 **MS. WILLIAMS:** I have not received any  
 7 other questions, thank you.  
 8 **HEARING OFFICER PRICE:** Thank you, ASA  
 9 Williams. ASA Sierra.  
 10 **MR. SIERRA:** Mr. Hearing Officer, I  
 11 imagine that you would've liked to have gotten  
 12 through the testimony of -- Mr. Hock's testimony  
 13 before break, but I've had a request for a recess  
 14 from the board members so that we can confer about  
 15 potential questions that I might ask. Given that  
 16 we've gone for about an hour and 50 minutes at this  
 17 point, I would request a recess.  
 18 **HEARING OFFICER PRICE:** It's your hearing,  
 19 that's fine. We'll recess for 15 minutes and get  
 20 started promptly at five after 3:00.  
 21 **MR. SIERRA:** Thank you.  
 22 (Recess at 2:50 p.m. to 3:05 p.m.)  
 23 **HEARING OFFICER PRICE:** Mr. Sierra, the  
 24 floor is yours.****

1 **MR. SIERRA:** Thank you, Mr. Price.  
 2 EXAMINATION BY  
 3 **MR. SIERRA:**  
 4 Q. Mr. Hock, could you identify when LRS  
 5 purchased Henson's?  
 6 **A. January of 2022.**  
 7 Q. Thank you. When LRS purchases a company  
 8 or when one larger company purchases another in this  
 9 industry, does the larger company assume  
 10 responsibility for the activity that happened at  
 11 that facility prior to the purchase?  
 12 **A. No.**  
 13 Q. Do they become responsible for any  
 14 remediation that might become necessary?  
 15 **A. Yes.**  
 16 Q. The application indicates that Tom Kirk  
 17 owned Henson's Disposal when the alleged violations  
 18 occurred, correct? The alleged violations that were  
 19 submitted by Ms. Manning.  
 20 **A. So most in here are before the Lakeshore**  
 21 **purchase. There are some that are after.**  
 22 Q. Thank you for that clarification. Your  
 23 application indicates that Mr. Kirk will still be  
 24 responsible for the operation of the facility if it

1 the property, it actually goes to a retention area  
 2 in back, so there was no environmental impact, no  
 3 issues. It's actually a case of, as we talked  
 4 yesterday, sometimes you get a bad load that is  
 5 legitimate general construction or demolition debris  
 6 that may have things in it that are not and we would  
 7 prefer not obviously to be in that load. That's  
 8 what occurred in that case.  
 9 There was another -- another item that  
 10 they brought up is that one of the products of the  
 11 recycling operation, there's a screening that goes  
 12 on that helps separate the material. Those -- that  
 13 screening material is stockpiled and then taken to a  
 14 landfill and used for alternate daily cover. It's  
 15 beneficially reused. What it does is it allows the  
 16 landfill to not have to use soil or other material  
 17 for their daily cover.  
 18 That stockpile of material was outside of  
 19 the permitted boundary of where the C & D facility  
 20 is. Again, it wasn't causing any harm to anything,  
 21 there was no environmental impact, no issues. We  
 22 viewed it as acceptable because you can store  
 23 recyclable or separated material off the boundary.  
 24 That the material as it's brought in, all those

1 is permitted, correct?  
 2 **A. Yeah, so Tom will still be onboard and**  
 3 **he'll still be working for the company. There is a**  
 4 **Lakeshore person now at the site full-time that's**  
 5 **really in charge of the day-to-day operations as**  
 6 **well. So it -- yeah, so Lakeshore has really taken**  
 7 **over the operations really in the last six months**  
 8 **since the last violation occurred.**  
 9 Q. On what basis does LRS disagree with the  
 10 inspection report dated December 6th, 2022?  
 11 **A. So I'll give you just a few general items.**  
 12 **So the first is the filling of the pond that I**  
 13 **described before and why we disagree with that. The**  
 14 **second one that had the other worst appearance was**  
 15 **there was white liquid that was on the pavement.**  
 16 **That was actually from a load that was appropriate**  
 17 **to accept. It was actually demolition of a**  
 18 **convenient portion -- convenience station portion of**  
 19 **a gas station that had a fire.**  
 20 **So it was demolished, it was brought in,**  
 21 **but there was powdered milk in that load, and it**  
 22 **rained, it got wet, and the powdered milk turned to**  
 23 **liquid milk and that's what is on the ground. That**  
 24 **milk did go into a ditch, but that ditch stays on**

1 activities have to occur on the boundary or within  
 2 the boundary. So that's a case, instead of arguing  
 3 about it, we just simply moved that stockpile  
 4 location closer to the building.  
 5 So the litter issue, I mentioned that it  
 6 was a tough time, you know, December and the winter  
 7 are a tough time of the year for that stuff. We  
 8 cleaned up all the litter so -- and the challenge  
 9 with the IEPA is they don't have a provision that  
 10 says that -- you know, the provision is there's not  
 11 a violation for having too much litter. They cite  
 12 this open dumping citation, which again is just a  
 13 ridiculous assertion, but that's what they use. So  
 14 it makes the violations sound -- or the alleged  
 15 violations I should say sound much worse than what  
 16 the reality of the situation is.  
 17 So that's kind of a snapshot as to why we  
 18 disagree with all of the assertions in there.  
 19 **MR. SIERRA:** Thank you, Mr. Hock. No  
 20 further questions from the board.  
 21 **HEARING OFFICER PRICE:** Mr. Mueller,  
 22 redirect?  
 23 **REEXAMINATION BY**  
 24 **MR. MUELLER:**

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1 Q. Mr. Hock, the statute that we're operating  
2 under, 39.2, says that the county board can take  
3 into consideration the past record of convictions or  
4 admissions of violations of the applicant. Is there  
5 anything in the exhibits that Ms. Manning showed you  
6 that constitutes a conviction?  
7 **A. No.**  
8 Q. Is there anything in there that shows you  
9 an admission of violation?  
10 **A. No.**  
11 Q. As to the various violations alleged,  
12 number 1 is the inspection report from December 26  
13 -- from December 6th, 2022, correct?  
14 **A. Yes.**  
15 Q. And that's during LRS's ownership of the  
16 site.  
17 **A. Yes.**  
18 Q. And since that violation came to light,  
19 LRS has taken steps to remove Mr. Kirk from ultimate  
20 control of the operation, correct?  
21 **A. Yes.**  
22 Q. The items mentioned in number 2, number 3,  
23 number 7, 8, 9 and 10 all predate LRS's acquisition  
24 of the Henson operation, correct?

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1 **A. Yes.**  
2 Q. So we had nothing to do with any of  
3 those --  
4 **A. Correct.**  
5 Q. -- is that right?  
6 **A. That's correct.**  
7 Q. The violations from '22, April 18th, there  
8 are two of them on that date. Do you see those?  
9 **A. Yes.**  
10 Q. That's shortly after LRS acquired the  
11 project, right?  
12 **A. Yes.**  
13 Q. And both of those are blowing litter  
14 violations, correct?  
15 **A. Yes.**  
16 Q. And as you've indicated, the EPA in  
17 somewhat dramatic fashion likes to refer to blowing  
18 litter as open dumping, right?  
19 **A. They do.**  
20 Q. So other than the litter violations of  
21 April 18th, '22, and then the contested violations  
22 from December 6th of '22, none of the others have  
23 anything to do with LRS.  
24 **A. Correct.**

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1 Q. And LRS has taken steps to make sure that  
2 operations will be better in the future even with  
3 regard to items like blowing litter by bringing  
4 their own person on-site in a position of authority  
5 over Mr. Kirk, correct?  
6 **A. Yes.**  
7 Q. And by the way, you don't know for a fact  
8 that the December '22 violations have been referred  
9 to the Attorney General, do you?  
10 **A. The language is pretty vague. It seems to  
11 just kind of go into an administrative black hole.  
12 So I'm not honestly sure whose desk it's sitting on  
13 or where it's at with the IEPA.**  
14 Q. The letter from the IEPA declining the CCA  
15 or compliance commitment agreement came in when?  
16 May of this year?  
17 **A. I believe so.**  
18 Q. And since that time, have we heard  
19 anything from the EPA or anyone else in a position  
20 of authority other than silence?  
21 **A. There was actually a recent correspondence  
22 where Lakeshore had reached out to the IEPA to try  
23 to understand the status or what the next steps are,  
24 and they got a very vague response that says we**

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1 **could do something, we may never do anything.**  
2 Q. So sometimes these minor type of  
3 violations literally fall into a black hole.  
4 **MS. MANNING: Objection.**  
5 **HEARING OFFICER PRICE: What's the**  
6 **objection?**  
7 **MS. MANNING: The characterization of**  
8 **minor violations.**  
9 **HEARING OFFICER PRICE: I've given plenty**  
10 **of leeway to everybody about the questions, but**  
11 **let's get focused, Mr. Mueller.**  
12 **MR. MUELLER: All right.**  
13 Q. Do you consider any of these violations to  
14 be major?  
15 **A. No, because there's -- again, we don't**  
16 **agree with any of them and there is no environmental**  
17 **impacts associated with any of them.**  
18 Q. All right. And these type of violations  
19 in your experience sometimes fall into a black hole.  
20 **A. Yes.**  
21 Q. Meaning they never get referred to any  
22 other entities.  
23 **A. Yes.**  
24 Q. Because I noticed that in '20 and '21

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1 Henson got letters saying we may not be able to  
 2 resolve these and we may have to refer them out,  
 3 right?  
 4 **A. Yes.**  
 5 Q. To your knowledge, has there ever been  
 6 anything received on any of those from the Attorney  
 7 General's office or anyone else?  
 8 **A. Not that I'm aware.**  
 9 Q. So those would be examples of the black  
 10 hole violations.  
 11 **A. Yes.**  
 12 Q. Was there anything else, Mr. Hock, that  
 13 you wanted to explain regarding the December '22  
 14 inspection?  
 15 **A. No.**  
 16 **MR. MUELLER:** That's all I have then.  
 17 **HEARING OFFICER PRICE:** Ms. Manning.  
 18 **MS. MANNING:** A couple of things, John.  
 19 **REEXAMINATION BY**  
 20 **MS. MANNING:**  
 21 Q. You indicated that LRS is removing Tom  
 22 Kirk from the operations, but are you aware that  
 23 there's a sign still posted on the property with his  
 24 name?

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1 **MR. MUELLER:** I'm going to object. He  
 2 never said Tom Kirk was being removed. It's just  
 3 LRS has brought another person in.  
 4 **HEARING OFFICER PRICE:** No, that's not  
 5 what he said, Mr. Mueller. You can answer the  
 6 question, Mr. Hock.  
 7 **A. Sure. So, again, Tom still works for**  
 8 **Lakeshore, he's still involved with the site, so I'm**  
 9 **not aware of what is on the sign or not, but yeah,**  
 10 **so Tom is still active. It's just that there is**  
 11 **another person who's running the operations now.**  
 12 Q. Okay, and is that in large part a result  
 13 of these violations?  
 14 **HEARING OFFICER PRICE:** Ms. Manning, you  
 15 should be on the microphone.  
 16 **MS. MANNING:** Thank you, sorry. I'll  
 17 strike that question anyway.  
 18 **BY MS. MANNING:**  
 19 Q. John, this black hole you referred to,  
 20 have you ever gotten an NIPLA letter, N-I -- you  
 21 know, this notice of intent to pursue legal action  
 22 from the Attorney General's office that did not  
 23 result in a referral to the Attorney General? Or  
 24 could you confirm that by and large that letter

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1 almost always means that it's going to get referred  
 2 to the Attorney General's office?  
 3 **A. I don't know or I can't say that. The --**  
 4 **fortunately I haven't received those in the past, so**  
 5 **I don't have a good frame of reference for you.**  
 6 Q. Would you agree that such process with the  
 7 Attorney General's office and with the EPA takes a  
 8 lot of time?  
 9 **A. It can. It can take years.**  
 10 Q. So a resolution of these matters -- we  
 11 could dispute as to whether they're minor or not  
 12 minor, but a resolution of these matters may take  
 13 quite a while.  
 14 **A. It may.**  
 15 Q. And during this period of time, the  
 16 Attorney General's office has the opportunity to  
 17 agree with the EPA and not agree with you as to the  
 18 seriousness of this violation, these violations; is  
 19 that not right?  
 20 **A. Well, certainly they're going to make up**  
 21 **their own mind and make their own decisions.**  
 22 Q. Right. And it's still pending state  
 23 enforcement, correct?  
 24 **A. Again, it's -- we haven't heard back, so**

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1 **whatever happens is pending.**  
 2 Q. And could you explain what a CCA is?  
 3 We've used that on the record, but we didn't explain  
 4 it.  
 5 **A. Sure. CCA stands for a compliance**  
 6 **commitment agreement.**  
 7 Q. That's the opportunity for the charged  
 8 party administratively to make a settlement with the  
 9 EPA before it moves on pursuant to Section 31 of the  
 10 act, correct?  
 11 **A. Yes. It's typically proposed by the party**  
 12 **that was given the alleged violation and then**  
 13 **accepted by the IEPA.**  
 14 Q. And when the compliance commitment  
 15 agreement was rejected as it was here, the only  
 16 other statutory step is referral to the Attorney  
 17 General's office; is that not correct?  
 18 **A. And that's where I'm fuzzy in terms of**  
 19 **exactly what the statutes require or not, and that**  
 20 **gets into a legal world that I don't know all those**  
 21 **answers.**  
 22 Q. Okay, thank you. Just following up with  
 23 that, though, the only way to resolve an issue is  
 24 either through a CCA or through a consent agreement

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1 with either the Illinois -- with the state before  
 2 the -- is that correct? In other words, if it goes  
 3 to the Attorney General's office, it's likely to  
 4 result in a consent order either in court or before  
 5 the Pollution Control Board or in litigation.  
 6 **MR. MUELLER:** I'm going to object. This  
 7 whole --  
 8 **HEARING OFFICER PRICE:** Sustained. I  
 9 don't believe -- he doesn't have the basis or --  
 10 **MS. MANNING:** Okay.  
 11 **HEARING OFFICER PRICE:** -- the foundation to  
 12 answer and I don't think that's --  
 13 **MS. MANNING:** Fine, thank you. I'll just  
 14 do this in public comment, thank you.  
 15 **HEARING OFFICER PRICE:** ASA Williams?  
 16 **MS. WILLIAMS:** Nothing further of this  
 17 witness, thank you.  
 18 **HEARING OFFICER PRICE:** ASA Sierra?  
 19 **MR. SIERRA:** No, thank you.  
 20 **HEARING OFFICER PRICE:** Thank you, Mr.  
 21 Hock. Any additional witnesses, Mr. Mueller?  
 22 **MR. MUELLER:** We have no further evidence.  
 23 LRS rests.  
 24 **HEARING OFFICER PRICE:** All right. With

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1 that, it's your turn, Ms. Manning. Do you have a  
 2 witness to call?  
 3 **MS. MANNING:** I do, thank you. We have a  
 4 witness to call on the needs criteria, Sheryl Smith.  
 5 **HEARING OFFICER PRICE:** All right. For  
 6 the record, we have been tendered as exhibits  
 7 Exhibit 13 which is the PowerPoint, Exhibit 14 which  
 8 is Ms. Smith's c.v., and Exhibit 15 which is the  
 9 response to Criterion 1 need report. You've  
 10 received copies of these, Mr. Mueller?  
 11 **MR. MUELLER:** Yes.  
 12 **HEARING OFFICER PRICE:** All right, so with  
 13 that then, Ms. Manning, the floor is yours.  
 14 **MS. MANNING:** Ms. Smith, would you please  
 15 begin your PowerPoint presentation? I tender her as  
 16 a witness to respond to the Criteria 1 report  
 17 related to whether the waste transfer station is  
 18 necessary to serve the waste area designated, the  
 19 service area.  
 20 **HEARING OFFICER PRICE:** All right, then  
 21 before you begin, let's swear in the witness.  
 22 (Ms. Sheryl Smith was duly sworn.)  
 23 **MS. MANNING:** And if you'll put the first  
 24 slide up, she's going to first go through her

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1 credentials and then give her presentation.  
 2 **HEARING OFFICER PRICE:** Okay.  
 3 **MS. MANNING:** Thank you, Ms. Smith.  
 4 **MS. SMITH:** Okay, thank you. Can you hear  
 5 me okay? Thank you. My name is Sheryl Smith. I  
 6 work for TRC Companies. I have 40 years of  
 7 experience in the waste industry. I'm a civil  
 8 engineer by education. I went to the University of  
 9 Illinois, got a bachelor's in civil engineering, and  
 10 I have a master's of engineering civil from Cornell  
 11 University.  
 12 Over my career, I've worked for a couple  
 13 of different waste management companies including  
 14 John Sexton Contractors, Browning-Ferris Industries,  
 15 and in those roles I was involved with acquisitions  
 16 and permitting of solid waste facilities in  
 17 Illinois, the midwest and the northeast.  
 18 In my role with TRC Companies, which is a  
 19 global engineering and environmental consulting  
 20 services firm, one of the markets that we work in is  
 21 the solid waste market. My particular expertise has  
 22 been looking at markets of solid waste facilities  
 23 who's engaged in providing collection, where are  
 24 nearby solid waste facilities that can handle the

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1 waste, putting together projections of how much  
 2 waste would actually be generated within a service  
 3 area as well as remaining capacity to fulfill the  
 4 needs of the service area.  
 5 Over my career, I've been involved in ten  
 6 transfer station siting applications, either in  
 7 having developed and written those applications, the  
 8 need criteria or reviewing work done by others, and  
 9 I also have been involved with 24 solid waste  
 10 landfill siting applications in the same kind of  
 11 role, the majority of which I had prepared the need  
 12 assessment as well as testified to a great majority  
 13 of them.  
 14 So today what I want to talk to you about  
 15 is the type of methodology that I use when I analyze  
 16 and prepare these needs reports. The steps that are  
 17 engaged are to define the service area that the  
 18 facility intends to serve. In this case, it's been  
 19 testified to before by the applicant and their  
 20 witnesses to be McLean County. You then identify  
 21 the type of waste that will be received at the  
 22 facility.  
 23 You then look at projections for waste  
 24 that will be handled at the facility over the



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1 proposed operating life. In this case, the facility  
 2 had a projected operating life of 20 years. So you  
 3 look at waste generation over that 20 year period as  
 4 well as the recycling goals that are outlined in  
 5 appropriate county solid waste plans to determine  
 6 how much of that waste would require disposal.  
 7 The next step is to evaluate what solid  
 8 waste facilities are available to handle that waste  
 9 that you're projecting to be generated and requiring  
 10 disposal and determine whether the capacity from  
 11 those facilities available to handle the disposal  
 12 needs of the service area, if that capacity is  
 13 greater or less than the amount of material that  
 14 needs to be disposed of, and that's typically called  
 15 a capacity shortfall.  
 16 This next slide is actually outlining the  
 17 service area, which is McLean County, it's the area  
 18 identified by pink color, and I will point out it  
 19 does have the location of the proposed HRC transfer  
 20 station as well as two other active operating  
 21 transfer stations in the service area, those being  
 22 the ADS Bloomington transfer station and the  
 23 municipal bulk waste transfer station.  
 24 According to the Criterion 2 report, Table

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1 1, the types of waste to be accepted at the facility  
 2 on the average maximum daily action -- excuse me,  
 3 the maximum average daily waste received, materials  
 4 are identified to be municipal solid waste, about 84  
 5 percent of that from residential clients and  
 6 customers, 12 percent from commercial customers, and  
 7 single stream recyclables which is estimated to be 4  
 8 percent. No C and D debris, no industrial waste and  
 9 no landscape waste were identified in the  
 10 application to be received at the proposed transfer  
 11 station.  
 12 So the process that I use to evaluate how  
 13 much waste generation would be -- how much material,  
 14 how much waste would be generated in the service  
 15 area was to look at the applicant's Criterion 1  
 16 report. So they did identify two different means  
 17 for calculating waste generation. Both of those  
 18 approaches only looked at the 2022 data.  
 19 The first methodology they used was to  
 20 evaluate the 2015 report that was prepared by the  
 21 Department of Commerce and Economic Opportunity, and  
 22 that report identified that 7.84 pounds per capita  
 23 per day were projected for McLean County and the  
 24 population that was used originally was 191,000

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1 people resulting in about 276,000 tons of waste that  
 2 would be generated.  
 3 And then they applied the statewide  
 4 recycling goal that was identified in that report.  
 5 And that recycling goal is really a blend of  
 6 recycling activities taking place throughout the  
 7 state, not only more rural areas, smaller counties,  
 8 but also the larger populations up around  
 9 Chicagoland, so it really is a blend based on the  
 10 data that has been collected.  
 11 And the applicant identified that  
 12 potentially 173,000 tons of material would be  
 13 required for disposal and that results in about 607  
 14 tons per day. But as we heard yesterday during  
 15 testimony, the census data actually reflects all of  
 16 McLean County, including the population from the  
 17 universities, and that number is closer to 171,000.  
 18 So I recalculated the waste generation rates based  
 19 on the 7.84 pounds per capita per day and came up  
 20 with the numbers that are shown in green, so a  
 21 revised lower total waste generation of 244,000  
 22 tons. If you apply the 37.3 percent recycling goal  
 23 from the DCE O report, you end up with a tons per  
 24 day number of net waste requiring disposal which is

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1 536 tons not the 607.  
 2 But then I looked at why don't we apply  
 3 the 2022 actual reported recycling rate that the  
 4 Ecology Action Center reported which was 46.85  
 5 percent. So if you look at the 244,000 tons of  
 6 total waste generated based on the revised  
 7 population projections for McLean County, apply the  
 8 46.85 percent recycling rate that has been reported  
 9 for 2022, that results in 400 tons per day of waste  
 10 requiring disposal from the service area. And that  
 11 number almost matches what the Ecology Action Center  
 12 came up with in the 20 year plan, solid waste plan  
 13 from 2017. The EAC reported 209,000 tons of waste  
 14 projected or actual for 2022, and if you apply the  
 15 46.85 percent recycling rate, they estimated 112,000  
 16 approximate tons of waste requiring disposal which  
 17 is about 393 tons per day.  
 18 Now, I did a 20 year projection using the  
 19 waste generation rates in the 2017 McLean County  
 20 solid waste plan as well as the recycling goals  
 21 identified in that plan which range from 50 percent  
 22 in 2022 through to 80 percent in the year 2042. I  
 23 looked at a 20 year time period from 2023 to 2042.  
 24 And what those numbers tell you is that if the

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1 recycling goals are met by 2042, that the net waste  
 2 requiring disposal will significantly decrease to  
 3 137 tons per day.  
 4 Now, I believe that the McLean County plan  
 5 followed a very thoughtful approach. When the EAC  
 6 decided to update their plan, they did not decide to  
 7 go with just a five year update which the IEPA has  
 8 required. Instead, the EAC pulled together a  
 9 committee, I think there were 45 different entities  
 10 that participated in the development of that plan,  
 11 and came up with ideas on how best to recycle.  
 12 There were numerous pilot projects that were  
 13 identified in the plan to try and help meet each of  
 14 these goals. There were members from commercial  
 15 business, from hauling, there were members from  
 16 schools, universities, as well as municipal and  
 17 county officials.  
 18 And I know that Mr. Hock mentioned  
 19 yesterday that it's very difficult to rely on the  
 20 reports that are required to be filed each year by  
 21 the generators in the county because they don't  
 22 always want to release that information or the data  
 23 that you get from that information is often  
 24 underreported. And he did mention several counties

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1 in Chicagoland, including Lake, Will, and DuPage  
 2 I recall properly, and DuPage County is over 900,000  
 3 people. So, you know, that county's got five times  
 4 the population or more than McLean County, so  
 5 obviously they're a lot -- there are many more  
 6 haulers that would have to be contacted and solid  
 7 waste facilities, so it is more difficult to collect  
 8 that information.  
 9 But given the fact McLean County's a  
 10 smaller county, the fact that there was a very  
 11 diverse group of people that wrote the 2017 plan, I  
 12 believe that -- it's my opinion that it's a good  
 13 tool to be using for estimating waste generation and  
 14 disposal for this proposed transfer station. And,  
 15 in fact, if the applicant had used the actual  
 16 recycling rate for McLean County for their 2022  
 17 projections and if the appropriate population based  
 18 on the census data had been used, the numbers are  
 19 almost identical at 400 tons a day. So my position  
 20 here is that the applicant has significantly  
 21 overestimated how much waste will be generated in  
 22 the service area and require disposal.  
 23 And in addition, I'd like to share I did  
 24 find a document that was prepared by the IEPA in

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1 2021. It was based on a Public Act 101-0074 that  
 2 was passed that set up a materials management  
 3 advisory committee, and the role of that committee,  
 4 it was a statewide committee with members from many  
 5 different aspects of the waste community from  
 6 counties and cities with different populations,  
 7 there were members from the waste community on that  
 8 committee, and actually Henson Disposal was an  
 9 advisory member to that committee.  
 10 And their role was to evaluate the  
 11 existing status of waste management in Illinois,  
 12 what types of recycling facilities are actually  
 13 operating, what types of organic waste facilities  
 14 are available in the state, and to provide  
 15 recommendations to try and increase the amount of  
 16 recycling. And that particular group, that the  
 17 recommendation from that report actually established  
 18 a 40 percent recycling goal for the State of  
 19 Illinois by 2025, a 45 percent goal by 2030, and a  
 20 50 percent goal by 2035.  
 21 But one of the key factors that I took  
 22 away from that report was that the committee felt it  
 23 was very important to establish a new tool, if you  
 24 will, a new template for conducting solid waste

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1 planning and that they recommended use of the DCEO  
 2 report for quantifying different elements of the  
 3 waste stream, you know, the percentages that might  
 4 be C and D or bulky waste as well as the waste  
 5 generation per capita numbers that were in that DCEO  
 6 report. But for the situation where a county had  
 7 their own recycling data and could use that  
 8 information, they should use the local information.  
 9 In other words, using the 46.85 percent recycling  
 10 goal was appropriate as opposed to using the  
 11 statewide recycling rate of 37.3 percent.  
 12 So the applicant did not do any  
 13 projections for future waste generation. The  
 14 applicant did not consider any of the recycling  
 15 goals that were in the solid waste plan. And by  
 16 doing that and by using the wrong population, they  
 17 overestimated how much waste would require disposal.  
 18 Next I want to talk about the ADS transfer  
 19 station. So the applicant sat outside the transfer  
 20 station one day in October and they counted vehicles  
 21 that were going into the transfer station and came  
 22 up with an estimate of 300 tons per day is how much  
 23 waste the transfer station can handle.  
 24 Now, that methodology is flawed because

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1 they picked one day out of the whole year. They  
 2 didn't consider any variations in what day of the  
 3 week it was, which could relate to different  
 4 quantities of waste being generated and more trucks  
 5 coming into the facility, and they also didn't  
 6 consider seasonal variations, for example, when  
 7 students move into campus in the fall or students  
 8 leave in the spring or the Christmas holidays. You  
 9 know, there's more trash that's thrown out certain  
 10 times of the year. So they based their assessment  
 11 on that one day.

12 They indicated GFL and Waste Management  
 13 were not customers of the transfer station, which is  
 14 not accurate. Waste Management does bring some  
 15 material, small number of loads. GFL has also  
 16 brought material into the transfer station. And in  
 17 addition, there were other haulers as well as the  
 18 City of Bloomington and the Town of Normal that were  
 19 mentioned.

20 I was able to look at tonnage data for the  
 21 ADS transfer station for the years 2021 and 2022.  
 22 They provided me with daily tonnages coming into the  
 23 facility as well as tonnages leaving the facility  
 24 going to the landfill. And this table summarizes

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1 the results.

2 So in 2022, there were 203 days that the  
 3 transfer, the ADS transfer station received more  
 4 than 300 tons per day of waste, and the peak was I  
 5 believe about 530 tons in one day. In 2023, which  
 6 is this year, through November 19th there were 199  
 7 days that the transfer station received more than  
 8 300 tons a day. In addition, there were 400 days --  
 9 pardon me, 40 days that more than 400 tons a day  
 10 were received, and the peak so far as of through  
 11 November 19th was 563 tons per day.

12 So what you're seeing is that the facility  
 13 has handled more than 300 tons per day which was the  
 14 estimation based on the one day of observation. And  
 15 there are no -- there are no restrictions as to how  
 16 much waste that facility could handle. And on  
 17 average, so far in 2023, excluding Saturdays where  
 18 the facility is only open for four hours, this year  
 19 the facility on average has handled 348 tons a day.  
 20 Last year was about 330 tons a day.

21 The other thing that I wanted to talk a  
 22 little bit about related to the transfer station was  
 23 there was some comments yesterday that other haulers  
 24 are precluded from using the facility and that is

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1 not true. And I did mention some of the other  
 2 haulers that are currently using the facility.

3 In addition, the transfer station had made  
 4 an offer in 2021 to the Town of Normal as part of  
 5 their bid for disposal of waste from Bloomington and  
 6 Normal. They offered an alternative bid to the  
 7 standard pricing for two years and then for five  
 8 one-year options, and that alternative bid was for a  
 9 ten year period of pricing with a fixed fee and it  
 10 also included a \$2 per ton host fee that would go to  
 11 the Normal and Bloomington solid waste fund that  
 12 could be used to help fund the activities of the  
 13 EAC. It also resulted in a cost savings over the  
 14 yearly pricing that was requested in the straight  
 15 bid.

16 So the transfer station, ADS transfer  
 17 station, Republic recognized the opportunity to  
 18 offer a host fee that could come back to the county  
 19 and help fund some of their recycling activities  
 20 since the landfill had closed. And they also  
 21 offered a pricing, significant pricing savings  
 22 through this alternative bid, but the Town of Normal  
 23 elected not to accept it.

24 Okay. So what this slide summarizes is

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1 the capacity shortfall. And when the applicant  
 2 looked at what capacity is available to handle the  
 3 waste that requires disposal, they did not include  
 4 the capacity from the municipal bulk waste transfer  
 5 station in Bloomington. They did not include the  
 6 capacity from the Clinton Landfill 3 which is  
 7 receiving some waste by direct haul from the service  
 8 area. They did not include capacity from the Indian  
 9 Creek No. 2 landfill which is receiving waste from  
 10 the service area by direct haul, and they did not  
 11 consider the capacity from the Tazewell transfer  
 12 station, although it was mentioned that it was  
 13 within 15 miles of the western boundaries of the  
 14 service area. They only looked at the capacity from  
 15 the transfer station, from the ADS transfer station,  
 16 and they said there's 500 tons per day that requires  
 17 disposal, which was high, and the transfer station  
 18 only has 300 tons per day of processing capacity,  
 19 which is inaccurate, so there's 200 tons per day of  
 20 a capacity shortfall.

21 My position and opinion is there is no  
 22 capacity shortfall because in determining whether or  
 23 not there's a need for a facility you have to  
 24 identify what facilities are available to handle the

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1 waste. So there is waste that's currently direct  
 2 hauled out of county to landfills, and those two  
 3 landfills, GFL owns them, but they have between 26  
 4 and 37 years of life. The current situation with  
 5 the ADS transfer station is it can handle on average  
 6 and has been shown to handle this year approximately  
 7 350 tons. Tons per day, excuse me.  
 8 Okay, this next slide is -- identifies the  
 9 locations of other solid waste facilities available  
 10 to handle waste from McLean County. Transfer  
 11 stations that are nearby to the service area include  
 12 the Central Waste transfer station, T1; T2 is the  
 13 ADS Bloomington transfer station; T3 is municipal  
 14 bulk waste transfer station and that handles bulk  
 15 materials such as appliances, furniture, demolition  
 16 from residential homes, either exterior types of  
 17 residential projects as well as cleanouts from  
 18 residential homes excluding any kind of food waste.  
 19 T4 is the Tazewell transfer station, Tazewell  
 20 County, which is within a 15 mile radius of the  
 21 western boundaries of McLean County that is owned  
 22 and operated by Waste Management. And then T5 is  
 23 the Wigand transfer station which is up in northeast  
 24 Peoria County and that's owned by GFL. And that

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1 facility is too far away to really handle waste from  
 2 the service area.  
 3 The landfills that are in proximity to  
 4 McLean County include Clinton Landfill No. 3, which  
 5 is L1, that's owned by GFL; the Livingston landfill  
 6 which is L2, which is where a good majority of the  
 7 waste from the ADS transfer station goes right now;  
 8 L3 is the Peoria County/City Landfill No. 2 and that  
 9 is owned by Peoria City/County, it is operated by  
 10 Waste Management. That facility is projected to  
 11 close by the end of 2024. And then L4 is the next  
 12 cell at the Peoria City/County landfill. That's  
 13 landfill number 3. It was not mentioned in the  
 14 applicant's report and that new cell is going to be  
 15 operated by GFL starting likely in January of 2025.  
 16 And then the other landfill, L5, sorry, is -- oh,  
 17 sorry, Indian Creek landfill. And that -- and that  
 18 facility is currently taking waste. It's owned by  
 19 GFL and it's also -- it's currently taking waste  
 20 from the service area by direct haul.  
 21 Okay, so transfer stations in and near the  
 22 service area is the next table. It's a few slides  
 23 back. So just reiterating the transfer stations  
 24 that I identified before, who the owners/operators

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1 at those facilities are, and using the proposed  
 2 transfer station as a locus for determining miles.  
 3 So, in other words, if there were materials from the  
 4 campus or from that transfer station, what is the  
 5 one-way travel distance to some of these other  
 6 facilities? And as you can see, the ADS transfer  
 7 station is approximately five miles away, and Henson  
 8 is a current customer of the ADS transfer station.  
 9 And the bulk waste transfer station is a couple  
 10 miles away as well, but that's limited to material  
 11 from Normal.  
 12 These other facilities have their  
 13 distances with the Henson campus and proposed  
 14 transfer station as the locus, but as shown on the  
 15 previous slide, the Tazewell transfer station is in  
 16 close proximity to the western portion of McLean  
 17 County, so it could provide some processing  
 18 capacity. And the same is true for Central Waste  
 19 Transfer, potentially handle materials from the  
 20 eastern portion of the county, but they're not  
 21 accepting -- they're not receiving waste right now  
 22 from McLean County.  
 23 Next slide is the landfills near the  
 24 service area. And using the HRC campus and proposed

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1 transfer station location as the locus or center  
 2 point, you can see Clinton Landfill 3 is  
 3 approximately 26 miles one way. That is a  
 4 reasonable transfer distance or even direct haul.  
 5 Especially if they're taking material from the  
 6 southern part of McLean County, that distance would  
 7 be less. And Indian Creek also from the HRC  
 8 location is about 40 miles one way. And both Indian  
 9 Creek -- well, Indian Creek has 27 miles -- pardon  
 10 me, 27 years of life expectancy and this is based on  
 11 the most current data that came out in January of  
 12 2023 from the Illinois EPA's annual landfill  
 13 capacity report, so this is more current data than  
 14 what the applicant had in their siting application.  
 15 And then Clinton Landfill 3 also has a  
 16 significant amount of life capacity -- life  
 17 expectancy of 37 years, meaning that these two  
 18 landfills are currently taking waste from the  
 19 service area. So that capacity or a portion of it  
 20 should have been included in the capacity shortfall  
 21 analysis done by the applicant. And then the  
 22 Livingston landfill has 21 years of life and that is  
 23 one of the landfills where waste from the service  
 24 area has been sent.

1 Next slide please. So there was a lot of  
2 discussion yesterday about vertical integration and  
3 if certain haulers don't have a collection transfer  
4 station and a landfill as part of their operation,  
5 that they are at an economic or competitive  
6 disadvantage. And there was also some statements  
7 made yesterday that if you're vertically integrated,  
8 all the profit is going into your pocket, and I  
9 think those references were directed at Republic  
10 Waste.

11 So I wanted to share some information that  
12 I did get from Republic Waste which is data they  
13 reported to the Ecology Action Center for 2021 and  
14 2022 because they're requested to identify where  
15 they've sent their waste. And as can be seen for  
16 those two years, there was actually waste coming  
17 from the transfer station that was disposed of at  
18 the PDC landfill and it represented about 46 percent  
19 of the waste that was transported from the transfer  
20 station. And similarly, in 2022 the ADS transfer  
21 station sent about 37 tons of waste to the GFL  
22 Clinton landfill in DeWitt County which represented  
23 about 42 percent.

24 So depending on situations going on in the

1 some sort of fixed pricing so it wasn't as much a  
2 mystery what was going to happen, but in addition,  
3 the host fee was \$2 a ton and that would go into a  
4 fund that could be used to fund the EAC.

5 If, in fact, that alternative bid would  
6 have been accepted, last year there was 25,800 tons  
7 from the Town of Normal and City of Bloomington that  
8 were delivered to the ADS transfer station, and at  
9 \$2 a ton, that would have been \$51,600. That  
10 opportunity was not accepted and that bid was not  
11 accepted.

12 Now, for comparison, the HRC transfer  
13 station is proposing a host fee of \$1 per ton for  
14 waste delivered to the proposed HRC transfer  
15 station, but that fee would not be on landscape  
16 waste, it would not be on recyclables, and 50  
17 percent of that fee would go to the county. The  
18 rest of it is identified in the host agreement to go  
19 towards recycling organizations or for  
20 implementation of recycling programs.

21 Now, for C and D material that comes into  
22 the proposed HRC transfer station, the host fee is  
23 only 50 cents a ton, and of that amount, only 50  
24 percent of that could go to McLean County.

1 business, there are opportunities for waste to be  
2 disposed of someplace outside of -- out of Republic  
3 Services' infrastructure. And I would also like to  
4 add that in 2021 when GFL purchased Peoria Disposal  
5 and their regional operations, they knew at that  
6 time that there was no transfer station in McLean  
7 County for them to be able to use, but there was  
8 infrastructure in place through collection and  
9 through their own landfill that they found that it  
10 was still a good opportunity for them to get engaged  
11 in the county and be a service provider.

12 Next slide. I wanted to talk about host  
13 fees. There was a lot of discussion yesterday that  
14 the need for the transfer station is based on  
15 ability to have better pricing and for host fees to  
16 be paid to McLean County. And as I did discuss a  
17 little bit earlier today, there was an opportunity,  
18 an alternate disposal bid that Republic Services did  
19 provide to Normal town council in response to the  
20 bid. Not only did it offer fixed pricing for ten  
21 years which would help both the City of Normal and  
22 the town of -- pardon me, City of Bloomington and  
23 Town of Normal to kind of have some idea of what  
24 their budget needs would be for disposal services,

1 Now, if and when the proposed location of  
2 the campus property and the transfer station, if it  
3 gets annexed into the City of Bloomington, then that  
4 dollar per ton host fee going to McHenry[sic] County  
5 will be reduced by 50 cents, and only 50 percent of  
6 that host fee will be available to McLean County.  
7 The balance of it per the host agreement would go  
8 towards funding recycling organizations or recycling  
9 programs.

10 So in conclusion, some of the findings of  
11 my report -- pardon me, some of the findings of my  
12 review of the Criterion 1 report are that the  
13 applicant significantly overestimated how much waste  
14 would be generated in the service area, they did not  
15 consider future changes in waste generation that  
16 were outlined in the McHenry[sic] County solid waste  
17 plan, and they did not consider the enhanced and  
18 increasing recycling goals outlined in that plan.

19 It's my opinion that the methodology they  
20 used for calculating how much capacity is available  
21 at the ADS transfer station to handle waste from  
22 McLean County was flawed. It was one day of  
23 observation and as I mentioned they didn't account  
24 for any kind of seasonal variations based on time of

1 year or day of the week.

2 The capacity shortfall they looked at was  
3 only capacity for the transfer station, the ADS  
4 transfer station. It did not consider other  
5 landfills that have been receiving waste from McLean  
6 County and it didn't consider the municipal bulk  
7 transfer station or the possible use of the Tazewell  
8 transfer station to service customers on the western  
9 part of the county.

10 Interestingly, the applicant's report  
11 talked about the transfer station -- the need report  
12 talked about the transfer station creating the  
13 opportunity for additional capacity for recycling as  
14 well as for recycling construction and demolition  
15 material. And there was a lot of discussion  
16 yesterday about dirty loads and potential  
17 contamination from those loads affecting the quality  
18 of the construction demolition debris. And what the  
19 Criterion 1 report says, if they receive loads that  
20 have a high potential of cross-contamination, they  
21 are not going to take them to the campus, they're  
22 going to take them directly to the proposed HRC  
23 transfer station.

24 And there are no plans to have any

1 results in almost the same number of waste, 400 tons  
2 a day that EAC recommended or estimated was being  
3 disposed of in 2022. Henson Disposal is a current  
4 customer, so they are currently being serviced by  
5 the ADS transfer station, and that facility is five  
6 miles away. It is very conveniently located to the  
7 base of their current operation of the HRC.

8 And as I mentioned earlier, GFL has two  
9 landfills that are currently receiving waste by  
10 direct haul, McLean County generated waste from  
11 McLean County, and those facilities have significant  
12 disposal capacity remaining. So in my opinion,  
13 there is no need for this HRC proposed transfer  
14 station. There is not a capacity shortfall.

15 **MS. MANNING:** Thank you, Ms. Smith.

16 **HEARING OFFICER PRICE:** Anything further,  
17 Ms. Manning?

18 **MS. MANNING:** No.

19 **HEARING OFFICER PRICE:** Mr. Mueller.

20 **MR. MUELLER:** Thank you, Mr. Price.

21 **EXAMINATION BY**

22 **MR. MUELLER:**

23 Q. Ms. Smith, how much does GFL take to the  
24 Republic transfer station?

1 processing equipment at the transfer station to  
2 either process recyclables or to process C and D  
3 material. So the potential exists if they are  
4 diverting these loads directly to the transfer  
5 station, they're going to go to the landfill, it  
6 could potentially reduce how much recycling is going  
7 on at the campus for construction and demolition  
8 debris.

9 As I discussed earlier, there's sufficient  
10 processing and disposal capacity in the service area  
11 and in the solid waste facilities, landfills and  
12 transfer stations in close proximity, and those  
13 facilities are currently receiving McLean County  
14 waste.

15 The data from the actual ADS transfer  
16 station is showing that that facility can handle 350  
17 tons per day and is currently doing that on average,  
18 and this year had a peak of 563 tons per day. So  
19 there is no need for a second transfer station in  
20 the county.

21 And, in fact, with the revised projections  
22 using 171,000 population for McLean County, the  
23 estimates for the DCEO per capita waste generations  
24 applying the McLean County 2022 recycling rate

1 **A. I don't know the exact number. I**  
2 **haven't --**

3 Q. Well, you said they used them, so I'm just  
4 curious, is it one ton a day or is it a million tons  
5 a day?

6 **MS. MANNING:** She said she didn't know, so  
7 I object.

8 **HEARING OFFICER PRICE:** Overruled.

9 Q. All right, let me ask the next question.  
10 When is the last time that GFL used the Republic  
11 transfer station?

12 **A. I have no direct knowledge.**

13 Q. How much did GFL pay the last time they  
14 used it on a per ton basis?

15 **A. I have no knowledge.**

16 Q. Do you know what the gate rate or what the  
17 gate rate is at the Republic ADS transfer station?

18 **A. No.**

19 Q. Would the \$90 a ton number surprise you?

20 **A. I -- I have no knowledge.**

21 Q. When's the last time that Waste Management  
22 used the Republic transfer station?

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

24 Q. Do you know how much they have sent there

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1 this year?

2 **A. No.**

3 Q. Now, the ten year contract that was

4 offered to Bloomington-Normal was in '21, correct?

5 **A. Correct.**

6 Q. That's after knowledge of this proposed

7 transfer station was out there; isn't that right?

8 **A. I -- I don't know for sure.**

9 Q. All right. You're not aware that Henson

10 previously filed an application several years ago

11 and withdrew it?

12 **A. I am aware of that.**

13 Q. Okay. And that happened before the ten

14 year offer with the host fee.

15 **A. I don't know the exact date when that**

16 **application went in.**

17 Q. Okay. Is it possible that Republic's ten

18 year offer with a host fee was --

19 **MS. MANNING:** I'm going to object to this

20 line of questioning.

21 **HEARING OFFICER PRICE:** Well, I overruled

22 the line of questioning, but the particular question

23 isn't out yet. What's the particular question, Mr.

24 Mueller?

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1 Q. Is it possible that the ten year option

2 offered to Bloomington-Normal was in order to be

3 competitive with the potential future transfer

4 station?

5 **A. It's my understanding that the proposal**

6 **was offered to be able to provide the City of**

7 **Bloomington and Town of Normal with fixed costs for**

8 **disposal of their material as well as to create the**

9 **opportunity to have a host fee.**

10 Q. And you got that understanding from your

11 attorney Ms. Manning and her client Republic

12 Services?

13 **A. I got it from Republic.**

14 Q. Okay. Now, you testified that -- and

15 maybe I didn't hear it right -- that Mr. Hock said

16 the existing transfer station, you call it ADS, I

17 call it Republic, but we're talking about the same

18 thing, right?

19 **A. Correct.**

20 Q. I think you said that Mr. Hock said they

21 had a capacity of only 300 tons per day?

22 **A. Yes, that was based on his observation and**

23 **that was the number that he -- that he used or that**

24 **was in the Criterion 1 report as to when they were**

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1 **doing the capacity shortfall.**

2 Q. But he never testified that that was their

3 maximum safe capacity, did he?

4 **A. He said that was the capacity of the**

5 **transfer station based on the observations that were**

6 **made.**

7 Q. That was the actual throughput on the day

8 of his observations, correct?

9 **A. My understanding was they were identifying**

10 **customers and identifying the types of trucks that**

11 **came in, so that is what was received at the**

12 **transfer station at the entrance.**

13 Q. That's not the same, though, as maximum

14 capacity, is it?

15 **A. It could have been, but it's not.**

16 Q. All right. Now, you're based out of Ohio,

17 correct?

18 **A. Correct.**

19 Q. And when's the last time you did a needs

20 analysis in Illinois?

21 **A. Probably 2015.**

22 Q. Would that have been the needs analysis

23 for the Moen transfer station?

24 **MS. MANNING:** Objection to the relevance

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1 of this.

2 **HEARING OFFICER PRICE:** Overruled. Her

3 background and expertise are put forward by you on

4 the needs assessment. He's allowed to explore that.

5 **MS. MANNING:** Just --

6 **HEARING OFFICER PRICE:** You asked about

7 whether somebody did anything south of Interstate

8 80. You're allowed to ask about that. Overruled.

9 Mr. Mueller.

10 **BY MR. MUELLER:**

11 Q. Do you want me to repeat my question?

12 **A. Please.**

13 Q. Was the last time you did a needs analysis

14 in Illinois on the Moen transfer station?

15 **A. Correct.**

16 Q. And you were employed by Waste Management

17 on that project, correct?

18 **A. Yes.**

19 Q. And they were an opponent to the transfer

20 station siting, right?

21 **A. Yes.**

22 Q. And you testified that there was no need

23 demonstrated for that transfer station, correct?

24 **A. Yes.**

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1 Q. And your conclusion was, in fact, rejected  
 2 by the Pollution Control Board and the Illinois  
 3 Appellate Court which found that need had been  
 4 proven; isn't that true?  
 5 **MS. MANNING:** Objection to the relevance  
 6 of this. There's all kinds of things related to a  
 7 siting hearing as you all can find out now. As to  
 8 what was rejected and what wasn't rejected, that's  
 9 way too overbroad for her to answer that logically  
 10 or correctly. And this particular criteria  
 11 specifically is geared toward a county by county,  
 12 local government by local government determination  
 13 as a result of what the waste needs are in your area  
 14 based on capacity and that sort of thing.  
 15 **HEARING OFFICER PRICE:** Overruled.  
 16 **MS. MANNING:** And so whatever happens --  
 17 **HEARING OFFICER PRICE:** That's enough.  
 18 Overruled. You can answer the question please.  
 19 **A. I don't recall that I reviewed that**  
 20 **opinion.**  
 21 Q. You do know that the Moen transfer station  
 22 was ultimately sited and permitted and is operating  
 23 now, don't you?  
 24 **A. Yes.**

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1 Q. And while it was sited originally for 300  
 2 tons per day, are you aware that they have since had  
 3 to go back and get an increase in throughput to  
 4 1,080 tons per day?  
 5 **A. That was testimony I heard yesterday.**  
 6 Q. So apparently there was a need for the  
 7 Moen transfer station even though you didn't think  
 8 so at the time.  
 9 **A. I reviewed the information related to that**  
 10 **particular application when it went in, and anything**  
 11 **related to increases in waste receipts that were**  
 12 **taken or permit modifications I was not involved**  
 13 **with.**  
 14 Q. All right. Now, the bulk waste transfer  
 15 station that you referred to is, in fact, not  
 16 suitable for municipal solid waste; isn't that  
 17 correct?  
 18 **A. That is -- that is -- it is taking**  
 19 **municipal solid waste. It's not taking garbage, but**  
 20 **it's taking materials that are considered part of**  
 21 **municipal waste.**  
 22 Q. Well --  
 23 **A. Furniture, appliances, materials cleaning**  
 24 **out your basement, any kind of exterior renovation**

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1 **and materials, residential waste.**  
 2 Q. I didn't mean to interrupt you, but you  
 3 mentioned appliances, right?  
 4 **A. Correct.**  
 5 Q. You're aware that appliances are not an  
 6 authorized waste for an MSW transfer station,  
 7 correct?  
 8 **A. The information that I saw in the waste**  
 9 **streams that are acceptable at that bulk transfer**  
 10 **station include appliances.**  
 11 Q. Does the Republic transfer station take  
 12 white goods or what we call appliances?  
 13 **A. I don't know.**  
 14 Q. In fact, in Illinois, aren't those kinds  
 15 of appliances rejected at MSW transfer stations?  
 16 **A. I don't know specifically.**  
 17 Q. And the MSW or, excuse me, the bulk waste  
 18 transfer station, do you know where that goes after  
 19 it hits the floor of the transfer station?  
 20 **A. I believe that some of it had been going**  
 21 **to the HRC campus, and I don't know if it's still**  
 22 **going there or if it's going to other landfills or**  
 23 **other recycling facilities. I don't know for sure.**  
 24 Q. In fact, all of it is going to Henson,

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1 isn't it?  
 2 **A. I don't know.**  
 3 Q. Do you know what the gate rate is at the  
 4 Joliet transfer station?  
 5 **A. No.**  
 6 Q. Do you know what the gate rate is at the  
 7 Moen transfer station?  
 8 **A. They're not part of the service area.**  
 9 Q. All right. But you testified at the Moen  
 10 transfer station.  
 11 **MS. MANNING:** I'm going to object.  
 12 She's --  
 13 **HEARING OFFICER PRICE:** Sustained.  
 14 **MS. MANNING:** Thank you.  
 15 **HEARING OFFICER PRICE:** Next.  
 16 Q. All right. Did you investigate whether or  
 17 not disposal costs in Will County generally and  
 18 Joliet specifically have gone down since the Moen  
 19 transfer station opened?  
 20 **MS. MANNING:** I'm going to object.  
 21 **HEARING OFFICER PRICE:** Overruled. This  
 22 was part of the direct on need on number 1  
 23 yesterday. You may answer.  
 24 **A. Please repeat the question.**



1 Q. Did you investigate whether disposal costs  
2 in Will County and in Joliet went down, stayed the  
3 same or went up after Moen transfer station opened?

4 **A. Disposal costs at landfills?**

5 Q. No, at the transfer stations in Will  
6 County. I'm just asking if you investigated it. If  
7 you didn't, you didn't.

8 **A. I did not.**

9 Q. Okay. Now, in '21, in 2021 I should say,  
10 a significant amount of waste from the Republic  
11 transfer station went to the Hopedale landfill,  
12 correct?

13 **A. Yes.**

14 Q. And do you know why that was?

15 **A. It was a business decision by Republic.**

16 Q. Wasn't it, in fact, a fulfillment of a  
17 contractual obligation that Republic had?

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

19 Q. You were here for the testimony of Mr.  
20 Hock, correct?

21 **A. Yes.**

22 Q. Did you hear his testimony about -- and I  
23 think he had a quotation from the Federal Trade  
24 Commission Bureau of Competition. Did you hear

1 Q. Which is another one of their landfills.

2 **A. Correct.**

3 Q. Clinton is about 18 miles closer than the  
4 Livingston landfill which Republic uses, right?

5 **A. From what location?**

6 Q. From wherever you measured from because  
7 I'm taking your numbers, Sheryl.

8 **A. Okay. Yeah, correct.**

9 Q. So wouldn't it be more efficient for  
10 Republic to take the waste from their transfer  
11 station to Clinton rather than to Livingston?

12 **A. They have their own facility there, and,  
13 you know, they have the option to take the waste  
14 where they want to take it to.**

15 Q. All right. With all respect, I don't  
16 think you answered my question about whether it  
17 would be more efficient.

18 **A. There could be reasons such as, you know,  
19 time of day that the load is being transported, that  
20 one landfill, the Livingston landfill, might be open  
21 later than another facility. You know, it's a  
22 matter of them having the ability to maximize the  
23 infrastructure that they have in place. So for  
24 them, there are certain economic efficiencies to**

1 that?

2 **A. Yes.**

3 Q. And that last line in that quote was  
4 competition makes our economy work. Did you hear  
5 that?

6 **A. Yes.**

7 Q. Do you agree with that statement?

8 **A. Yes.**

9 Q. And your presentation today did not talk  
10 about competition as a variable in assessing need,  
11 did it?

12 **A. I did talk about it today with respect to  
13 the acquisition by GFL of the Peoria -- disposal of  
14 Peoria area regional business and the fact that  
15 there was not a landfill -- pardon me, a transfer  
16 station that they would have access to in McLean  
17 County as being a deterrent for them to be able to  
18 do business and feel that they could be competitive  
19 in this market.**

20 Q. To your knowledge, GFL mainly direct hauls  
21 from this service area to the Clinton landfill,  
22 correct?

23 **A. Yes, but they also are taking waste or  
24 have taken some waste to Indian Creek.**

1 **taking it to their own facilities.**

2 Q. It would certainly save fuel and wear and  
3 tear on roads and on vehicles to go to the closer  
4 landfill, wouldn't it?

5 **A. Potentially.**

6 Q. All right.

7 **MR. MUELLER:** Sheryl, I promised you  
8 yesterday I would be brief and polite, so I have no  
9 further questions.

10 **HEARING OFFICER PRICE:** ASA Williams.

11 **MS. WILLIAMS:** Thank you.

12 EXAMINATION BY

13 **MS. WILLIAMS:**

14 Q. You indicated that a one day observation  
15 of the current transfer station was not sufficient.  
16 How many days should they have observed in your  
17 opinion?

18 **A. That's -- that's a great question. I  
19 would think you would want to look at, you know,  
20 different quarters of the year, possibly different  
21 days of the week. I don't have, you know, an exact  
22 number, but I think absolutely one day is not  
23 sufficient.**

24 Q. Thank you. Do you know the reason given

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1 by the Town of Normal and City of Bloomington when  
 2 they rejected the ten year proposal for the waste  
 3 disposal by Republic Services?  
 4 **A. I know what I observed. I guess there was**  
 5 **a town meeting where that was discussed, and some of**  
 6 **the reasons were there was concerns about, you know,**  
 7 **the term of the contract. There was also a member**  
 8 **of the council that talked about the possibility of**  
 9 **trying to go back and renegotiate a shorter time**  
 10 **period as well as that committee member talked about**  
 11 **the potential 8 percent in savings over that ten**  
 12 **year period that the city and town would lose, you**  
 13 **know, by going with a standard bid, but those were**  
 14 **the reasons I heard when I saw the video.**  
 15 Q. Do you know if Republic had considered  
 16 giving the county a host fee at the transfer  
 17 station?  
 18 **A. Through that bid process?**  
 19 Q. This is referring to a discussion at the  
 20 solid waste authority.  
 21 **A. I -- I don't know.**  
 22 **MS. WILLIAMS:** Thank you. I've received  
 23 no other questions from staff.  
 24 **HEARING OFFICER PRICE:** Thank you, ASA

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1 Williams. ASA Sierra.  
 2 **MR. SIERRA:** Thank you, Mr. Price.  
 3 EXAMINATION BY  
 4 **MR. SIERRA:**  
 5 Q. Ms. Smith, you were discussing the ten  
 6 year alternate bid proposal that was made to the  
 7 Town of Normal. Do you have any sense of how often  
 8 ten year bids are made to municipalities?  
 9 **A. Well, specifically I would say from a**  
 10 **landfill perspective typically they're long-term**  
 11 **contracts that are made. Specifically for host**  
 12 **county agreements, those would go over the life of**  
 13 **the facility. And typically for -- the same for**  
 14 **some transfer stations, that the host fee would be**  
 15 **over the term of that agreement. Most transfer**  
 16 **station bids or some transfer station bids I've seen**  
 17 **in Illinois, maybe a five year period or -- I'm**  
 18 **trying to think of the Dukane transfer station, if**  
 19 **that was longer than a five year period for somebody**  
 20 **to come in and operate.**  
 21 **But if you're talking collection, probably**  
 22 **not, but I think sometimes that gives the**  
 23 **opportunity for both parties to have fixed costs and**  
 24 **have an understanding of potential revenue coming**

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1 **in. So I think there are some advantages that also**  
 2 **allowed Republic to offer a more competitive bid.**  
 3 Q. Are you aware of any municipalities that  
 4 have accepted a ten year bid for collection?  
 5 **A. I am not.**  
 6 Q. When you calculated the capacity needs,  
 7 the estimated net waste disposal in 2042, does that  
 8 figure account for possible growth in the  
 9 population?  
 10 **A. I used the -- the plan talked about a .34**  
 11 **percent per year decrease in waste generation over**  
 12 **for the next 20 years based on looking at the 1998**  
 13 **to 2016 time period, and so I used the 2022 total**  
 14 **waste generation numbers, I think 209,000, so I**  
 15 **didn't look at the per capita, I just reduced that**  
 16 **waste generation by .34 percent each year from 2023**  
 17 **going forward. So I relied on the guidance that was**  
 18 **in the McLean County 2017 plan.**  
 19 Q. Thank you. Would population changes,  
 20 either growth or a decline in population,  
 21 potentially change the capacity needs in McLean  
 22 County?  
 23 **A. It depends on how much growth there would**  
 24 **be. Having said that, the recycling goals are very**

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1 **aggressive for the county. So as was shown in the**  
 2 **projections that I did, the total waste requiring**  
 3 **disposal could reduce potentially down from, you**  
 4 **know, 400 tons per day to 200 tons per day, you**  
 5 **know. So I think the recycling goals if they are**  
 6 **met can -- and depending on what the population**  
 7 **change is, the recycling goals could offset**  
 8 **potential increase in population.**  
 9 **But I looked at a report today which was**  
 10 **that -- I was looking at population data in some of**  
 11 **the cities and counties in Illinois, and the latest**  
 12 **census data that came out, I think 2020 data, was**  
 13 **actually projecting a reduction, that they're seeing**  
 14 **a reduction in population in the state of Illinois,**  
 15 **but not specifically -- I don't recall what the**  
 16 **numbers were specifically for McLean County, so --**  
 17 **MR. SIERRA:** Thank you. No further  
 18 questions for the board.  
 19 **A. Thank you.**  
 20 **HEARING OFFICER PRICE:** Ms. Manning, back  
 21 to you.  
 22 **MS. MANNING:** Thank you.  
 23 REEXAMINATION BY  
 24 **MS. MANNING:**

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1 Q. Mr. Mueller asked you about white goods,  
2 and does any of his questioning and your answering  
3 to that questioning change your opinion in any way?  
4 A. No.  
5 Q. In fact, do any of the questions posed by  
6 Mr. Mueller change your opinion in any way?  
7 A. No.  
8 Q. And is your opinion based on numbers and  
9 the methodology that you explained? Is there  
10 anything else that you haven't explained to reach  
11 the conclusions you reached?  
12 A. No, there's nothing else.  
13 Q. And Mr. Mueller asked you the question  
14 about whether it would be more advantageous for  
15 Republic to take some of its waste to the -- to take  
16 its -- go to the landfill in Clinton instead of the  
17 landfill in Livingston because the landfill in  
18 Clinton is a little bit closer. And you indicated  
19 that there are business reasons to maximize  
20 efficiencies. And my question is in making a  
21 decision to take the waste to Livingston, isn't  
22 there economic advantages that incur to the benefit  
23 of the consumer as well?  
24 A. Yes. And specifically if, you know, the

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1 total cost for collection, transfer and disposal is  
2 less at one facility as opposed to another facility,  
3 those cost savings, you know, could accrue back to  
4 the generators of the waste.  
5 Q. Or the consumers.  
6 A. Or the consumers.  
7 Q. The consumers, the generators of the waste  
8 being those of us who make garbage, right?  
9 A. Correct.  
10 Q. Thank you.  
11 MS. MANNING: That's all I have.  
12 HEARING OFFICER PRICE: Thank you, Ms.  
13 Manning. Mr. Mueller.  
14 MR. MUELLER: No.  
15 HEARING OFFICER PRICE: Thank you. ASA  
16 Williams?  
17 MS. WILLIAMS: Nothing further from staff,  
18 thank you.  
19 HEARING OFFICER PRICE: And from the  
20 board, ASA Sierra?  
21 REEXAMINATION BY  
22 MR. SIERRA:  
23 Q. When you were testifying about capacity at  
24 the ADS location, did you say that that has

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1 unlimited capacity?  
2 A. There are no restrictions in the permit as  
3 I understand it, so there is -- and as they have  
4 demonstrated, they have been able to exceed 400 and  
5 500 tons per day.  
6 MR. SIERRA: Thank you. Nothing further.  
7 HEARING OFFICER PRICE: Thank you, Ms.  
8 Smith, that concludes your testimony. Do you have  
9 any other witnesses, Ms. Manning?  
10 MS. MANNING: I do not. And in the  
11 interest of time, if we could get to public comment,  
12 that would be great. We have no further witnesses.  
13 HEARING OFFICER PRICE: All right. Mr.  
14 Mueller, just checking one last time, do you have  
15 any rebuttal witness?  
16 MR. MUELLER: We do not, thank you.  
17 HEARING OFFICER PRICE: All right. Then  
18 to staff, ASA Williams, do you have any witnesses to  
19 present?  
20 MS. WILLIAMS: No.  
21 HEARING OFFICER PRICE: Thank you. And I  
22 don't anticipate the board is going to put on a  
23 witness.  
24 MR. SIERRA: No, thank you.

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1 HEARING OFFICER PRICE: All right, so then  
2 that does conclude the evidentiary collection  
3 portion of the hearing and we will turn now to oral  
4 public comment. A reminder that those who would  
5 like to can always submit written comment within 30  
6 days from the close of these proceedings.  
7 I understand that Ms. Manning wants to  
8 give some oral public comment as well, but in the  
9 interest of getting the public who is here through  
10 this process because as a registered participant you  
11 have the opportunity to submit --  
12 MS. MANNING: Point of clarification, Mr.  
13 Hearing Officer. I have no public comment that I  
14 suggested I would offer.  
15 HEARING OFFICER PRICE: Oh, okay, I  
16 thought you said you wanted to address something in  
17 public comment. All right. Well, so the parties  
18 will have the opportunity to submit proposed  
19 findings of fact, conclusions of law and argument in  
20 written form following this by the conclusion of the  
21 30 days, but for now we're going to turn to oral  
22 public comment of the public and that includes  
23 everybody who has indicated to me or through the  
24 website or on the sign-up sheet that they intend to

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1 provide that.  
 2 So let's -- we'll go until five o'clock,  
 3 we'll take a short break for the sake of the court  
 4 reporter, and then we'll continue. The good news  
 5 today is we don't have a hard stop at 6:00, so I  
 6 think we can hopefully wrap all of this up.  
 7 We'll begin with Riley Francis. Is Riley  
 8 Francis here? Do we have a -- where is the  
 9 microphone they're to go to by the way?  
 10 **MS. WILLIAMS:** I believe this is the only  
 11 microphone, so I can help facilitate this.  
 12 **HEARING OFFICER PRICE:** All right, thank  
 13 you. All right, then I'm skipping past Riley  
 14 Francis. There's a Henry R. who signed up. Is  
 15 there a Henry R.? All right, we'll move on. Teresa  
 16 Kouth. Teresa? No. Then I have Francis Green. No  
 17 Francis Green. Okay. The next on the sign-up was  
 18 Mark Peterson.  
 19 **MR. PETERSON:** Here. Thank you. My name  
 20 is Mark Peterson. For the record, my address is  
 21 15130 East 2500 North Road in rural Hudson, 61748.  
 22 I am here as a resident of McLean County and a  
 23 consumer of residential solid waste service. I'm  
 24 also a past municipal official. I served the Town

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1 of Normal in a couple of different capacities for  
 2 about 30 years, the last 20 as its city manager, so  
 3 I am certainly aware of the importance of solid  
 4 waste facilities to our communities. I do want to  
 5 make it clear I am not here testifying on behalf of  
 6 the municipality of either Normal or Bloomington.  
 7 My comments are as a private resident of McLean  
 8 County, although I will certainly make -- draw on  
 9 some of my background with the Town of Normal.  
 10 I'm just here to say competition is a  
 11 healthy thing and I am here in support of this  
 12 application. I have not dug into the details of the  
 13 siting process and those sorts of things, I'll leave  
 14 that up to people like yourselves, but I will say it  
 15 is very, very important to the consumers of solid  
 16 waste services in McLean County that we have ample  
 17 competition.  
 18 As a former municipal official in Normal,  
 19 I can tell you, as I think you're probably all  
 20 aware, both in Bloomington and Normal household  
 21 solid waste is collected by the municipalities  
 22 themselves, and so both Normal and Bloomington are  
 23 huge customers, if you will, of the current transfer  
 24 facility by Republic.

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1 And I'm not here to say anything negative  
 2 about that company or the transfer facility. I am  
 3 here to say it is scary, given the volume of  
 4 residential solid waste that both cities are dealing  
 5 with, to have only one vendor. If something were to  
 6 happen to that vendor, there are short-term  
 7 solutions and there were -- the previous presenter  
 8 showed a number of sites, many of them an hour away  
 9 one-way, that we could in the short-term handle our  
 10 solid waste. But to do that long-term, to have to  
 11 haul solid waste for up to two hours, hour and a  
 12 half to two hours roundtrip would be extremely  
 13 inefficient and would be -- would cause -- create  
 14 additional costs for both systems. That's why the  
 15 transfer facility is wonderful for the two  
 16 municipalities and very convenient. So it's always  
 17 helpful to have more than one facility again in case  
 18 something happens.  
 19 And then there is competition typically  
 20 results in better pricing. Not always, but I think  
 21 typically it is good to have competition, it is good  
 22 for the consumers of McLean County to have  
 23 competition, and so I encourage you to look  
 24 favorably upon this application. And if I can be of

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1 any further assistance or provide any information,  
 2 I'm happy to do so. I do appreciate you receiving  
 3 my testimony and thank you very much for the work  
 4 you do.  
 5 **HEARING OFFICER PRICE:** Thank you, Mr.  
 6 Peterson. Next up is Mary Fitzgerald. Mary? All  
 7 right. Then I've got a Thaddeus Stevens or a Mr.  
 8 Stevens, Ms. Stevens, 309-66 -- no. All right, is  
 9 Barb Smith here? Okay, Ted 573-673-1314. I cannot  
 10 possibly read that last name. Ted? J.R. Davenport?  
 11 All right. Tom Krieger. Steve Johnson.  
 12 **MR. JOHNSON:** My name is Steve Johnson. I  
 13 live at 104 Eisenhower Drive in Bloomington and  
 14 therefore are indirectly a customer of solid waste  
 15 disposal in McLean County. I worked with Henson  
 16 C & D Recycling as an engineer consulting for their  
 17 improvements that they made in their lines and their  
 18 capacity over the years. I know Tom from that  
 19 experience and I think that he's a -- has been an  
 20 excellent businessman for Bloomington-Normal and  
 21 McLean County and that he would not have entered an  
 22 agreement without being assured that the pride that  
 23 he's carried before is ongoing.  
 24 As far as the plans that Lakeshore has, I

1 understand it to be a state-of-the-art facility, and  
2 many of the typical objections that people have for  
3 transfer stations would be taken care of and it  
4 would be a facility Bloomington-Normal and McLean  
5 County would be proud of.

6 The other point, which has been made by a  
7 number of people, is that competition is good. If  
8 we don't have competition, we do not have a free  
9 enterprise system, and I think that competition  
10 would serve McLean County very well. Thank you.

11 **HEARING OFFICER PRICE:** Thank you, sir.  
12 Next up is Catherine Toch Gomez? Ms. Gomez? No.  
13 Allene Gregory. No Allene Gregory. Jerry Gilbert.

14 **MR. GILBERT:** Thank you very much for  
15 letting me be here.

16 **VOICE:** Is there a sign-up sheet  
17 somewhere?

18 **HEARING OFFICER PRICE.** Yes, hold on, hold  
19 on one second. The sign-up sheet was available, but  
20 just put it on a piece of paper and get it to me.

21 I'm sorry, sir, go ahead, I interrupted  
22 you. Your name and address.

23 **MR. GILBERT:** Okay, my name is still Jerry  
24 Gilbert. I live at 122 Hawthorne Lake Drive in

1 Bloomington just off the GE Road and I've lived here  
2 all my life other than a time that I was in the  
3 service. Bloomington's a great town to live in. We  
4 see on television all of the different things that  
5 are going on that you really wouldn't -- you don't  
6 really want to be there. And the people here I  
7 think are wonderful.

8 We've owned a business here for over 50  
9 years, Sunrise Shutters and Blinds, we sell window  
10 treatments. I kind of wish I had that all tied up  
11 to myself. I wish I was the only one in town that  
12 sold window treatments because I could make a lot  
13 more money. I don't think that's the way to do it  
14 though. I think we really do need competition. We  
15 need good competition, quality competition.

16 I've been to the plant out here, the  
17 transfer station. I was amazed at it, what they do,  
18 how they run it, the guys in charge of it, how  
19 they're spending their money locally, how they're  
20 helping people that really are kind of at the bottom  
21 of the chain, and I want that to stay here. I  
22 really do. I want that to stay here and I think  
23 that -- I think all of you do too.

24 I think we've just got a great place to be

1 here. And I know at one time when we lived over on  
2 Canterbury Court and people really didn't like the  
3 idea of a daycare center being just around the  
4 corner because they thought there was going to be  
5 too much traffic. So our whole street got together,  
6 other than me, and hired an attorney. And the rest  
7 of them got beat out so bad they didn't even want to  
8 talk about it, because the traffic that was going to  
9 be generated didn't amount to much. And I think the  
10 same thing happens here.

11 Is there going to be traffic? Yes, there  
12 is. The quality of the people that are involved,  
13 though, are going to make that so that it's -- it's  
14 not a problem as far as we're concerned. And I just  
15 appreciate all of you that you can actually think  
16 about this in a broad perspective and that we can  
17 get this thing put through. Thank you.

18 **HEARING OFFICER PRICE:** Thank you, Mr.  
19 Gilbert. Next, Vicki Skeen? Vicki Skeen, she  
20 signed up online. Mike Banas? Michael Brandon I  
21 believe? No. Shannon Fulton. Doug Roesch,  
22 R-O-E-S-C-H. Luke Boward.

23 **MR. BOWARD:** Hello, my name is Luke Boward  
24 and I live outside of Downs south of Holder, so I'm

1 on kind of the east side of the county. I'm a small  
2 business owner with my twin brother, and we've used  
3 the recycle center, there's a recycle center there  
4 on Bunn Street, for probably eight or ten years and  
5 it's amazing as far as it's come. I think that  
6 competition is needed to keep the prices fair.

7 And some people has mentioned trucking  
8 stuff to Livingston or Indian Creek or anything like  
9 that and it does add up considerably. I think that  
10 it would be a state-of-the-art facility with the  
11 designs and everything that they're going to do, and  
12 I would hope you guys think strongly about passing  
13 it through. I would like to see it and would like  
14 to use it. So thank you.

15 **HEARING OFFICER PRICE:** Thank you, Mr.  
16 Boward. Jennifer Torres. Jennifer? Bruce Thomas.  
17 Mr. Thomas? Bridget Larkin. Pat Henson.

18 **MR. HENSON:** Hello, Patrick Henson, 19524  
19 Mallingham Way in Bloomington. I live in the county  
20 and I'm here just to encourage, you know, to have  
21 the option of two transfer stations. You know, it's  
22 never good when you only have one option. I can  
23 only kind of compare it to imagine only having one  
24 grocery store in town, the next one being in Clinton

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1 or the next one being in Pontiac. You know, they  
 2 ultimately control the price and it's just the  
 3 convenience of it. So, again, I'm just here to  
 4 support competition. Thank you. Appreciate your  
 5 guys' time.

6 **HEARING OFFICER PRICE:** Thank you, Mr.  
 7 Henson. Next, Sue Ryburn? Deanne Colledge?

8 **MS. COLLEDGE:** My name is Deanne Colledge.  
 9 I'm a resident of Bloomington. I'm also a business  
 10 owner. I've recently purchased a commercial  
 11 building that is a close neighbor of the new  
 12 facility and so it was required that they give me  
 13 notice of this facility.

14 I was concerned about it from the  
 15 standpoint of my employees who will often be working  
 16 outside as well as just the business in general.  
 17 But after reviewing the information, I am not at all  
 18 concerned about it coming as a close neighbor. I'm  
 19 actually for the proposal.

20 I think that competition is healthy both  
 21 from a pricing standpoint as well as from a  
 22 continuity standpoint. With only one business  
 23 providing the service in town currently, you never  
 24 know what will happen from a business health for

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1 them, for the owners, for the facilities, so I think  
 2 it's important that there are other options,  
 3 especially in a business where it takes years for  
 4 this sort of thing to develop or it to be approved  
 5 and it to be able to come.

6 It sounds like a state-of-the-art  
 7 facility, I think that we're lucky to have it, and I  
 8 am for the proposal and hope that you consider that.  
 9 And appreciate your time, thank you.

10 **HEARING OFFICER PRICE:** Thank you, Ms.  
 11 Colledge. Bonnie Atkins. Bonnie Atkins. Tina  
 12 Eudes, E-U-D-E-S. John Fehr?

13 **MR. FEHR:** I'm here. Well, thank you,  
 14 everyone. Before I begin, board members, I have  
 15 been here two days in full. Some faces have left  
 16 and come, but I want to thank you. I have a new  
 17 appreciation of public service and this is just one  
 18 little part of what you do. I know you have  
 19 families and I know you have jobs some of you, and  
 20 so thank you very much.

21 So I am John Fehr. I'm the corporate  
 22 manager for Sam Lemman Automotive Group in  
 23 Bloomington, Illinois. We have nine franchise  
 24 dealerships. We employ 550 plus employees. We sell

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1 over 11,000 cars per year new and used and we  
 2 service over 90,000. Six of our dealerships are in  
 3 close proximity to the proposed transfer station and  
 4 that's why we're here.

5 So this will be the first time you hear an  
 6 opposition a little bit. I say little bit because I  
 7 have learned a lot about garbage in two days, and  
 8 I'm mean sincerely it's amazing. I learned one  
 9 thing, I am producing way too much waste and I need  
 10 to work on that. Second of all is I need to recycle  
 11 much better and we do, but I just cannot fathom 400  
 12 tons of garbage a day. It's just scary. So thank  
 13 you for those involved in that industry because we  
 14 just want it out of our house.

15 But we also have a problem with our group  
 16 that we deal with, the Lemman location. So I am not  
 17 going to try to attempt to see if there is a need, I  
 18 think that's been testified to here very, very well,  
 19 and I just -- I'm not an expert in that. I just  
 20 don't like three things: location, location,  
 21 location.

22 The facility mentioned is phenomenal. I  
 23 actually think that we can incorporate some of the  
 24 things that you've brought up, I'm going to mess up

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1 the name, the rover gun or whatever, that that's  
 2 phenomenal. I think you can control some things,  
 3 but what you can't control is trucks and carriers  
 4 with garbage in them. Garbage is garbage. The odor  
 5 is going to be there.

6 So to give you an example, we have  
 7 invested millions of dollars in our facilities just  
 8 across the road. The county knows, they've done  
 9 approvals, but we have built a new Toyota  
 10 dealership, our Chevrolet facility is fairly new, we  
 11 have facelifted our crash restore just recently  
 12 spending millions, we are currently facelifiting our  
 13 BMW store spending millions, we are planning on a  
 14 new Ford dealership which is in the plan right now  
 15 spending multimillions, so we are investing heavily  
 16 in Bloomington and McLean County, and that's the  
 17 core of our business.

18 You know, figures were thrown out, a  
 19 dollar that the county is going to get or two  
 20 dollars. I mentioned 90,000 service ROs, I  
 21 mentioned 11,000 vehicles we sell, let's just put  
 22 that in one group of a hundred thousand. That's a  
 23 hundred grand if it's one dollar per transaction. I  
 24 will guarantee you that Sam Lemman Automotive Group

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1 is sending you way more than that. The last check I  
 2 saw was over \$13,000 to the city for taxes. So we  
 3 are a revenue, we generate tax for the city, for  
 4 the county, distribute throughout a lot. I just  
 5 don't think that was taken into consideration.  
 6 Competition was brought up. I will tell  
 7 you we fully understand competition in the car  
 8 business, right, that's just what it is, but I would  
 9 have a problem if General Motors wanted to bring  
 10 another Chevy store into our area, so that's a hard  
 11 fight for me. I also would prefer, I just want to  
 12 mention, not to have any competition. To be the  
 13 only car dealer in town would be really good, but I  
 14 think people are smart enough to negotiate too.  
 15 So the one thing I've learned here is  
 16 because of this proposed station, the current  
 17 company who may have a monopoly is looking to deal.  
 18 The board just needs to negotiate hard on it the  
 19 best they can, get the best possible deal. But I  
 20 don't think competition should create a transfer  
 21 station in its current location.  
 22 I learned a lot. Building on top of a  
 23 lake, that concerns me. Regardless of the awesome  
 24 facility they're building, just move it away, put it

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1 further out if competition is that important.  
 2 You're putting this thing in the middle of town.  
 3 Now, I understand there's industry there now and  
 4 we're used to Roanoke Concrete and we know these  
 5 folks, we deal with them, they buy cars from us, but  
 6 there hasn't been a solid waste facility there and  
 7 that's what our concern is.  
 8 So we just want to voice that we believe  
 9 that as a taxing body for the county and for the  
 10 city that we generate enough that we should at least  
 11 get the consideration to think about worst case  
 12 scenario location and then we'll let you decide if  
 13 there's truly a need to bring that that close to our  
 14 business. So thank you for your time and appreciate  
 15 everything. Thank you.  
 16 **HEARING OFFICER PRICE:** Thank you. So you  
 17 need a break, right? Yeah, it's five o'clock. So  
 18 we're going to take ten minutes, we'll reconvene at  
 19 5:12 and then we'll finish up, I've got about ten  
 20 more people on the list, and we'll go from there.  
 21 So let's reconvene at 5:12, give the court reporter  
 22 a moment, and 5:12.  
 23 (Recess at 5:02 p.m. to 5:13 p.m.)  
 24 **HEARING OFFICER PRICE:** All right, the

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1 next person on the list is Dan Thompson. Dan?  
 2 Jason Heitz? Joe Bierbaum.  
 3 **MR. BIERBAUM:** All right, my name is Joe  
 4 Bierbaum. I've lived in the community for 30 years.  
 5 I live a little north of Heyworth. I think  
 6 competition is a very good thing. I've been  
 7 self-employed my whole life and have always had lots  
 8 of competition. I would hate to, if I wanted to  
 9 open a business, have to justify needing me. It  
 10 should be -- you know, you should be able to open a  
 11 business, and if you can provide a good service at a  
 12 good price, then you'll survive.  
 13 I also own about five acres that our shop  
 14 is on that is right on the other side of the fence  
 15 from where the proposed project is and I don't have  
 16 any problems with it. I've been to multiple  
 17 different transfer stations in the area. I don't  
 18 find them to be like terribly dirty or, you know, I  
 19 don't see anything that alarms me to have them for  
 20 -- you know, to have them for a neighbor. So that's  
 21 what I got. Thank you.  
 22 **HEARING OFFICER PRICE:** Thank you, sir.  
 23 John Blakeney. John Capodice. Matt Bell. Oh.  
 24 **MR. CAPODICE:** My name is John Capodice,

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1 2827 Capodice Road, Bloomington. I've been a  
 2 lifelong resident and businessman self-employed my  
 3 whole life here in the community, and I'm third  
 4 generation. I'm here to speak on behalf of this  
 5 application and I'm going to make a few points.  
 6 My first comment, and I'll try and be  
 7 brief, and thank you, board members and other people  
 8 here, for your -- all the time you've had to put  
 9 into this. This was yesterday's Pantagraph: City  
 10 to more than double water rates.  
 11 Now, the reason I'm bringing this up is  
 12 the garbage bill is also in that water bill. So if  
 13 the water bill is going to be double, we need to  
 14 keep these garbage expenses down as much as possible  
 15 because this -- I talked to somebody down at the  
 16 water department today and these bills are averaging  
 17 -- homeowner is going to get approximately a \$100  
 18 bill every month. So if it goes to \$200 a month,  
 19 that could be a problem for a lot of people. So the  
 20 bottom line is competition is good. I've had to  
 21 deal with it my whole life and it's kept the whole  
 22 system honest.  
 23 Another thing I want to comment on is the  
 24 location and I live not too far away from this

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1 proposed facility and I'm on Bunn Street a lot.  
 2 There's already a lot of commercial and industrial  
 3 uses on that road. Where would be a better place to  
 4 put something like this? It backs up against the  
 5 Norfolk and Southern Railroad to the east, and  
 6 there's all kinds of businesses that are producing  
 7 truck traffic. So, sure, this is controversial, but  
 8 where would be a better place to put this.  
 9 The trash that I know has been a concern  
 10 to some adjacent landowners and residential people,  
 11 I talked to Mr. Kirk about this because I want to be  
 12 certain before I get up here and make a comment that  
 13 I have a comment from him. And he is proposing that  
 14 he's going to have a street sweeper and he's going  
 15 to have a person or persons that are going to be in  
 16 charge of picking up trash along the road. I don't  
 17 think you get that at the current transfer station  
 18 out on West Washington Street. And that's a big  
 19 plus. And if, you know, we're -- he doesn't fulfill  
 20 that, then write it in your permit process that he's  
 21 got to do that because, you know, I live next to it,  
 22 I wouldn't want that either, but he's addressing  
 23 that.  
 24 Facility. I watched, you know, videos and

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1 things on this, and this facility that he will have  
 2 to produce or build has got this air filtration  
 3 system that puts a negative pressure on the  
 4 building, so when the door opens up, air is going in  
 5 instead of coming out, and going through a filtering  
 6 system so nothing smells, and that -- you know,  
 7 that's state-of-the-art. It sounds, you know,  
 8 impressive, expensive, but the current transfer  
 9 station doesn't have anything like that that I'm  
 10 aware of.  
 11 The last thing I want to address is  
 12 traffic. And, okay, Bloomington-Normal has grown a  
 13 lot. We already have more traffic. And I would say  
 14 that, you know, Bunn Street could handle this  
 15 additional truckload.  
 16 Now, one thing that I was thinking of that  
 17 may help this is whenever the City of Bloomington  
 18 can get Hamilton Street to cross Norfolk and  
 19 Southern Railroad, there's a couple of these  
 20 existing streets, I would say there's a good chance  
 21 that will take some traffic off Bunn Street because  
 22 people can just go on through and get on Morrissey  
 23 and go into the southeast areas of Bloomington and  
 24 not even have to use Bunn Street. So I don't -- I

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1 never heard of that even being a consideration in  
 2 this traffic thing.  
 3 And that's it. Thank you for your time.  
 4 **HEARING OFFICER PRICE:** Thank you, sir.  
 5 Matt Bell? Kenny Schwoerer? Ian Goldsmith. Scott  
 6 Black? Tari Renner?  
 7 **MR. RENNER:** Thank you, sir. My name is  
 8 Tari Renner. I'm at 1215 East Oakland Avenue,  
 9 Bloomington, 61701, and I'm actually not here to --  
 10 excuse me, got a little bit of a cold, I don't have  
 11 COVID, you don't have to worry about that, but I  
 12 want to focus not so much on the competition, I  
 13 think that's self-evident in some of the other  
 14 things that were talked about, but my dealings when  
 15 I was mayor of Bloomington with Tom Kirk.  
 16 First thing I want to say is if you're an  
 17 employee in McLean County, you want him or someone  
 18 like him as your employer. He was proactive in so  
 19 many different ways. And just to give you a couple  
 20 of ideas, examples, first of all, he hires many  
 21 people who have been convicted of felonies. They  
 22 deserve, they need, they desperately need a second  
 23 chance. Tom Kirk is there for them. He's done an  
 24 outstanding job with that. I've been to his

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1 facility many times as a mayor and then with some  
 2 other city council members.  
 3 Certainly he runs a tight ship. He's an  
 4 incredibly impressive human being. He's not paying  
 5 me to come here today. When I heard this was  
 6 happening, obviously can't do that, but I said  
 7 you're darn right, have really very, very good  
 8 things to say about Tom Kirk and his operation.  
 9 He's honest, he's reliable, he's straightforward,  
 10 and he treats his employees very well.  
 11 I've been to several of his annual holiday  
 12 dinner events at what used to be the Ozark House and  
 13 he spares no expense for his employees. Literally  
 14 he's paid for his employees to go on vacation. I  
 15 don't mean paid vacation. He's paid for his  
 16 employees to go to the Caribbean, people who have  
 17 never been out of the country.  
 18 The kinds of things that Tom has done is  
 19 just amazing. Frankly I wish we could clone him in  
 20 this community. He's an outstanding leader, he's  
 21 dedicated to his employees, he's dedicated to this  
 22 community, he's dedicated to doing a good job and to  
 23 making a broader contribution. And understanding  
 24 that, hell, 1500 years from now we're all going to



1 be fertilizing the soil, will our existence have  
2 mattered? Tom Kirk's existence will certainly have  
3 mattered. Thank you.

4 **HEARING OFFICER PRICE:** Thank you, Mr.  
5 Renner. Brian Lansu? Rob Fazzini.

6 **MR. FAZZINI:** Here. My name is Robert  
7 Fazzini. I'm a resident of Bloomington, have been  
8 since 1988. Previously was here from 1958 to 1962  
9 to attend Illinois Wesleyan University. I'd like to  
10 talk about four things: number one, voting; number  
11 two, transfer station application; number three, see  
12 this tie, money; and number four, the community.

13 Having served on the Bloomington city  
14 council as an alderman, I know the importance of a  
15 vote and I know the responsibilities that go along  
16 with a vote. So I commend you for being here today,  
17 for being here yesterday, and hopefully not  
18 tomorrow.

19 Second, I want to talk about the transfer  
20 station. We've had experts for two days going over  
21 each of the nine criteria that are needed to be  
22 approved to get a transfer station application. Two  
23 of them did not apply to this case. The need -- I  
24 think everybody in this room has heard there is a

1 need for competition. Public health and safety.  
2 You saw that video, we don't have odor, we don't  
3 have debris, we don't have excess traffic. Proper  
4 use of land. It's in the right place. Proper fire  
5 and accident plans. They're in place. No adverse  
6 effect on traffic. Less than 20 percent use on that  
7 road now. Even in 2041, 50 percent or less. No  
8 hazardous waste to be accepted. And it's consistent  
9 with the solid waste management plan. No questions  
10 from the Republic attorney made anyone think that  
11 they did not qualify in any of the nine criteria.

12 This hearing is about money, can we save  
13 money or earn more money by having a second transfer  
14 station. I think the example that you heard about  
15 West Chicago saving \$1.7 million over a five year  
16 period because competition came to that community.  
17 I think this community will save more than that  
18 because the current Republic transfer station  
19 charges among the highest fees for a transfer  
20 station in the entire state of Illinois.

21 Lakeshore has agreed to pay a host fee not  
22 for a ten year contract, for whatever contract, one  
23 year, two, three. In addition, in the utility  
24 agreement with the City of Bloomington, Lakeshore

1 has agreed to pay twice the commercial fee for  
2 utilities. That's not a small sum. In summary  
3 about dollars, if Republic keeps its monopoly, it  
4 will continue to make excess profits at the expense  
5 of McLean County citizens. Pretty simple.

6 If this is successful, there will be two  
7 host fees paid, there will be lower transportation  
8 -- transfer station fees and much higher utilities  
9 paid. Citizens of McLean County will benefit in  
10 those three ways financially. So who would you  
11 prefer to benefit financially: the one company that  
12 is currently doing everything or all of our  
13 citizens?

14 You've got a 500 page plus document and in  
15 it are 33 letters from community leaders, many of  
16 them elected officials. One of them just spoke.  
17 They can't all be here, some of them have full-time  
18 jobs, some are not around, but those 33 letters show  
19 that the leadership in this community wants a  
20 transfer station to have competition and I think  
21 that we deserve to have that.

22 Your vote to approve the transfer station  
23 application is in the best economic interest of  
24 McLean County citizens. The transfer station

1 application meets all seven criteria, two of them  
2 don't apply, and the financial advantages for having  
3 two transfer stations are simply overwhelming. And  
4 finally, your community leaders support this, so  
5 your responsibility for the people who elect you is  
6 to vote and I would suggest that you vote for this  
7 transfer station application. Thank you.

8 **HEARING OFFICER PRICE:** Thank you, Mr.  
9 Fazzini. Next, Douglas Shaw.

10 **MR. SHAW:** Here. My name is Douglas Shaw,  
11 I'm a long-term resident of Bloomington, and I  
12 hadn't planned on standing up here today. When I  
13 found out the meeting and the possible public forum  
14 was going to be from one o'clock to six o'clock, I'm  
15 like do I really want to sit there, but I did and I  
16 am up here, so let me speak my concerns.

17 One concern is the number of folks that  
18 are not showing up to speak and I suspect many of  
19 them may have real concerns with the location of  
20 where this place is going to be put. I personally  
21 live in the mobile home park, I just moved there six  
22 weeks ago, did not know anything about this  
23 potential waste management site being placed there  
24 until I saw the signs up on Bunn Street "LRS no

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1 dumping in Bloomington" and I was like what's that  
 2 all about, so I dug into it a little bit.  
 3 So I'm concerned because garbage --  
 4 somebody said garbage is garbage and why it's -- you  
 5 know, there's toxins in garbage, all kinds of  
 6 garbage. Doesn't have to be toxic waste. Doesn't  
 7 have been to be chemical waste. Anything you crush  
 8 up will produce some kind of chemical and it has the  
 9 potential of seeping into the ground and affecting  
 10 the water table and affecting the drinking water  
 11 supply. I live in a mobile home park, the place of  
 12 residency for people that live the closest to where  
 13 this is proposed. I'm very concerned that my fresh  
 14 water supply might be affected by this.  
 15 Somebody up here said location, location,  
 16 location. And then another person said where better  
 17 to put this place? Where better would be somewhere  
 18 out of town, that's where; not a place in town. May  
 19 be the southwest side of Bloomington and may be a  
 20 little bit of an industrial area, but there are  
 21 residents that live close by and I'm concerned. I  
 22 don't know how many other residents of the mobile  
 23 home park are here, but I guess I'm representing  
 24 them.

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1 Rhodes Lane. Rhodes Lane I feel  
 2 personally is not safe to drive on right now, it's a  
 3 very narrow road, and at nighttime it can be  
 4 downright scary for me to drive on there, much less  
 5 a senior citizen. And I don't know if trucks will  
 6 be on there at night, but -- and maybe this is part  
 7 of the proposal, again I'm coming into this late in  
 8 the game, but if this site gets approved, that road  
 9 needs to be improved significantly, especially if  
 10 it's going to handle large trucks.  
 11 Smell. Garbage stinks. The city  
 12 convenient center, which I have used on a number of  
 13 occasions, it stinks over there. You cannot contain  
 14 aroma. I feel for Mr. Leman and his business, and  
 15 his longstanding business in the community could be  
 16 negatively impacted by putting that site so close to  
 17 them.  
 18 My recommendation would be buy some cheap  
 19 farmland somewhere fairly close, closer than where  
 20 the other places are. That reduces costs. Do a  
 21 good job of negotiating. And somebody voiced 33  
 22 leaders, community leaders, support this effort. I  
 23 bet they do, but I bet they wouldn't want it close  
 24 to where they live. I know they don't live in a

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1 mobile home park, they live in the nicer  
 2 neighborhoods, but I bet they wouldn't want it close  
 3 by to where they live. So they're looking at the  
 4 business aspect of it, but they're not looking at  
 5 having to live close by it and also noise. So thank  
 6 you for your hearing me out tonight, appreciate it.  
 7 **HEARING OFFICER PRICE:** Thank you, sir.  
 8 Next up is June Thomas. I know she was just here.  
 9 June? Maybe she left. K. J. Loerpo?  
 10 **MR. LOERPO:** My name is K. J. Loerpo,  
 11 third generation that's living in Illinois. I live  
 12 at 7734 Westview Lane in Woodridge, Illinois. I'm  
 13 the vice-president of business development for  
 14 Lakeshore. I have a rich history of being in the  
 15 solid waste industry. When I was 15 years old,  
 16 started off in the back of a garbage truck working  
 17 for a family-run business, spent years working -- I  
 18 worked for one of the large public companies for a  
 19 short time in my 20s and then I had my own business  
 20 for more than 20 years that I ran. It was a  
 21 construction demolition facility and a transfer  
 22 station in West Chicago.  
 23 I do business development for Lakeshore  
 24 for the entire midwest, Lakeshore is a privately

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1 held company, and that's why I sold my business to  
 2 them. And the story that I'm telling you, I think  
 3 it's very pertinent to -- it's more of a global  
 4 picture of what's happening in this industry. As in  
 5 other industries, there's consolidation. This  
 6 industry has really consolidated down. The three  
 7 main competitors, what's paying for the lawyers on  
 8 the other side of the table representing Republic  
 9 Waste, the opposition to us, I have fought them on  
 10 other business development projects such as the West  
 11 Chicago transfer station last February who  
 12 unanimously -- or they approved it with overwhelming  
 13 support, and a unanimous vote in the Quad Cities in  
 14 the City of Moline.  
 15 This fight is -- I feel very good and  
 16 passionate about it because it affected my business.  
 17 Ten years ago -- I sold my business seven years ago.  
 18 So I've been working for Lakeshore for seven years.  
 19 When I actually sold -- when I was still in  
 20 business, I had served for many years on the  
 21 National Waste Recycling Association, the Illinois  
 22 chapter, that represents recyclers and garbage  
 23 haulers throughout the state. Waste Management is  
 24 there, Republic's there, and so were a bunch of

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1 other private companies that were entrepreneur  
 2 businesses.  
 3 Ten years ago, they took -- the local  
 4 chapter took a vote. They said because -- because  
 5 of the fact the agenda was not being pushed from  
 6 Waste Management, Republic Waste, Waste Connections,  
 7 the big boys, and what they did is they ended up  
 8 saying that if you don't own a landfill you can no  
 9 longer be part of the legislative committee at the  
 10 NWRA. We all were gone, we were all off the  
 11 committee, we no longer had a voice.  
 12 Discussions and things like that,  
 13 landfills need to be -- people that have these  
 14 pollution control facilities, transfer stations and  
 15 landfills, they were using these not to be just to  
 16 service the community, but they were turned into  
 17 haves and have nots. If you had one, and the big  
 18 boys had it, it was great because then I can  
 19 determine who's going to compete against me.  
 20 Because what you have to understand when you own  
 21 your own trucking business, that close to 40 percent  
 22 of my cost is disposal. And this market here, it's  
 23 high. How can I competitively bid when my  
 24 competition controls 40 percent of my costs. The

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1 car dealership had a point, but if he couldn't  
 2 control 40 percent of his costs from his competitor,  
 3 he wouldn't be here.  
 4 So you have a big decision that you have  
 5 to make. Other -- this has already been approved,  
 6 like in Rockdale, that was another family  
 7 entrepreneur business that took on Waste Management,  
 8 the biggest multi-billion dollar publicly-traded  
 9 company. They won. Lakeshore acquired that family  
 10 business this past year and now they're part of a  
 11 private company and competing head to head against  
 12 them all.  
 13 I knew Tom Kirk 25 years ago when I was  
 14 running my operation as well, and Tom -- I said I  
 15 have no idea how this dude's competing against  
 16 Republic Waste in this area. Republic has a  
 17 monopoly here, they do, and the reason why -- and  
 18 then I got to know him. When I was in this  
 19 position, I said, Tom, your site meets the criteria.  
 20 What they talk about, sticking out in the middle of  
 21 nowhere, that's not the point. Illinois has such  
 22 strict statutes, you can't put these in the middle  
 23 of nowhere, there's only specific sites.  
 24 Fortunately because of the M-2 zoning and everything

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1 else, Tom has one of the most rare sites allowed  
 2 because it's exactly where it's being able to be  
 3 permitted to go in.  
 4 So I said to Tom, I said, hey, I think you  
 5 can merge in with Lakeshore, let's acquire the  
 6 business. We do construction demolition recycling,  
 7 we have transfer stations, let's pool our efforts  
 8 and go for a transfer station here, because when we  
 9 did the research, McLean County, Bloomington-Normal,  
 10 had some of the highest rates in the area. And I'm  
 11 not just talking about at the transfer station, I'm  
 12 talking about what the car dealership pays for his  
 13 garbage service, what the other restaurants pay,  
 14 what you pay at the home, homeowners, and that makes  
 15 a difference.  
 16 And the reason why I'm so passionate, I'm  
 17 sorry if I seem a little overly excited, but I felt  
 18 the squeeze when I got squeezed by the landfills  
 19 when they all consolidated down by the publicly-held  
 20 companies and I had ended up having to sell my  
 21 business. I was still making money but not very  
 22 much and I could see where the end was coming. If  
 23 you ask Tom, Tom will probably say the exact same  
 24 thing, he was feeling the squeeze because he wasn't

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1 in control of his destiny because the market is  
 2 consolidated down.  
 3 We talked about GFL. Guess what, how many  
 4 of you know the Coulter family? I never thought the  
 5 Coulter family would sell, but guess what, I thought  
 6 that'd be the last standing horse in Peoria because  
 7 he had a great business, great landfill, fully  
 8 integrated. He sold to GFL. How did GFL come into  
 9 existence? GFL came into existence because Waste  
 10 Management, the largest publicly-held company,  
 11 multi-billion dollar company in the waste hauling  
 12 industry, bought the fourth largest company,  
 13 Advanced Disposal, and they slammed them together.  
 14 And do you know how GFL came into existence, the  
 15 Canadian publicly-traded company? They came into  
 16 existence because they had -- the Department of  
 17 Justice said the monopoly that was occurring across  
 18 these areas was so great that you have to sell off  
 19 some of your assets, so GFL was able to pick up  
 20 landfill assets.  
 21 I sat with -- and I know this is not  
 22 McLean County, but remember, I just got done with a  
 23 unanimous vote on placing a transfer station in the  
 24 Quad Cities. Do you know what rates Republic Waste

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1 and Waste Connections, the third largest -- the  
 2 second and third largest companies offered them?  
 3 They're in the upper teens.  
 4 The rates that we -- want to talk about  
 5 how many tons do we control, can we handle it, stuff  
 6 like that. It's not about that. It's about the  
 7 money. The transfer station is 60 to \$90 a ton that  
 8 they're charging their clients. They didn't want to  
 9 talk about that or reconsider it; this is the rates.  
 10 You will say it's not just what the dump rates are  
 11 what Bloomington pays, it's what the homeowners and  
 12 businesses pay. That's what's exorbitant. You're  
 13 paying some of the highest rates in McLean County.  
 14 It's not dollars and pennies. It's millions of  
 15 dollars over the next year that your community has  
 16 when you can create competition.  
 17 We just signed an agreement with GFL.  
 18 You're going to get two competitors. You're going  
 19 to get Lakeshore giving great recycling services,  
 20 that's what we're known for and our transfer  
 21 stations, and you're going to get GFL to compete in  
 22 this marketplace because of us, because we already  
 23 worked out a deal with them to say, listen, if we  
 24 are successful on the transfer station, you're going

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1 to have the ability. In fact, they used to have a  
 2 yard right across adjacent. They'll probably move  
 3 back and park their trucks back here and then be  
 4 able to compete on a level playing field, and maybe  
 5 they'll have an advantage against Republic and drive  
 6 the rates down.  
 7 I think that I'll conclude by this  
 8 statement. You have a big decision. You have to go  
 9 back to the whole board. I wish they could all hear  
 10 this whole deal, but I had an opportunity in  
 11 Wisconsin to sit with Paul Ryan and I was trying to  
 12 help solve some of the monopoly that was formed up  
 13 there where Waste Management when they did the  
 14 Advanced merger had close to 90 percent market share  
 15 of all the landfills, and we were trying to work out  
 16 a method that we could bring competition into it and  
 17 become fully integrated companies.  
 18 And Paul Ryan gave a great comment,  
 19 because I asked him about the status of the overall  
 20 U.S. economy, Paul Ryan, the ex-Speaker of the  
 21 House, and he made a great comment. He goes  
 22 competition and capitalism is great. The problem is  
 23 is that capitalism has changed into crony capitalism  
 24 and has corrupted the pure capitalist society where

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1 we have competition and we've made it easy for  
 2 people to beat.  
 3 We can't let other people and the big boys  
 4 just dominant this. Create an environment. In  
 5 fact, not only do I want us to be successful at  
 6 assigning a transfer station, but if you can get  
 7 another transfer station, do it because it will then  
 8 drive the rates even further down. You should be  
 9 encouraging this not discouraging it.  
 10 Sorry for the long speech, but as you can  
 11 tell, this is my last thing, I want to be able to  
 12 look at my kids some day and say I was able to  
 13 change different areas that had monopolies and  
 14 competitive advantages for the big boys to create  
 15 competition long-term for our future generations.  
 16 Thank you.  
 17 **HEARING OFFICER PRICE:** Thank you. The  
 18 last person I had signed up is Mr. Tom Kirk.  
 19 **MR. KIRK:** I'm Tom Kirk, lifetime resident  
 20 of Bloomington-Normal, 48 years old, and I've been  
 21 self-employed and been playing in this market my  
 22 entire life. I put open dumping on the floor there  
 23 so I'm a little bit more in my element and I wanted  
 24 to show you what open dumping is.

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1 So a little bit about me. I know there's  
 2 some concerns out there and I feel like I've done a  
 3 really good job of addressing the concerns as I've  
 4 talked to people, I've met with people, and the  
 5 number one concern that I have heard is, oh, well,  
 6 you know, we love what you do, we trust who you are,  
 7 but you sold your company.  
 8 So I'm going to put myself on a high horse  
 9 here right now and say I feel I am the best in the  
 10 industry that this area has ever seen as far as it  
 11 comes to processing and handling C and D materials.  
 12 I'm really good at it, it's all I know how to do,  
 13 it's the only thing I'm capable of doing, and I'm a  
 14 leader in that industry and I'll continue to be a  
 15 leader in that industry as far as just on the  
 16 sidelines.  
 17 I sold my company not because I wanted to  
 18 but because I had to. This C and D transfer station  
 19 is so important that five years ago, Rob Fazzini is  
 20 my friend, financial advisor, I turn to him for a  
 21 lot of different things, I told Rob, I said, Rob,  
 22 we're going to build a transfer station, we're going  
 23 to go through the siting process, and we're going to  
 24 be successful. And Rob said I don't think we're

1 going to be able to afford to do that.  
2 I said, well, we have two choices. I can  
3 spend all the money that we have, go through the  
4 process and hope we get it, or we can not get it and  
5 I'll suffer a slow death because I won't be able to  
6 compete in the market anymore. So either way, you  
7 know, I'm either -- I threw it all out there, right,  
8 put it all in red. I had no choice but to do that.

9 I prepared my first application and it  
10 appeared that it wasn't strong enough, so we pulled  
11 it back. During this time period, I had actually  
12 met this guy right here. When I say I'm the best of  
13 the best, he's the only person I've ever met that  
14 I'd say is better than me. And I trust him and I  
15 would follow him into battle, and I followed him to  
16 Lakeshore because I knew that he/Lakeshore would  
17 continue to do what I've been doing in this market  
18 for such a long time and would follow my dreams and  
19 my passion, would keep it alive. Anybody else that  
20 bought me, would've bought me, would've turned off  
21 the key, kept the door open so nobody else would've  
22 entered the market. It would've been another way to  
23 control competition.

24 My history, the way that I've operated, if

1 you look at what I do, most of what I do isn't what  
2 I wanted to do, what I intended to do, it was what I  
3 was forced to do by my competitor. I respect Allied  
4 Waste, I respect Dan Winters, those people have  
5 always treated me well. The things that they've  
6 done to me, I would have done it too if I was the  
7 only player. There's no competition in our market.  
8 I survive off the crumbs. They set my pricing and I  
9 basically get a pickup and I'm successful because of  
10 my outstanding service and what we provide to  
11 others.

12 I've never been able to bid on a town. I  
13 have never one time -- that's not true, one time I  
14 did. I basically have never bid on a town contract  
15 because I can't. My cost for pickup disposal is  
16 basically what they're bidding at, as they can.  
17 They have a landfill; I don't have that. And I  
18 can't take my trucks, a garbage truck, a small truck  
19 that's only going to haul 7 to 8 tons, two hours  
20 away. I can't even take it 30 miles away. You  
21 can't, it's inefficient. And in today's market it's  
22 really, really hard to get a driver -- it's super  
23 hard to get a driver, and, you know, to put that  
24 driver, that truck on the road for two more hours a

1 day, you just can't do it. So it's difficult.

2 Over the holiday season, Thanksgiving, we  
3 had -- a friend of mine brought a family guest to  
4 the home where we ate and this kid was from Africa.  
5 And whenever I meet people that are from a different  
6 country, I like to say, well, how do you view --  
7 like how do you view America, how do you view what  
8 you see, how do you view the people? And this guy  
9 said America, you know, what we say is it's heaven,  
10 I mean it's opportunity, it's -- there's everything  
11 here that you need. It's a wonderful place.

12 And I said, well, what's it like to live  
13 where you're at in Africa, and he told me where he  
14 was at, I don't remember where it was, and he goes  
15 there's no opportunity. We struggle. You know,  
16 there's no support from government or whoever  
17 controls it. And he said you either have it or you  
18 don't simply because -- he goes if you have an idea  
19 or if you want to enter into a market, if you want  
20 to create something, you're not allowed to do so.  
21 So his country is in poverty because they don't have  
22 competition.

23 Now, we're not in poverty here, but if I  
24 want to enter into a market and my competitor says,

1 well, these are the reasons why this guy couldn't do  
2 it, it's offensive, it's not the American way. And  
3 truth of it is, like I -- I go all over the place  
4 giving speeches and seminars on recycling and this  
5 and that, and I don't like talking about garbage  
6 because, you know, you guys look at your 550 page  
7 packet. You shouldn't understand what we do. I  
8 mean, it shouldn't make any sense to you.

9 So I like to talk about, I always give the  
10 reference of cupcakes and cheeseburgers. So  
11 everybody can relate to a cupcake and cheeseburger,  
12 right? So if we are looking at cheeseburgers and  
13 Bloomington-Normal eats 500 cheeseburgers a day and  
14 McDonald's is capable of making 500 cheeseburgers a  
15 day, is that going to be fair for somebody that's  
16 only one? You know, I want to build a hamburger  
17 joint, you know, in Bloomington-Normal. No, no, no,  
18 McDonald's can handle it. Can you imagine what that  
19 would be like? We'd have one restaurant, we'd have  
20 one grocery store, we're already on the way to  
21 having basically one person provide our utilities  
22 and look what happens. You know, it's a monopoly  
23 and we pay for that.

24 And the other thing is, this is on the

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1 business side of things, I don't pay for anything.  
 2 When people raise taxes and do this and that, do you  
 3 know what I do? I pass it on to the consumer, so  
 4 the consumer is now going to pay for that. And it's  
 5 all about competition, plain and simple. I'm paving  
 6 the way for whoever is next.  
 7 I was willing to break my company in order  
 8 to put this transfer station up. And, you know, it  
 9 got to the point where I couldn't do it. I told  
 10 K.J., I'm like, hey, man, I can't do it. And over  
 11 about the past five years, I've been approached by  
 12 pretty much everybody to buy my company. My answer  
 13 was always, no, I'm not selling my company, I'm in  
 14 my prime, there's so much I want to do, and then  
 15 when all these mergers took place, I saw the writing  
 16 on the wall. I could die a slow death or go out  
 17 while I was on top.  
 18 And the other thing with Lakeshore is  
 19 before I came up here today I told Lakeshore, the  
 20 new CEO, because I've met everybody else, I said,  
 21 hey, I need to hear from you that you're going to  
 22 honor all of your deals the way that you treat  
 23 people and that you're going to continue to do  
 24 everything that was said was going to be done. He

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1 said absolutely we will.  
 2 I believe in Lakeshore, they're going to  
 3 do a good job, they're the person that needs to be  
 4 here. Not one of my employees lost their job, not  
 5 one. All of my employees have better pay now, they  
 6 have health insurance, they have retirement, they  
 7 have more days off than I could ever offer them.  
 8 And with the exception of bringing down one more  
 9 person who is being trained to take my position,  
 10 that's it, it's all my people. There's not one  
 11 single person that was brought down here, it's all  
 12 my people.  
 13 And then the other thing is, well, all the  
 14 money's going to leave. That's not true. The exact  
 15 same amount of money will stay in Bloomington-Normal  
 16 all the time. I was so leveraged that the majority  
 17 of my profit went to a bank and that bank is -- that  
 18 money goes to wherever. So if Chicago takes profit  
 19 that the business is making, the same amount of  
 20 money is still in this town, but I was paid out --  
 21 basically, you know, it's my business and what I  
 22 received, but all the money that I received, I put  
 23 it right back into Bloomington and am going to  
 24 fire-up another business. And it was good. We need

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1 competition.  
 2 And the other thing is, the one thing that  
 3 really bothers me, I feel a lot of the reason why  
 4 people were upset when I would go to talk to  
 5 somebody, oh, you know, this is why I'm upset, this  
 6 is why I don't like it, there was so much false  
 7 information being put out there by multiple people,  
 8 it wasn't one person, and I'm sure a lot of these  
 9 people were passionate about it and were upset about  
 10 it because once somebody hears something that's not  
 11 false or somebody hears it from somebody else and  
 12 it's fact and I'm following behind this all the  
 13 time.  
 14 What I wanted to say is what I've put out  
 15 there is my name is on our website, it's on a  
 16 mailer -- I didn't mean a mailer, it's on a sign.  
 17 If anybody has a question or concern, they talk  
 18 directly to me. I still own all the property, I  
 19 still have skin in this game, and I will make sure  
 20 that Lakeshore is successful and do what they say  
 21 they're going to do because this is my name. I'm on  
 22 it. And I will continue to live in Bloomington and  
 23 serve Bloomington and make sure that this is done  
 24 well.

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1 So I ask that you vote yes, and the truth  
 2 of it is I feel like you have no choice. This is  
 3 needed, and it's not only needed for us in the  
 4 community, it's needed for whoever is next. If  
 5 there's not another transfer station in this town,  
 6 there will never be another person like me because  
 7 there's no opportunity. The rules are getting  
 8 stronger and stricter, and, you know, people fight  
 9 the fight to protect what it is that they have and  
 10 eliminate somebody else from, you know, great  
 11 opportunity. This needs to be done. I'm with K.J.  
 12 Do three transfer stations, do four transfer  
 13 stations.  
 14 Throughout my business career, I will tell  
 15 you if somebody else can do it cheaper than me. If  
 16 somebody can do it cheaper than me, I say, hey, I'm  
 17 going to be square with you, this guy can do it  
 18 cheaper than me. That's how I do things. I will  
 19 teach somebody how to do anything that I know how to  
 20 do. If you can do it better than me, do it all.  
 21 And that's how I believe in this. We need another  
 22 one for whoever's next. So vote yes. Thank you.  
 23 **HEARING OFFICER PRICE:** All right, that  
 24 concludes the public comment that I got from people

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1 who were signed up.  
 2 **MR. SIERRA:** I'm sorry, the board would  
 3 like to know if someone steps out and that person  
 4 had signed up for public comment and returned, could  
 5 that person be allowed to provide public comment  
 6 now?  
 7 **HEARING OFFICER PRICE:** Is there such a  
 8 person?  
 9 **VOICE:** Yes.  
 10 **HEARING OFFICER PRICE:** Okay, come  
 11 forward.  
 12 **MS. FULTON:** Thank you. I know you all  
 13 had a long day. My name is Shannon Fulton. I live  
 14 in El Paso, Illinois, in Woodford County, and I'm  
 15 here today to add my public comments in support of  
 16 Henson's disposal transfer station application.  
 17 While I live in Woodford County, I lead a  
 18 business in Bloomington, StraightUp Solar, which  
 19 employs 30 people living in and adjacent to McLean  
 20 County. While I'm not here representing StraightUp,  
 21 I'm representing our business interests. And our  
 22 business does generate construction debris that is  
 23 recyclable, and it's important to us that this  
 24 service is affordable and not only affordable but

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1 effective, meaning that the recyclable materials  
 2 are, in fact, being recycled and that we can count  
 3 on that and that it's being optimized as part of the  
 4 services provided in this community.  
 5 We're a certified B Corporation, and as a  
 6 triple bottom line company that places people and  
 7 planet on the same plane as profit, we're committed  
 8 to waste minimization and responsible handling of  
 9 recyclable materials. So, as I said, it's important  
 10 that the services we access are affordable.  
 11 Businesses like Henson Disposal, whose  
 12 recycling services also contribute to  
 13 sustainability, are important in the effort to keep  
 14 local recycling services affordable. Those services  
 15 provided in the residential, commercial and  
 16 construction space are much needed for our business  
 17 and in our community, and if the addition of this  
 18 transfer station can help optimize materials  
 19 recycling and reduce the costs associated with  
 20 recycling those materials that would otherwise end  
 21 up in a landfill, I'm happy to stand here and  
 22 publicly support it. Thank you.  
 23 **HEARING OFFICER PRICE:** Thank you. Is  
 24 there anybody else? All right. So that does

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1 conclude under the siting ordinance of the county  
 2 what they have called the evidence-gathering portion  
 3 of the hearing, which includes not only the sworn  
 4 testimony presented by those under oath but also the  
 5 public comment portion of the record, the oral  
 6 public comment.  
 7 This now starts a 30-day period for the  
 8 receipt of written comments to be deposited with the  
 9 clerk's office, and then that will be shared with  
 10 the parties, the applicants and Republic Services.  
 11 Unfortunately 30 days from now is December 30th.  
 12 The county is not open on the 30th or the 31st or  
 13 the 1st, so the deadline will be extended to January  
 14 2. That will be the day of the final, Tuesday,  
 15 January 2nd. That's when everything needs to be in,  
 16 either delivered by that date or postmarked by  
 17 January 2, 2024.  
 18 By January 2, under the siting ordinance,  
 19 all final staff reports are to be submitted as well.  
 20 So all final staff reports by January 2, 2024.  
 21 Thereafter, I would like to receive from  
 22 the applicant and Republic Services proposed  
 23 findings of fact and conclusions of law and any  
 24 argument you wish to submit on the legal issues

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1 raised already. All of those documents should be  
 2 submitted.  
 3 Thereafter, I will deliver and tender to  
 4 the county my report on -- if I get it on January  
 5 5th, I will tender my report by January 10th, and  
 6 thereafter the county can schedule what is called  
 7 for, which is the public review meeting of the  
 8 McLean County Regional Pollution Control Siting  
 9 Hearing Committee, at which time you'll have all of  
 10 those reports, both from the parties, from myself,  
 11 all the public comment, the entire record, and it  
 12 will be up to you to make your recommendations to  
 13 the county board, and then thereafter the county  
 14 board has to meet and make its decision.  
 15 Are there any questions from the county  
 16 board or the committee? All right.  
 17 **MR. SIERRA:** No, thank you.  
 18 **HEARING OFFICER PRICE:** Then I declare the  
 19 hearing closed at 5:57 on November 30th. Again,  
 20 written comment by January 2nd or postmarked by  
 21 January 2nd, proposed findings of fact and  
 22 conclusions of law by January 5th, my report by  
 23 January 10th, and it's yours. Thank you all.  
 24 (Adjourned at 5:58 p.m.)

1 STATE OF ILLINOIS )  
2 COUNTY OF FORD )SS

3  
4 I, June Haeme, a Notary Public in and for  
5 the County of Ford, State of Illinois, do hereby  
6 certify that Public Siting Hearing was taken at the  
7 McLean County Government Center, 115 East Washington  
8 Street, Bloomington, Illinois, on November 30, 2023.

9 That the said Public Siting Hearing was  
10 taken down in stenograph notes and afterwards  
11 reduced to typewriting under my instruction and that  
12 the transcript is a true record of the testimony  
13 given.

14 I do further certify that I am a  
15 disinterested person in this cause of action; that I  
16 am not a relative, or otherwise interested in the  
17 event of this action, and am not in the employ of  
18 the attorneys for either party.

19 IN WITNESS WHEREOF, I have hereunto set my  
20 hand and affixed my notarial seal this 8th day of  
21 December, 2023.

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JUNE HAEME, CSR  
NOTARY PUBLIC

"OFFICIAL SEAL"  
June Haeme  
Notary Public, State of Illinois  
My Commission Expires:  
September 28, 2024



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<p><b>6 (2)</b> 199:18;252:12</p> <p><b>6.16 (1)</b> 260:10</p> <p><b>6:00 (5)</b> 203:18,19,23,23; 331:5</p> <p><b>60 (1)</b> 363:7</p> <p><b>607 (2)</b> 289:13;290:1</p> <p><b>61701 (1)</b> 349:9</p> <p><b>61748 (1)</b> 331:21</p> <p><b>6th (5)</b> 264:7,16;272:10; 275:13;276:22</p>				
<b>7</b>				
<p><b>7 (2)</b> 275:23;368:19</p> <p><b>7.84 (2)</b> 288:22;289:19</p> <p><b>70 (1)</b> 237:14</p> <p><b>750 (2)</b> 209:7;223:4</p> <p><b>77 (2)</b> 228:20;229:23</p> <p><b>7734 (1)</b> 357:12</p>				
<b>8</b>				
<p><b>8 (3)</b> 275:23;323:11; 368:19</p> <p><b>80 (2)</b> 290:22;314:8</p> <p><b>800 (1)</b> 252:12</p> <p><b>84 (1)</b> 288:4</p>				
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