

STATE OF ILLINOIS

IN RE: THE APPLICATION FOR)
APPROVAL OF THE DEKALB)
COUNTY LANDFILL EXPANSION,) Kishwaukee
) Community College
)
) DeKalb, Illinois
) March 11, 2010

Hearing commenced, pursuant to assignment, at
1:09 p.m.

BEFORE:

JOHN J. MCCARTHY, Hearing Officer.

POLLUTION CONTROL FACILITY COMMITTEE MEMBERS

PRESENT:

Paul Stoddard
Ken Andersen
Michael Haines
Ruth Anne Tobias
Marlene Allen
Patricia Vary

REGISTERED OBJECTORS PRESENT:

Dan Kenney
Mike McIntyre
Roger Steimel
Dan Steimel
Clay Campbell

REPORTER:

Callie Bodmer,
Certified Shorthand Reporters,
Dixon, Illinois.

APPEARANCES:

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Illinois, Inc. as the Applicant.

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HEARING OFFICER MCCARTHY: Let's reconvene the public hearing. It's a little after 1 o'clock.

I'd like to start again by having the attorneys for the respective parties introduce themselves.

MR. MORAN: Yes, Donald Moran on behalf of the Applicant, Waste Management of Illinois, Inc.

MS. CIPRIANO: Renee Cipriano on behalf of the County.

HEARING OFFICER MCCARTHY: And then will the objectors.

MR. MCINTYRE: I am -- I do not have a microphone.

AUDIENCE MEMBER: I don't think any of the microphones work. I didn't hear yours, I didn't hear Renee's.

MS. CIPRIANO: Didn't sound like it was on.

MR. MCINTYRE: I am Mack McIntyre with the Objectors. I'm a resident of DeKalb.

MR. CAMPBELL: My name is Clay Campbell. I'm also one of the Objectors. I'm a resident

of the City of Sycamore.

MR. KENNEY: Dan Kenney, Chair of Stop the DeKalb Mega Dump, the citizens group, as well as representing myself as a citizen of DeKalb.

HEARING OFFICER MCCARTHY: Mr. Roger Steimel.

ROGER STEIMEL: Roger Steimel, DeKalb.

DAN STEIMEL: Dan Steimel, DeKalb.

HEARING OFFICER MCCARTHY: And then what I would like to do is have the members -- there's a couple of new members, I think, of the committee here, so if the -- if the committee would introduce themselves again.

MR. HAINES: Michael Haines, District 2 County Board.

MS. TOBIAS: Ruth Anne Tobias, District 6, DeKalb County Board Chair.

MS. VARY: Pat Vary, District 10, DeKalb County Board.

MS. ALLEN: Marlene Allen, District 12 DeKalb County Board.

MR. ANDERSEN: Ken Andersen, District 3.

MR. STODDARD: Paul Stoddard, District 9.

HEARING OFFICER MCCARTHY: Okay. Are

there any other members of the County Board? I see at least one. Would you introduce yourself?

MR. AUGSBURGER: Jerry Augsburg, District 7, County Board.

MR. TODD: Mark Todd, County Board, District 11.

MR. WALT: Steve Walt, County Board, District 6.

HEARING OFFICER MCCARTHY: Any other members of the County Board present?

Okay. If we -- Pat, are we still having problems with the microphones?

UNIDENTIFIED SPEAKER: Yeah, I got to get somebody down here.

HEARING OFFICER MCCARTHY: We'll take -- until that problem is solved let's go off the record.

(A discussion was held off the record.)

HEARING OFFICER MCCARTHY: With that, let's reconvene the public hearing.

When we adjourned last Friday evening about 7 o'clock Dr. Serewicz -- I hope I'm pronouncing that correct --

MR. SEREWICZ: Yes.

HEARING OFFICER MCCARTHY: -- was testifying, and we had concluded I think the direct examination. There were some questions by members of the County Board or the Committee, and I think we were going to begin now with the cross-examination by Mr. Moran.

MR. MORAN: Thank you, Mr. Hearing Officer.

CROSS-EXAMINATION

BY MR. MORAN:

Q. Doctor, last Friday you gave us an opinion regarding Criterion 2; is that correct?

A. I don't remember that. I was asked to give an opinion for the Board, and if you'd like to refresh my memory what I said.

Q. So at this point you don't recall any testimony you gave regarding an opinion regarding Criterion 2; would that be fair?

A. No. I thought you said an opinion in relation to the total hearing. I have many opinions and I have much knowledge of information and that was my purpose of being here, to illuminate the Board, to illuminate the proceedings.

Q. And what I was asking you was did you give any opinion on Criterion 2 as it relates to the proposed expansion?

A. I don't -- I'm not familiar with what Criterion 2 is.

Q. So would it be accurate to say then that your testimony on Friday did not provide any opinion with respect to Criterion 2 in this proposed expansion; would that be correct?

A. No. I hope it will provide information to form an opinion, yes. That's my purpose of being here is to fully illuminate the problems and possible solutions to using a landfill as a resort for recycling.

Q. What was your opinion on Criterion 2 as it related to this expansion?

MR. CAMPBELL: Mr. Hearing Officer, if you would just refer him on what Criteria 2 is. This is a week ago, it's been a fairly lengthy hearing. He's indicating that he doesn't specifically recall exactly what Criterion 2 is.

HEARING OFFICER MCCARTHY: Would you refresh his memory, Mr. Moran?

Q. Doctor, have you ever reviewed Criterion 2 as

it appears in the Illinois Environmental Protection Act?

A. No, I haven't.

Q. Okay, so whatever testimony you gave on Friday is -- it was without any knowledge of what Criterion 2 says?

MR. CAMPBELL: Mr. Hearing Officer --

Q. Would that be accurate?

MR. CAMPBELL: -- same objection. Refresh him on what Criterion 2 is.

A. No, it is not. I have read the manuals for the Illinois EPA, the United States EPA and OSHA, and I have read them with respect to whatever problem I had been interested in. Now, if you want an answer on Criterion 2, I think you'll have to really rephrase the question.

Q. Does Criterion 2 provide that a proposed pollution control facility must be designed, located and proposed to be operated so as to protect the public health, safety and welfare? Is that what Criterion 2 says?

A. Once again, I would ask you to rephrase the question into exactly what Criterion 2 states.

HEARING OFFICER MCCARTHY: Well, I --

Mr. -- or, Doctor, I think what he's saying is is that what Criterion 2 states.

MR. SEREWICZ: I think he'll have to rephrase the question into defining Criterion 2.

Q. I will ask the question again, Doctor. Does Criterion 2 provide that a proposed new pollution control facility must be designed, located and proposed to be operated so as to protect the public health, safety and welfare?

A. Can you read the details of Criterion 2?

Q. I believe I just did, but I will state it again. Does it refresh your recollection to know that Criterion 2 provides that an Applicant must establish that a proposed new pollution control facility should be designed, located and proposed to be operated so as to protect the public health, safety and welfare?

A. That sounds reasonable, yes.

Q. Sorry, I'm not asking if it sounds reasonable. I'm asking you if that's what Criterion 2 provides?

A. Once again, your statement, is that a reasonable statement whether it conforms to what you are reading there in Criterion 2, I don't

know.

Q. So it doesn't refresh your recollection from me to have read to you the statement contained in the statute as to what Criterion 2 says? That doesn't refresh your recollection; would that be correct?

A. I, once again, will refer to the statute as having to be read, or in my case if you would allow me to read it then I can form a positive opinion on it.

Q. Would it be accurate to say that as of this moment you have not read Criterion 2 in Section 39.2 of the Illinois Environmental Protection Act?

A. I wouldn't be able to answer that question because I don't read it in terms of numbers, I read it in terms of content. So I read documents and do not always retain the exact classification.

Q. What opinion did you give on Friday with respect to Criterion 2 and the proposed expansion?

A. Once again, I gave opinions as to the way in which people and property can be protected, the

way in which people and property can be exposed to toxic material, and the chemistry involved.

Q. Was it your opinion that the proposed expansion was not designed to protect the public health, safety and welfare?

A. I didn't give an opinion on that, but I am stating in terms of theoretical landfills I know what the final result will be. But in terms of that particular landfill, I don't have the knowledge of what went into it and what exactly was there beforehand, what is exactly there now, and the material. I was aware from your geologist's statement of what they presented, but this was peripheral knowledge, it was not a complete definition. And so on peripheral knowledge I can only say that I understood what was there.

As far as landfills are concerned, I think they are the last resort for recycling.

Landfills are intrinsically dangerous. And one reason is if you look at the material here I have put up on the board --

Q. Doctor, Doctor, thank you. I think you have answered my question. I have another question.

Doctor, did you give an opinion as to whether the proposed expansion is located so as to protect the public health, safety and welfare?

A. The particular expansion has many difficulties with it. The primary one is the fact that in the plume of the gaseous discharge --

Q. Excuse me for just a minute, Doctor.

Mr. Hearing Officer, could you perhaps direct the witness to answer the question?

MR. CAMPBELL: Your Honor, I think he was answering the question.

HEARING OFFICER MCCARTHY: Just try to answer the question that Mr. Moran poses.

Q. Let me --

A. -- try again.

Q. I'll try again, thank you. Doctor, did you or do you have an opinion as to whether the proposed expansion is located so as to protect the public health, safety and welfare?

A. Whether the --

Q. It's a yes or no answer.

A. Whether the proposed expansion is --

Q. Located.

A. -- located --

Q. -- so as to protect the public health, safety and welfare?

A. No.

Q. Doctor, have you given us or do you have an opinion as to whether the proposed expansion is proposed to be operated to protect the public health, safety and welfare?

A. Would you repeat that?

Q. Yes. Do you have an opinion as to whether the proposed expansion is proposed to be operated to protect the public health, safety and welfare?

A. I believe it was their intention to set out the perimeters for safe operation, but the -- the exposition of this was too peripheral to make a final decision.

Q. Let me ask it again. Do you have an opinion as to whether the proposed expansion is proposed to be operated so as to protect the public health, safety and welfare?

A. Well, my opinion is that there hasn't been enough information given to make a decision.

Q. To make a decision on what?

A. On whether the material -- the landfill will be

operated in terms of public safety.

Q. Have you ever reviewed the proposed operation of a pollution control facility prior to your participation in this hearing?

A. Yes, I have.

Q. For what landfill or pollution control facility had you reviewed the proposed operations of?

A. I reviewed the Four County Landfill operation in -- near Rochester, Indiana. I reviewed a landfill operation north of Pittsburgh. I reviewed the landfill operation in my own cistern when I cut into a 125-year-old cistern and found that there was still hydrogen sulfide in the form of iron sulfide in my cistern behind my house. That's a landfill. That's a landfill. So I have reviewed those.

Q. And with respect to the landfill -- I think you said it was in Pittsburgh?

A. North of Pittsburgh.

Q. North of Pittsburgh. When did you review the proposed operation of that landfill?

A. That was perhaps back in the 1980s.

Q. So 20 or 30 years ago?

A. Correct.

Q. And the other landfill that you mentioned before that?

A. Four County Landfill.

Q. And where is that located?

A. Near Rochester, Indiana.

Q. And when did you review those operations?

A. 1995.

Q. Have you reviewed any portion of this site location application as it relates to the proposed operation of the expansion?

A. I was here in the meeting. It was not available to me for -- anything besides what was presented on the video, the -- that's the only thing I could review.

Q. So you didn't review any part of the siting application that's been admitted as Petitioner's Exhibit 1 in this case, correct?

A. I did not review what I was not privy to, correct.

MR. MORAN: Thank you, Doctor. I have no further questions.

HEARING OFFICER MCCARTHY: Thank you, Mr. Moran.

Any redirect?

MR. CAMPBELL: Briefly.

REDIRECT EXAMINATION

BY MR. CAMPBELL:

Q. Professor, you're not a lawyer, are you?

A. Pardon?

Q. You're not a lawyer?

A. No.

Q. You're not first in reviewing legal requirements for landfills; is that a fair statement?

A. Correct.

Q. Your expertise is gases?

A. Yes.

Q. In fact, you testified previously you have been a professor for 50 years, you worked in the chemical industry for 50 years?

A. Correct.

Q. And would it be fair to say that the testimony that you presented last week was primarily in regards to hydrogen sulfide?

A. Exactly.

Q. And the dangers in your opinion that arise from hydrogen sulfide?

A. Yes.

Q. And Counsel just asked you if you happened to read the 6,000 page -- over 6,000 page application and you testified that you had not; is that correct?

A. Correct.

Q. But you have been present here during this entire presentation by Waste Management; is that correct?

A. Exactly, correct, every day, every hour.

Q. And you heard every single witness testifying?

A. As best of my ability, yes. I'm a little hard of hearing.

Q. To the best of your 84 years, correct?

A. Well, we won't go into that.

Q. Sir, did you hear any witnesses presented by Waste Management during their presentation that in your expert opinion were qualified to testify on the dangers of hydrogen sulfide?

MR. MORAN: Objection.

HEARING OFFICER MCCARTHY: Sustained.

Q. Your testimony in this particular instance, Counsel just asked you about Criterion 2; is that correct?

A. That's correct.

Q. And you indicated that you hadn't personally sat down and read Criterion 2; is that correct?

A. No, I said that I have read a number of criteria, I never identified the criterion with a particular number. I read it for information, not for a legal identification.

Q. Again --

A. If you would present Criterion 2, I certainly would really read it and form an opinion very quickly.

Q. You did testify last week in regards to an opinion in terms of the safety of this particular landfill, did you not?

A. Yes.

Q. And it was your opinion, as I recall, that this was an unsafe proposed expansion of this landfill; is that correct?

MR. MORAN: Objection, mischaracterizes his testimony and what he said last week.

HEARING OFFICER MCCARTHY: Would you rephrase that question, Mr. Campbell?

MR. CAMPBELL: Yes, sir.

Although you didn't specifically testify, Professor, in regards to the specific language

of Criterion 2, you did testify that you felt that this proposed landfill was unsafe; is that correct?

MR. MORAN: Objection, that's not what he testified to.

Q. Professor, did you testify that this proposed landfill was unsafe?

A. Yes.

Q. And could you tell the Ladies and Gentlemen present here today why you feel -- why you felt then and why you feel now that this particular presentation --

A. Well --

Q. -- is unsafe?

A. -- I feel all landfills are unsafe. They are the last resort for recycling. And the reason is because chemicals by their nature will change into toxic materials when they are buried in reaction without oxidation, without air.

I have the illustration up here that the structural materials that we are familiar with in our world is carbon, as you know, carbohydrates, trees; nitrogen, it's in the air; phosphorus, we have phosphates in the bone;

sulfur, we have sulfur in our body, we have sulfur around us.

Now, when you keep these things in the air, carbon goes to carbon dioxide and we call it -- it loses electrons, but that means that that is what's happened, oxidation. When you bury it, as we know, when vegetation was buried in the earth, we have petroleum, and we get methane in the landfill. This is a reduced number of electrons.

With nitrogen, very benign, in the air. When we expose it to air we get, first of all, a compound called nitrous oxide. They even use it as an anesthesia, laughing gas. It also has a plus oxidation. When we bury that in reaction we get ammonia. Once again, the number of electrons are changed.

Phosphorus as it exists -- it's probably very difficult to find, but it is an element that can usually be controlled. When we oxidize it we get the phosphates, you know very well -- very common in the body, in the bones. Common with phosphoric acid that we take in soft drinks. When you bury it, phosphene, got

hydrogen on it. Once again, toxic material.

Sulfur, I showed the people what sulfur looked like. Use it on the garden against fungus, even use on the skin against acne, very good. When you oxidize it, sulfur dioxide. Now, it's not benign but it is caustic, which means it works on the outside, and you get plenty of warning when it comes, you'll feel it.

When you take the sulfur, bury it, you get the hydrogens around it, toxic, very toxic, and insidiously toxic because it has a characteristic that when you have more than a few breaths you can't recognize that the concentration is increasing. And, in fact, the toxicity goes down way below the perceptive level of it so that as people who operate landfills are recognizing -- for instance, the landfill in Maine where they never had landfills there before, and they have set through the EPA new regulations instead of 1 part per million being the operational level it is down near 1 part per billion, and so you have an entirely different range. This is the US EPA 2008. We cannot tolerate what was put into regs 60 years

ago. We're living in a highly confined technological era, and we have to conform to that.

So here you have the crux of the problem. Bury sulfur and you bury -- and create toxicity. Open it to the air and you can work with it. And that is the whole crux of this. Can we, in what they have presented, see the hope of being able to work with them? And the problem lies not just with this but the fact that you have no real control over the material going in there.

As you prob -- I don't know if you have seen my new vitae, if you could --

Q. Professor, you today brought a more expanded curriculum vitae and presented it?

A. The Board had one which I had used many years ago and I thought it was just simple, but since it has become a matter of credibility I thought I would expand my vitae to show you all of the experiences that I have had with Waste Management.

And I haven't used landfills, and the reason is because if you control the source of the material that you want to recycle then you

can recycle it safely. If you come along, if you have no control of the exact materials, then you are playing with a bomb.

Europe, Germany, France, England do not have landfills. They recycle very carefully, and it is the responsibility of the industry or the person who is trying to recycle to make sure that segregation is done at that site. We have a democracy here so we trust people.

But when you have something as lethal as hydrogen sulfide, and the lethality is just coming out, and if you want to ask anyone about how lethal hydrogen sulfide is -- talk to a farm manager, a manager with animals, there is always a danger of generating hydrogen sulfide with animals. And the farmer protects them, protects them unknowingly.

I asked one farmer who's raising swine, I said, have you had any difficulty with lameness with your animals, because this is a deficiency of zinc. And his answer was, oh, no, we protect it -- no, that's an old thing, we protect it now by giving them trace element supplements.

Now, it seems strange, zinc is -- shortage

of zinc leads to lameness, they give zinc in there. Well, why should they give zinc to the animals? I mean, that's certainly nature, they're not eating fast foods, they're not dissipating, so why don't they have enough zinc. The reason is because when hydrogen sulfide is breathed by the animals, like a hog, or breathed by us the first thing that happens is the minerals, the metals are entirely taken out of action.

Now, they have done tests with guinea pigs where they have given them hydrogen sulfide, enough so that they will die, and they will try an antidote. What is the antidote that they try that was most successful? Vitamin B-12. Why? Because it has cobalt in it. When hydrogen sulfide comes in contact with cobalt it's gone, it's gone forever. The solubility of that has 20 zeros in front of it. The solubility of glass in water has only six zeros. So it's three more times more insoluble than glass in water.

Now, what happens, it immediately precipitates in the body. It's not useful. So

these animals with Vitamin B, with cobalt can now survive. 85 percent, 90 percent survival if you give them that Vitamin B-12 when they were poisoned with hydrogen sulfide.

Now, what is Vitamin B-12 in terms of our use in the body? First of all, as you know, it's connected with folic acid, reproduction, birth defects. So here you have -- when Vitamin B-12 has been eliminated or short-circuited or in low content you have these difficulties. And if you cannot smell the amount of hydrogen sulfide coming through you are at risk.

Now, I can go through and I can list. Copper, same way. What happens when there's a copper deficiency? Well, they took turkeys in 1957, the USDA, and they give them special feed, because they were growing a lot of turkeys and they said this is the thing to make turkeys grow. 500,000 of them died that year. They were dropping over like flies. And they said, oh, what's going on, this is the USDA recommendation for feed. And so they looked at this -- I think they were made by Purina, and they tried to add some things to help it.

Finally they added copper, the next year doubled the copper, no turkeys died.

Now, how did the turkeys die? It was ruptured aortas. Now, you look at the number of people around here who might have bypass surgery, and they say, well, that is a plaque in there. It also -- the plaque is there because of the fact that the body is trying to protect weak blood vessels. And so if you are concerned about stroke or thrombosis, look to the amount of copper that you have in your diet.

The same way with copper zinc. Now, you go down through the list, all of these will be affected. Chemistry how we determine easily metal analysis, we take metals in solution and we bubble a gas through there in order to precipitate all of it. What is that gas? Hydrogen sulfide.

Q. Professor, if I might, is it your opinion -- and, again, it was a week ago that you testified. Is it your opinion that it's the emission of the hydrogen sulfide from this landfill that is a danger?

A. Yes.

Q. And is it because -- I don't want to put words in your mouth. Is it because the gas from the --

A. That would be a hard job.

Q. -- is it because the gas from the landfill can travel to where the people are?

MR. MORAN: Objection, foundation.

A. I testified --

Q. Professor, hold on.

HEARING OFFICER MCCARTHY: Sustained.

Q. You testified that you knew there was a grade school within close proximity of this landfill; is that correct?

A. That's correct.

Q. And you also testified that you had prior experience actually testing air samples; is that correct?

A. Yes.

Q. And I think you gave us an intimate dissertation on how exactly those analyzers analyze the air; is that correct?

A. That's correct.

Q. In fact, I think you further testified that you have actually tested air for the presence of

hydrogen sulfide; is that correct?

A. That's correct.

Q. Did you hear any testimony presented by Waste Management in regards to the testing of the air quality around this elementary school?

A. That I -- yes, I did.

Q. And do you recall what you heard in regards to the testing around the elementary school?

A. Exactly.

Q. What do you recall that that -- that being?

A. That they use badges that indicate when the concentration is 10 parts per million --

Q. Not the monitors in the actual landfill.

MR. MORAN: Objection. He's telling the witness what to say.

Q. Continue your answer, Professor.

A. That they have badges to protect the workers when the level of hydrogen sulfide has reached 10 parts per million, and that this protection is extended through wherever these people operate with badges. I heard nothing about testing on the outside of the landfill. And I heard testimony about the efforts to reduce the hydrogen sulfide using a flare that burns off

the hydrogen sulfide and the methane and any other gases which may accumulate.

But I also visually have examined the flare that is being used at this landfill site, and I have smelled the hydrogen sulfide coming out, and I see that the flare is not working efficiently.

Q. Which means --

A. The flare is covered with carbon, and that means that the carbon -- as I have illustrated there (indicating) -- has not gone to carbon dioxide. The methane has only gone this far (indicating). Methane is in there and it went to carbon. For proper oxidation it should have been to carbon dioxide.

So the same way, that is a very flammable gas. Hydrogen sulfide is a much less flammable gas. It certainly is not going to be an effect. In fact, in a turbulent flow -- and I have credentials for being able to examine turbulent flow -- you have the heavier gases move slower, they move to the cold peripheral of a flame.

The heaviest gas in there is carbon dioxide, which has a molecular weight of 44; and

then you have hydrogen sulfide, which has a molecular weight of 34; you have oxygen, which has a molecular weight of 32; and you get down to methane, which has a molecular weight of 16. Hydrogen has a molecular weight of 1 or 2, as the hydrogen molecule goes.

So you see, hydrogen burns first, methane burns 16 times slower. Then you get to the hydrogen sulfide, it is three times slower, so it's escaping this inefficient flame that's there. And why? First of all, if they would follow the regs that are currently present they would have sufficient flow of the gas, it would be more uniform, the nozzle would be of the ultimate design, and then they hope that this will give them an efficient flame.

So far from observing -- and I drive by there about once a month, I observe the flare is covered with carbon; therefore, I smell the hydrogen sulfide. I know that that is not an efficient disposal of that particular material.

Q. Professor --

A. That's a personal examination.

Q. Professor, if the flare doesn't catch -- if the

flame doesn't burn off all the hydrogen sulfide, and I think you just said it escapes, where does it go?

A. That's correct.

Q. Where does it go?

A. It goes -- because it is heavier than air, it goes like a liquid downhill, which means it goes through the highway over to Cortland where there is a school.

(Objector's Exhibit No. 3 marked
for identification.)

Q. Professor, you have just allowed Mr. Kenney to disburse your curriculum vitae. Does this curriculum vitae fairly and accurately represent your career as it pertains to not only your education but your occupation as a chemist, as well as your publications and experience?

A. Correct.

MR. CAMPBELL: I have nothing further,
Mr. Hearing Officer.

HEARING OFFICER MCCARTHY: Mr. McIntyre?

MR. MCINTYRE: Dr. Serewicz, I have a couple of questions, if I could, mine are of the nonscientific variety.

REDIRECT EXAMINATION

BY MR. MCINTYRE:

Q. Have you been paid anything to testify here?

A. Yes.

Q. You have been?

A. Pardon?

Q. Have you been paid?

A. Oh no, no.

Q. Have you met any of the objectors --

A. No, I --

Q. -- prior to this hearing?

A. The first time I met Mr. Campbell was when we came in and I had -- I have not known him, I have not met him, I have not met you. The only one I knew was Roger Steimel, and that's just casually. We met in church.

Q. Good place to meet. So you're a resident of DeKalb County?

A. Yes.

Q. Where do you live?

A. 403 South Second Street, DeKalb.

MR. MCINTYRE: Thank you for being here.
That's all the questions I have.

HEARING OFFICER MCCARTHY: Thank you.

Mr. Kenney?

REDIRECT EXAMINATION

BY MR. KENNEY:

Q. Doctor, would you say that -- is there -- can you clarify for me, you said that not all the hydrogen sulfide is burned; is that correct?

A. Correct.

Q. And that it is flowing down -- downhill towards the elementary school?

A. Correct.

Q. The HVAC systems of our schools are required to bring in 40 percent of outside air into the building all day long while the students are in there. Would you say there's any danger to the students with the hydrogen sulfide that's coming into the schools?

A. I would say there's danger because we are in the plume and danger because they are very young children. There's two dangers right there.

Q. Can you elaborate a little bit more on the dangers to them as young children as opposed to adults?

A. Yes. Young children, first of all, have a greater amount of opportunity to take air in.

They are more active, so they actually breathe faster. They are lower down in the room, and so they are exposed to the heavier gases that come in. In fact, they are close to the drains, and in case the drains are not fully isolated they might be much more exposed to that. They are growing, and so their development needs more good components to overcome any difficulties. They have not fully operated their body and so they are more susceptible. Such as Vitamin B-12, which is growth, this is where that is needed, and that is part of the whole fragile nature of that.

Q. Thank you. Would you also say then it's safe to say that young children in that housing development around the school would be in danger also?

MR. MORAN: Objection, foundation.

MR. KENNEY: Because the gentleman has just testified that there is a danger to children in the elementary school, I would assume there would be a danger to children next door in the houses.

HEARING OFFICER MCCARTHY: I'm going to

overrule the objection.

You can answer, if you know.

- A. Well, there's one part about hydrogen sulfide from landfills which is known and is not always understood, and that is the hydrogen sulfide that evolves from the landfill itself that leaks through their cover is always stronger at night and, of course, this is when people are in their homes, this is when people tend to open their windows. And so from the literature it states that a landfill near residences is very dangerous because of this fact that people are more exposed to outside currents, especially in the summertime when the heat is high, when reactions that take place outside are at a higher rate.

And it is well known in chemistry that every time you raise the temperature 20 degrees you double the rate. So in the wintertime let's say the average temperature is 20, and in the summertime the average temperature is 80, you see you have raised that three full times, see. So you double that rate, two, double that rate, four, double that rate, eight. So you got eight

times more the possibility of having hydrogen sulfide come in the summertime when your windows are open. And if they have children, they are going to be that much more susceptible to the gas.

MR. MORAN: Mr. Hearing Officer, move to strike that entire response as being entirely nonresponsive to the question and constituting nothing but hearsay.

HEARING OFFICER MCCARTHY: Overruled.

MR. KENNEY: Thank you very much. No further questions.

HEARING OFFICER MCCARTHY: Mr. Roger Steimel?

ROGER STEIMEL: I have none.

HEARING OFFICER MCCARTHY: Mr. Dan Steimel?

DAN STEIMEL: I have no questions.

HEARING OFFICER MCCARTHY: Does the County have any questions of this witness?

MS. CIPRIANO: Yes. Hello, Professor, can you hear me?

MR. SEREWICZ: Yes.

CROSS-EXAMINATION

BY MS. CIPRIANO:

Q. Today and last week you had mentioned being familiar with a landfill in Maine; is that correct?

A. Yes.

Q. And do you happen to recall the name of that particular landfill?

A. It's in the documents there. We have the documents on it. In fact, the documents on the new regs that came out in '08 came out with publications from Maine. Maine was the one that precipitated that landfill.

Q. You had mentioned last week that that particular landfill had four monitors around its perimeter; is that correct?

A. That's correct. In that paper they said that they had these specially-designed monitors which were electronic and would be reflective of the direction of the wind with a wind indicator so that they would be monitored at the same time that the wind velocity and the wind direction was monitored, and they were at the four corners of the landfill.

Q. And in your opinion would that -- does that

render that particular landfill as being monitored properly, in your opinion?

- A. Yes. And the results from that show that even though a regular amount of gas was not determined going during the day over the landfill, from the recordings they saw it go from 1 part per billion up to 30 parts per billion. So it shows you how irregular the reaction is that takes place within a landfill because of the fact that you have solid, solid reaction of unknown composition where you have cells that they try to help dissipate it but it is just too heterogenous to really efficiently control it.

MS. CIPRIANO: Thank you. Thank you, Professor.

HEARING OFFICER MCCARTHY: Any members of the committee have questions? Yes, sir.

CROSS-EXAMINATION

BY MR. HAINES:

- Q. I wasn't here for the last hour on Friday -- the last hour of your testimony on Friday.
- A. Yeah.
- Q. But I have heard all the rest of it. If you

have already answered this --

A. I'll talk again.

Q. -- bear with me. Okay. From my notes here, you described even low concentrations of hydrogen sulfide are toxic or dangerous?

A. They have established that anything above 20 parts per billion is toxic.

Q. Okay.

A. And you can see why. It is not a gradual thing that the body becomes accustomed to, and that's the body's protection. When it gets a toxin in there and it comes in gradually it builds up antibodies, but hydrogen sulfide reacts so fast that the body does not see the reagent, it sees the sulfide and the damage and then it simply tries to remove that.

Q. Okay, so is the -- you might have just answered it. The exposure that's most dangerous, are we talking about episodic, like one-time exposure, or chronic long-term exposure to low levels?

A. Low levels, as well as high levels, are the same reaction. It attacks metals. When it's a high concentration it actually suffocates the person. They don't die of the actual hydrogen

sulfide poison.

In fact, I witnessed a horrible accident in a plant in which I was working, and we were in that plant, we were using hydrogen sulfide --

Q. I heard that testimony when you spoke about that.

A. Yeah, to precipitate the iron in the blood. And that's the same reaction that would go on, except when you start to suffocate you go down, you don't breathe, so there is no continuity.

When you're taking in a low concentration there's a steady attack, a steady attack, like with cobalt. That cobalt is being taken out with every breath.

Q. Okay. You also said, if I got it right, that diesel fuel has hydrogen sulfides in it?

A. If a diesel is operating under less-than-ideal conditions.

Q. Like when I start my tractor in the barn in the morning, it's got a lot of smell to it --

A. Yes.

Q. -- because it's just starting up, it's cold and it's inefficient.

A. When you idle the diesel.

Q. Right. And does sewer gas or septic gas have hydrogen sulfide in it?

A. No.

Q. Okay.

A. They add gas to the household gas, which is methane, and they're simply as a warning. They don't add hydrogen sulfide, they add --

Q. No, I just mean like sludge, sewage, metropolitan sewage.

A. Oh yeah, and it depends on the efficiency of the operation.

Q. Okay.

A. If the operation is working with sewage where it is flowing and it is not confined, then you have very little chance of the hydrogen sulfide being formed. If you cover it, if you put it in a pocket, if you don't let the air get to it, that's when the hydrogen sulfide works. It has to have this lower concentration oxygen, then it works.

Q. And you're talking about livestock operations can generate hydrogen sulfide?

A. Yes.

Q. So like when I smell my hog operation I have

got some hydrogen sulfide exposure?

A. There's a half a dozen instances every year of farm workers going into a stall that is -- has deep piles of manure and overturn it and they become overcome and die. So it is a danger.

Q. Well, you're scaring me, because I just told you I get exposed to diesel fumes from my car and my tractor, hog waste smells that occur regularly, as do many people in DeKalb County. Are we also at risk like the children in Cortland?

A. Yes, and the risk is not just the gas, the risk is the effect on the metals in your system.

Q. So we should all be taking B-12?

A. Well, as I once told somebody who was smoking in my presence, I don't spit in your water, why are you polluting my air. So the idea is that you eliminate that as much as possible. And precaution, if you have hogs and animals, feed them, that's a big help.

The city of Hartfield has closed their landfill. They just can't tolerate it. They have had to force diesels to put special reaction vessels on it.

That's why we have afterburners on the car, because these toxins are starting to accumulate and be a cumulative poison, not just a caustic poison but a cumulative poison.

MR. HAINES: Thank you.

CROSS-EXAMINATION

BY MS. VARY:

Q. Hi, I'm Pat Vary, and I missed last week because I was out of town, but I am reading all of the things that are going on.

I was just curious in your CV, are these your total publications or just the relevant ones?

A. No, just the relevant ones. I had to take out -- because in all operations you have things which you want to share with your co-workers, and I just tried to pull out those which have pertinence here.

Q. Because I'm a professor too, and I was just curious how many publications on the metals and so forth that you have.

A. Well, there's a lot of things that when I started to work for AHP, Wyeth Laboratory, they will not allow you to publish anything.

Q. That was the other question I was going to ask.

A. Yeah.

Q. Yeah.

A. And, in fact, my interest in nutrition came because there was so many things that when I would suggest it they would say you can't tackle it, don't work on it. And so now that I am free from their bondage, why, I am trying to do that. And this is one of the things that -- I have a little health book that I published, and that's leading to the idea that you have to pay attention to the metals in your system, the friendly metals, and there are quite a few. And it is a testimony, I think, to my efforts and my own body, because I was going downhill. And so I think I'm proud to be able to last some time.

MS. VARY: Thank you.

CROSS-EXAMINATION

BY MS. TOBIAS:

Q. Doctor, Ruth Anne Tobias, County Board District 6. Does the concentration of the hydrogen sulfide dissipate with distance once it's in the open air?

A. Oh yes, yes, and it's a standard thing for --

they can calculate it for the weight and for the concentration just how far it will dissipate. But this is a system that is flowing, and so you just don't have the burst and it dissipates like so many other things. This is a constant source, the site of the source is always constant. The wind direction is almost always the same. We get our wind from the west, mostly the northwest, and so that part is constant.

And as the landfill in Maine showed, you have a constant stream coming from these landfills with bursts, and they are not always related to the wind, they are related to the landfill itself. It is an uncontrolled reaction there. They do their best, I'm not saying -- I must compliment Waste Management, the plans they showed, which are idealized, are a valiant attempt to try to control something that is very difficult to control.

And I know personally -- and I mentioned this last time, I had some stock in Eastman Chemical, which is an outgrowth of Eastman Kodak, and they are very good at manufacturing a number of chemicals. They started to become

aware with the Clean Air Act of having to maintain and monitor all of their systems, and they spent so much money trying to control valves around the pipes that their stock went down dramatically, and I sold the thing, see.

Now, here they have a field operation with no interconnected pipes, they have a polymer shield with a pipe coming through it, but there is no actual threaded connection. There is simply a polymer seal between these. Somehow that polymer seal has to try to solve that. The polymer shield can be forced, holes can be punctured in it, there's a lot of little things that can happen to it that does not happen at a chemical processing plant, and still they have a problem.

So you see, when you bring it into the field with an uncontrolled reaction and a nonpermanent type of cover and piping system then you know it's going to be a difficult job.

CONTINUED CROSS-EXAMINATION

BY MS. VARY:

Q. I have another question, and that is can you identify -- or I'm thinking of Settler's Hill, I

used to live very close to that in St. Charles, and there are houses all around there, and also we had Blackwell Forest Preserve and that was another one there, and I am not aware of specific health problems in those areas. How do you identify gas problems that might be there?

A. Well, Settler's Hill was built as a model, and so every precaution was taken to ensure that there would be none -- no uncontrolled material going in. Every precaution was there. And so you say, yes, just like a model home, that's it.

But when you take a look throughout the nation, and surveys have been made of the landfills throughout the nation and they show that they are far removed from that particular ideal that is there.

Q. But have they identified health problems around the landfills?

A. Well, I don't know if any study on Settler's Hill has been made. The health problems are difficult to measure with people. If you have animals you could measure it very easily. But because people have bad eating habits, they have bad physical habits, and so something toxic may

precipitate something else. Rather than in animals -- and this is where all the studies have been made, the hogs being so close to the human's system, they have looked at that and they definitely know that a very low concentration below the perceptible limit will cause permanent damage, and that is the general conclusion that you read in the literature. And so it is a very dangerous situation.

Now, I know this landfill was not of their design initially because it was a gravel pit, and they have had to rebury things, and what they are proposing is the state of the art. But you have to realize that anytime you magnify something with a large number in terms of size you are going to get a problem.

I brought out that you take a reaction in a little test tube, shake it up, you can decontaminate cyanide disposal. A friend of mine said, well, I have got that problem over in Freeport, he says, I'm just going to make a lagoon out there. Well, he put his cyanide to work in the lagoon, and for years he couldn't get the reaction to work because he couldn't go

out there and stir it, he couldn't shake it up. So when you go from a test tube to a lagoon the same reactions cannot apply. You can't stir a landfill. You have to wait for nature to do it.

MS. VARY: Thank you.

CROSS-EXAMINATION

BY MR. ANDERSEN:

- Q. I have a couple that I need help understanding. Unfortunately I wasn't paying attention in biology in high school probably as well as I should have been. But anyway, first -- my first question is, is there any minerals -- if I am understanding this right, minerals can be added to our bodies to help get rid of some of these bad things that we have. So are there any minerals or anything that can be added to the waste as it's being put into a landfill to help control it?
- A. They are doing the best they can. They add limestone to it, because hydrogen sulfide is acidic and so the reaction of the limestone with the acidic gas does help. But what it forms, it forms sulfide, that's the same level as the other one. You have hydrogen sulfide, you would

have calcium sulfide, so you still have that bond sitting there waiting to react.

Q. But does it make it better or not?

A. Yes, if you -- in other words --

Q. If you add limestone it makes it better?

A. Yes.

Q. Okay.

A. You take -- from calcium sulfide it is probably a hundred times less toxic than hydrogen sulfide, because in its human operation it's going into the elementary canal, but as soon as you get it in through the oral in the nose it goes to the bloodstream right away, see, and that's the protection you have. But as long as it's in the landfill, that calcium sulfide can change back to hydrogen sulfide. It may take years and it -- the conditions may be such that all the sudden you get a reaction from it.

Q. Okay. Another question. Is the makeup of H₂S different from a landfill gas and another type of methane gas?

A. Well, you have -- H₂S is a particular entity. Now, that sulfur in a form of minus two, like that can go into other materials, it can react,

can react with ordinary compounds to give you the sulfur compound. And so these are toxic. Not as toxic as the hydrogen sulfide itself.

So all sulfides are toxic, and they are less toxic because of the way in which they enter the body. Like the one they add to the gas in the home, that is less toxic than adding hydrogen sulfide to it but it is still toxic. It will still take your silverware and turn it black. And so that's one indicator you can use in your house, you know, polish your silverware, you know, and you know you have got sulfides coming usually from your cooking wear, that's where it's coming from. The thiophene when it burns changes to hydrogen sulfide. They safeguard you in case you don't have a flame, so when you breathe that you're not breathing hydrogen sulfide you're breathing thiophene.

Q. I believe I have one more question. Help me understand better the -- when you talk about H₂S and how it can potentially hurt people and others. Is the danger to humans from the fact that it's confined, is that where all the problems come from?

A. The production of it when it's confined, but its danger is simply from its own entity. It is dangerous from the word go until you can oxidize it. That's why you bring it out in the air, burn it, oxidize it to sulfur dioxide, you have got a chance.

Q. But you just said a little while ago that -- you mentioned something about some farmers that had some problems with people dying because they were --

A. Oh yes.

Q. -- overturning their manure piles.

A. Yes.

Q. So that was in a confined situation?

A. Yes.

Q. It wasn't open to the exposed elements?

A. Correct. It's less of a problem in the open.

MR. ANDERSEN: I think that answers all my questions.

CROSS-EXAMINATION

BY MR. STODDARD:

Q. To get to this issue -- you said that the gas, the H₂S, will disperse in the atmosphere. To try to nail this down a little bit better, if

you're standing downwind from an outflow of H₂S gas from the landfill, how far away would you have to be to be considered safe?

A. The atmospheric conditions are that -- and the analogy I gave, the accident I witnessed was in a confined room.

Q. Right. I'm talking about outdoors.

A. Okay. Within a confined room with good ventilation and confined. An accident happened two years later in Mexico where it was not in a confined room, it was outside, and there were people living downwind down below from that site and there were 24 people who were killed.

Q. How far were they from the site?

A. I have no knowledge of that, but it had to be -- in the mountain area you have these confined ravines and valleys.

Q. So that would concentrate the gas?

A. Yeah. Just like water, it would flow. And that's where people tend to be, down at the bottom.

Q. We don't have a ravine here, we have a general hill. So in this type of situation how far away would you -- could you estimate you would have

to be before you were out of danger from a leak from the landfill?

- A. Well, the most efficient landfill which is really highly protected, the one in Maine, gets 30 parts per million at the edge.

Now, you have the highway. The highway, you say, well, causes a distortion with the trucks passing by. It also contributes with the trucks giving.

You would -- let's say a Gaussian-type of distribution there, you would probably say that maybe the concentration would go in half for every quarter of a mile. So if you're looking at 1 part per million, which you can smell, then you're down to the school with 500 parts per billion, which is over the 30, which is the bottom limit. So in essence, you're probably looking at something close to 10 times what it should be.

- Q. Okay. You said you can smell 1 part per million. Can't you smell much less than that?

A. Individuals may be able to.

- Q. Isn't the average about -- what is it, what did we say, 0.5 parts per billion on average?

A. Well, this is a variable which you can't depend on.

Q. What is the range?

A. The -- you need instruments to be able to really say. The only thing that the odor limit is, it gives people an idea what the average person will witness. Now, the nose and all that depends upon the health of the individual. If the individual is in poor health, their nose is not going to be as sensitive. These are the most vulnerable people, the ones who are older. The young ones who have a very good system, they're going to smell it right away and they're going to be at the lower end.

So, yes, there is a difference, but I think it goes against us with having older, more vulnerable people being the ones who would not be aware of it.

Q. I thought you said the younger people were more vulnerable?

A. Pardon?

Q. I thought you said the younger people were the more vulnerable?

A. Yes, you have that age in between. The younger

ones are vulnerable because of the fact their system's developing and they are low down. The older ones are vulnerable because their systems aren't working. In between are the people who survive.

Q. What about upwind of the landfill, what would the danger be from gas if you're upwind of the landfill?

A. Well, without wind you still have diffusion taking place, and the diffusion works on the basis of weight. So you're diffusing against air, which is a 29 molecular weight, of hydrogen sulfide, which is 34. So the 34 is going to go and not be dissipated by the 29.

Q. All right, but if you're -- if you have a leak from the landfill and there's no wind, the gas is going to disperse in all directions?

A. It should, yes.

Q. Okay, so can you give a feel for how quickly it dispersed under that -- what I'm trying to get at is you testified that the wind is almost constantly from the northwest. The school that we're very concerned about is northwest of the landfill expansion, so they will always be --

not always, but they will primarily be upwind of this?

A. Yes.

Q. So where is the threat to the school if we are -- if the school is upwind of the landfill? That's what I'm trying to get at. How much of a threat does the landfill propose to the school and that subdivision if they are northwest, if they are upwind of the landfill?

A. Okay. I live at 403 South Second Street. In the summertime a truck -- a diesel truck was sitting by the station and it was idling. At 5 o'clock in the morning I smelled that and I knew it was toxic, I knew it had hydrogen sulfide. I got up, got on my clothes and went over there and that was -- I'm approximately a half a mile from there. And the wind is that direction, but if you see how the actual contours of all buildings and whatnot, it will just bring it straight in there. Now, I talked to the people in the station, and the fellow immediately ran out and turned the engine off.

But that gives you an idea. And it's certainly a higher concentration of gases but

not a higher concentration of hydrogen sulfide. So, yes, the gases were there and they were being generated much more than the landfill, but it was just as if the flare had been turned off. I mean, it comes out of there at least 3 cubic feet a minute, it has to in order to make the torch work.

MR. ANDERSEN: Mr. Hearing Officer, may I consult with our attorney for a second?

HEARING OFFICER MCCARTHY: Well, can we wait until maybe Mr. Stoddard is done?

MR. ANDERSEN: All right, I guess.

- Q. I just have another -- one small area to ask. You testified earlier that Settler's Hill was a model landfill?
- A. I think they tried in their efforts to make it a model landfill.
- Q. And that was -- Waste Management created that one?
- A. Yes.
- Q. Do you have any reason to believe that this landfill is any less up to code, up to specification than the Settler's Hill?
- A. Just my own experience of seeing what took

place since 1960 when I came here.

MR. STODDARD: Okay. Thank you. I have no more questions.

HEARING OFFICER MCCARTHY: You want to take a short break and try to get --

MR. ANDERSEN: Yeah, just a couple minutes.

HEARING OFFICER MCCARTHY: All right. Let's take a five-minute break.

(A recess was taken at 2:22 p.m.
and proceedings resumed at 2:34
p.m.)

HEARING OFFICER MCCARTHY: I think we concluded with the questions of Mr. Stoddard, and I know that there was at least one other County Board member who had a question.

Do you want to go ahead? Want to state your name for the record?

MR. AUGSBURGER: Jerry Augsburger, County Board, District 7.

I have a couple questions, Doctor. Have you ever previously given testimony at any other hearings regarding landfills?

MR. SEREWICZ: No, I have not.

MR. AUGSBURGER: If not, why not, since you seem to have a considerable amount of interest in this field?

MR. SEREWICZ: No, I am really interested in chemistry, and when I came to the first meeting I saw that the truth and the facts of chemistry were not coming out and so I thought I would volunteer to try to illuminate the Board as to the actual chemicals and how they react and how they affect people. I do know about the principles of how gases work around landfills. And one of the things I wanted to mention, because they were talking about the plume how it dissipates and how the diffusion takes place, if you consider what happens to your body when you take a shower --

MR. AUGSBURGER: Doctor, I haven't asked you those questions. I asked you if you have ever testified previously --

MR. SEREWICZ: Okay.

MR. AUGSBURGER: -- at other hearings for landfills, and you said, no, you haven't. That was the question.

Okay. You answered to I think a question

with Mr. Haines that there are other -- at least several other sources of hydrogen sulfide other than landfills; is that correct?

MR. SEREWICZ: Yes, yes.

MR. AUGSBURGER: Okay. Given that residents of DeKalb County are exposed then to at least several sources of hydrogen sulfide, what percentage of hydrogen sulfide that would be present in the atmosphere or the air of DeKalb County would be attributable to the landfill?

MR. SEREWICZ: I think that is a question that really needs a little explanation. The other sources in DeKalb County are incidental sources, they come from a truck going through which is moving --

MR. AUGSBURGER: That isn't the question I asked. I asked can you identify with your expertise a percentage of the hydrogen sulfide that is occurring in DeKalb County that would be attributable to the landfill?

MR. SEREWICZ: If you -- I don't monitor it. If you monitor it, you could tell that.

MR. AUGSBURGER: But you would not be able

to make a guesstimate?

MR. SEREWICZ: I would be able to make a guesstimate, sure.

MR. AUGSBURGER: What would that guesstimate be?

MR. SEREWICZ: I would say that since it is a confined source in one place in which you have an accumulation, and that accumulation will give you a very noticeable percentage, and I say -- it's not incidental, it is a very noticeable percentage, not incidental in terms of --

MR. AUGSBURGER: You're not answering my question. I asked for a guesstimate of the percentage for DeKalb County as a whole.

MR. SEREWICZ: Okay. I will make a guesstimate. I will say 75 percent.

MR. AUGSBURGER: 75 percent of hydrogen sulfide might be present at any given time in DeKalb County --

MR. SEREWICZ: Might come from that.

MR. AUGSBURGER: -- would be from the landfill?

MR. SEREWICZ: Yes. If you want the

explanation, I'll give the explanation to you.

MR. AUGSBURGER: You're explanation probably would be more than I'm prepared to respond to right now.

Are you aware -- well, are there any other odors that closely resemble the odor of hydrogen sulfide?

MR. SEREWICZ: For me, no, but for other people, yes.

MR. AUGSBURGER: But you -- you are sure that when you -- your olfactory nerves --

MR. SEREWICZ: No, no, it's the intelligence and the experience that went with it.

MR. AUGSBURGER: Okay. Are you aware of any situations where there have been documented human health problems directly attributable to gases, specifically hydrogen sulfide, from sanitary landfills, where there have been documented human health problems?

MR. SEREWICZ: Yes.

MR. AUGSBURGER: From gases that would be attributable to sanitary landfills?

MR. SEREWICZ: Yes.

MR. AUGSBURGER: Where are those instances, those cases?

MR. SEREWICZ: They're located in the places that are warmer; in other words, California.

MR. AUGSBURGER: I'm asking for specifics. You said yes. Where are those specific cases?

MR. SEREWICZ: California, Texas and through the south where it is a warmer climate, those are the -- as to an exact location, whether it is Casa Loma, California, no, I have to look it up.

MR. AUGSBURGER: Okay. Those are my questions.

HEARING OFFICER MCCARTHY: Okay. Thank you.

Any other members of the County Board have questions of this witness who are present?

Okay. Seeing none, are there any other questions of this witness before we go to recross?

Okay. Seeing none, Mr. Moran, do you have any additional questions of this witness?

MR. MORAN: Yes.

REXCROSS-EXAMINATION

BY MR. MORAN:

Q. Doctor, are you aware that the Settler's Hill Landfill began receiving waste in the 1960s?

A. Yes.

Q. And you're aware that the systems in place at that landfill are not as extensive and sophisticated as the systems proposed for this expansion?

A. Correct.

Q. You also indicated at some point that you drove by the existing facility and you saw or observed hydrogen sulfide --

A. Yes.

Q. -- being emitted from the flare?

A. Yes.

Q. Did you track or follow where that hydrogen sulfide was going?

A. Where it was going?

Q. Yes.

A. No.

Q. Did you report this incident to anyone at the DeKalb County Health Department?

A. No.

Q. Did you report this incident to anybody at the Illinois Environmental Protection Agency?

A. At the time there was no health department.

Q. Did you report it to anybody at DeKalb County?

A. No -- oh, I reported it to my neighbors, and we are the people.

Q. But you didn't report it to anybody in authority that might have the authority to take any steps to address this issue, correct?

A. Well, I had an incident with the fire chief, I reported it to him, and he says he has no authority in that area.

Q. Did you report it to the Illinois Environmental Protection Agency?

A. No.

Q. Now, the opinion that you gave earlier with regard to -- I think you said the landfill was unsafe. Did you say that before?

A. I'm not sure.

Q. Well, with respect to any comment or opinion you had, you were making that comment with regard to the existing DeKalb County Landfill, correct?

A. If I had made the comment it would have been to

the flare that I saw in operation. That flare is unsafe.

Q. And that comment was made with regard to the existing DeKalb County Landfill, correct?

A. Correct.

Q. Not the expansion, correct?

A. Correct.

MR. MORAN: Thank you. Nothing further.

HEARING OFFICER MCCARTHY: Any redirect, Mr. Campbell?

MR. CAMPBELL: No, sir.

HEARING OFFICER MCCARTHY: All right. Mr. McIntyre?

MR. MCINTYRE: No, sir.

HEARING OFFICER MCCARTHY: Mr. Kenney? By the way, it's nice to have you back, Mr. Kenney.

MR. KENNEY: Thank you.

REDIRECT EXAMINATION

BY MR. KENNEY:

Q. Just to clarify one more time. Mr. Stoddard had asked you about the winds prevailing from the northwest, and you had indicated that that was -- the fumes -- the hydrogen sulfide would still move in that direction; is that correct?

A. Well, that has to be amplified. All of our weather travels from west to east. In the wintertime we have it coming from the north, so we get a northwest origin. In the summertime it comes from the south and the west, so we have that direction. We also get circular winds, because we have a coriolis effect that turns these around, so we get it from all directions.

But even more important is the fact that when the gases emanate from the landfill what happens is the light gases always leave first, leaving the heavier gases behind. And these heavier gases will accumulate. And since the landfill is always in a depression, they will accumulate in there, most generally at night because it gets cooler at night. So you have then at night this caldron of mostly hydrogen sulfide, because that's the one that accumulates, the methane leaves, there's some carbon dioxide. And so at night this caldron then is disturbed and out it comes. Now, that is a fact. And the wind can be from any direction except perhaps at night, you know, it is always from west to east.

Q. Just to clarify, if I heard you correctly when you testified earlier, you said that the school children at the Cortland Elementary School within a quarter of a mile of the landfill --

A. Correct.

Q. -- are in danger?

A. Yes.

MR. KENNEY: Thank you.

HEARING OFFICER MCCARTHY: Mr. Roger Steimel?

ROGER STEIMEL: (Shakes head.)

HEARING OFFICER MCCARTHY: Mr. Dan Steimel?

DAN STEIMEL: (Shakes head.)

HEARING OFFICER MCCARTHY: Ms. Cipriano, any questions?

MS. CIPRIANO: No, thank you.

HEARING OFFICER MCCARTHY: Any members of the Committee have any questions as a result of that? Any members of the County Board have any additional questions?

MR. WALT: Yes, sir.

HEARING OFFICER MCCARTHY: Could you state your name, sir?

MR. WALT: Steve Walt, District 6.

I thank you for your testimony, it was very enlightening. After your last answer I have to ask this: Is it safe for children to be in that school right now?

MR. SEREWICZ: As far as I can see the amount coming out, which is from the flare, I would say no, it is not safe.

MR. WALT: So it's not safe to have children in that school right now?

MR. SEREWICZ: Just that's my observation.

MR. WALT: Thank you.

HEARING OFFICER MCCARTHY: Any other questions?

Mr. Moran, any recross?

MR. MORAN: No recross.

HEARING OFFICER MCCARTHY: All right.
Yes, sir ?

MR. MELLOTT: Kerry Mellott, resident of the County.

Doctor, you were just asked by Mr. Moran whether or not your comment regarding the flare at the existing landfill you determined by your observation that that is unsafe; is that

correct?

MR. SEREWICZ: Correct.

MR. MELLOTT: Doctor, if the proposed expansion were granted would you have any comments as to the safety of the flare on a scaled up version of this landfill or some variation thereof?

MR. MORAN: Objection, foundation. It goes beyond anything this witness is even capable of responding to. He hasn't even reviewed this application, he hasn't reviewed this proposal, he cannot opine on this proposed expansion.

HEARING OFFICER MCCARTHY: You're going to have to lay a foundation.

MR. MELLOTT: I'll be more specific.

Based on the testimony that Waste Management has presented during this hearing so far that you have testified you have been here during this --

MR. SEREWICZ: Yes.

MR. MELLOTT: -- during this testimony. Based on the information you have heard so far, do you have reason to believe that the proposed

flare or system, whatever's been disclosed so far, would lead you to believe that it would be safe -- that any flaring of any gases would be safe for the proposed landfill?

MR. MORAN: Objection, foundation. It's a leading question. There's no basis for this witness to testify with regard to the expansion.

HEARING OFFICER MCCARTHY: Sustained.

You know, sir -- and I'm sorry if I don't pronounce your name -- but I think he testified that he hasn't read the application.

MR. MELLOTT: Okay. Let me --

HEARING OFFICER MCCARTHY: That all he saw was the presentation here.

MR. MELLOTT: I'll ask a much more simple and straight-forward question.

Professor, you have testified based on principles from physics and chemistry that those --

MR. MORAN: Objection. There's been no testimony with regard to physics from this witness.

HEARING OFFICER MCCARTHY: Sustained.

MR. MELLOTT: Professor, is gas transport

part of physics?

MR. SEREWICZ: Yes.

MR. MELLOTT: Thank you. Based on your testimony regarding gas transport, will the principles and concepts that you have informed us about change whether or not there is or isn't a landfill expansion?

MR. SEREWICZ: No, they will not.

MR. MELLOTT: Okay. That's all the questions I have. Thank you.

HEARING OFFICER MCCARTHY: Thank you.

Any other questions of this witness before he's excused?

Yes, ma'am.

CONTINUED CROSS-EXAMINATION

BY MS. VARY:

Q. Part of the proposal, as I understand it, at this time is that most of the gases as soon as we get up to about a thousand cubic feet per minute are going to be captured so that they can be burned, they will not be going off as a flare. In that case, wouldn't that nullify the safety problem?

A. I listened to the testimony, and as far as I

could determine the testimony stated that they could use a compressor; they didn't say they will. And they didn't say they are going to take that flare and make it into a compressed system.

Q. If they did?

A. If they did it would minimize to a great extent, but it would not completely eliminate those leakages that naturally come, because it's not a permanent site, it's a temporary site with a flexible cover.

MS. VARY: Thank you.

HEARING OFFICER MCCARTHY: Okay. Anyone else?

All right, you're excused, Doctor. Thank you.

MR. SEREWICZ: Okay.

HEARING OFFICER MCCARTHY: If you want to just leave the mic down there, that would be fine.

MR. SEREWICZ: Take my tent and go home?

HEARING OFFICER MCCARTHY: Take your tent and go home, or you can stay, that will be fine.

MR. SEREWICZ: Oh, I'd love to stay.

MR. CAMPBELL: Mr. Hearing Officer, I would move for admission of his curriculum vitae into the record.

HEARING OFFICER MCCARTHY: Let me -- little housekeeping. First of all, there's three exhibits I think: the first is a scaled-down version of his vitae; the second is an article from a magazine, I guess it's called LRI Perspectives, titled Advances in Toxicity Testing, New Techniques for Nasal Toxicants. Is that also an exhibit?

MR. CAMPBELL: Yes, sir.

HEARING OFFICER MCCARTHY: Then there's a longer version of his vitae; is that correct?

MR. CAMPBELL: That's correct. I would request -- we can withdraw the abbreviated version and ask that the more extensive version be offered.

HEARING OFFICER MCCARTHY: Any objection?

MR. MORAN: Yes.

HEARING OFFICER MCCARTHY: What is the objection?

MR. MORAN: The basis of the objection is the provision in the Articles of Rules and

Procedures of the Pollution Control Facility Committee, which can be found in Article 3, Section 6A, which clearly states that any exhibits that a participant other than the applicant anticipates using during the public hearing shall be submitted to the County at least five days prior to its anticipated use.

AUDIENCE MEMBER: Give me a break.

MR. MORAN: Clearly that provision wasn't followed here. These documents were not filed with the County as required five days before today, or alternatively, the other exhibit five days before Friday. It violates this ordinance, so we object.

HEARING OFFICER MCCARTHY: Do you have any comments, Ms. Cipriano?

MS. CIPRIANO: The County has no objection.

HEARING OFFICER MCCARTHY: Okay. I'm going to overrule the objection, so I don't think we need to hear from you.

The -- as I understand it, this will still be marked as Objector's Exhibit 1 but it's not going to be admitted because you have withdrawn

it?

MR. CAMPBELL: Yes, sir.

HEARING OFFICER MCCARTHY: The article is Objector's Exhibit 2; the longer version of his curriculum vitae is Objector's Exhibit 3?

MR. CAMPBELL: Yes, sir.

HEARING OFFICER MCCARTHY: Okay. They will be admitted.

(Objector's Exhibits Nos. 1, 2 and 3 were admitted into evidence.)

HEARING OFFICER MCCARTHY: As I understand it, that's the only witness that you were calling?

MR. CAMPBELL: Yes, sir.

HEARING OFFICER MCCARTHY: Okay. Are you prepared to present any rebuttal evidence, Mr. Moran?

MR. MORAN: We will have no rebuttal witnesses.

HEARING OFFICER MCCARTHY: Okay. At this point, Ms. Slavenas has been patiently waiting. She has indicated to me that she wants to be sworn; I have told her I didn't think that was

necessary, but if she insists, that's what we will do.

MS. SLAVENAS: I have been waiting very impatiently.

HEARING OFFICER MCCARTHY: Well, I was being polite.

MS. SLAVENAS: Thank you.

ROSEMARIE SLAVENAS,
being first duly sworn, testified as follows:

HEARING OFFICER MCCARTHY: You may proceed.

MS. SLAVENAS: Thank you. I appreciate that.

I have visited all the sites that are involved in this situation, which is a different situation depending on whom you are. You know, if you live here, that's one situation; if you're an expert, that's one situation; and if you have a personal interest in it, that's another situation.

Except -- excuse me, I have got a powerful voice. If you do need this --

MS. VARY: It's not on. Turn it on.

MS. SLAVENAS: Gosh darn it. Can you hear

me now?

So depending on our perspective, it's a different situation to all of us, and that's appropriate because we're human beings.

I would like to thank the County Board, and especially Eileen Dubin who has been here so faithfully, and I would like to thank you community members who have come here and been bored to tears by all of us. I will try not to bore you beyond tears, not into the next world at least. And all of our experts who have come and shared their expertise and their knowledge with us, I appreciate all of that. And that's kind of what makes the world work I think is if we all get together and share what we have.

They didn't have any coffee in the coffee machine, hey, okay. We ought to tell these people something, the coffee machine part of the system ain't working. No. Okay, you don't drink coffee, you drink water, all right.

I have been, as I see it -- as I see it here, we have a system in which Waste Management, who is a large fine company who picks up all of their trash and they do it. I

mean, we're very lucky. It's not sitting out in front of your yard and, you know, you're not going to have your grandmother out there to haul it away because she doesn't have anything else to do, none of that stuff. So I mean, we're very fortunate. Waste Management is very efficient. And we make a lot of garbage and they have to dump it somewhere. And I can make all kind of suggestions but I won't, aren't you glad.

Anyway, I have been to the trailer court, we call it Cortland Corners. It is on -- at the intersection of Somonauk Road and Highway 38. So I think Cortland Corners is extremely important. And I have been out there and talked to some of the residents, they're very nice people. It's a beautiful trailer park, it's very nice. It happens to be on the corner of 38 and Somonauk, and that is the northeast corner which the dump is going to be on the east side of Somonauk too. In fact, it is already, the one we have already. And it's not really pretty. I mean, it's not really pretty, but you can't get too close to it. So we got kids and

we got kids with families. And it's a nice -- a very nice place, very nice.

So then the jail. I have been to the jail twice, and, huh, that's interesting too.

All right. We have got -- we have got public hearings. I have been to four days. All right, so we got a dump, and we have some concerns about health hazards with dumps obviously. There are health hazards, there are effluviiums.

So people that are living closest to that dump are in for it all, and that's the trailer court. They're in for the traffic going down 38 that is going to turn there all the time, not just your nice little friendly garbage truck, you know, no, no, you got semis going there, lots of them, from 17 counties.

Look at our trash. Don't you make enough of it? I mean, we would like to make less, yes, we all would. And, you know, what can we do? We got a lot of stuff, we throw a lot of stuff out, right? One thing is in, one thing is out, that's a system. You keep getting a lot of stuff and you don't get rid of it, well, you're

still in the system. You got a lot of stuff, maybe you're sick of it.

Anyway, we got packaging. We got boats coming from China with stuff, hey, they have to package it, don't they? So we got a lot of styrofoam, because we're buying a lot of stuff from boats from China. So yeah, they got to package this stuff.

Anyway, the mobile home park I am extremely concerned about. They're getting effluvium, they're getting the traffic, they're getting the whole thing. So what are we going to do, condemn it because it's too close? I mean, let these people find themselves another place to stay. There's lots of mobile home parks, they can find another one, what do we care.

There was some mention of problems with Down Syndrome specifically, and then there's been mention of all the other -- the other problems that could be associated with the effluviiums from the dump.

Now, the Down Syndrome -- I have taught early childhood assessment for special education

for 20 years, and I have taught early childhood special education for 20 years at Northern, and I have directed a lab in which amazingly apparent in children, amazingly, where the two sides of their brain were attached together, that's tough stuff, yeah, and the people that help these children -- they are a lot of foster children -- are just amazing people. But we're talking about Down Syndrome.

Okay. Down Syndrome was mentioned and a hereditary factor I think was mentioned, I'm not sure, didn't get it all, wasn't taking very good notes. But there are actually three types of Down Syndrome. There are 20 types if you look at it closely enough, because we can all differentiate as much as we want to, right?

One of the things we do, we talk about solar system. Da, da, da, da, da (sound), what, Big Bang Theory. Baoing (sound), everything went choo (sound), and now you got all the stars out there. Okay, that's cool, we like stars, don't we. And then the Big Bang Theory says -- I think, I could be wrong here, I'm not an astronomer, it says, I think, everything that

went out there has got to come back so it's going to go funk (sound) and we're going to have a have big ball of something, and if you're looking at a certain kind of a pattern, repetition pattern that would work. But we still don't know where all the stuff that went bang went and came back, let alone what's going to happen to it all. No, we don't know that. We don't know that. We like to think we know a lot, especially me. But anyway, I'll get to that later.

Down Syndrome, there are three kinds of Down Syndrome. The most familiar one to most of us is the extra chromosome, the 21st. The 21st chromosome's got an extra there, and that's a problem. Guess why having your chromosomes messed up is a problem? Huh, yeah, that's a problem. And that kind is not known to be hereditary.

You have two kinds that are from breakage, from chromosome breakage. And for whatever reason I, you know, differentiate them in terms of alleles. I don't know where I learned that, I mean to differentiate them because they're

part of the chromosomes. That's what alleles are, part of a chromosomes.

Chromosome breakage is hereditary, and that shouldn't surprise any of us. It's our genes we're talking about, yes. Our genes definitely have a potential for being hereditary, yes, they do.

So the two kinds of chromosomes that are caused by breakage, you may have breakage which occurs -- is throughout the whole system because in that system the breakage occurred at or before conception. How would you know once -- you know, I mean, you would have to be taking a lot of chromosomes. This is very impractical from a numerical point of view to be getting all these chromosomes from people and doing practice runs on it. They're going -- they give blood, but they don't give chromosomes. Don't ask me why. They're easy to get. But anyway, that's the way it goes. So it goes, that's our culture and I would say that's our system. We all know that blood is very helpful to people, even when you have to take it all out and put it all back in, some other blood.

Okay. The -- I think the most interesting one is mosaicism when the chromosome -- to me it's an allele, I don't know why. Okay. The allele breaks subsequent to conception. So depending on when it breaks, that's the ratio of normal cells to Down Syndrome cells.

Yes, the world is not that easy. It's not easy, whether or not you have been teaching assessment for 20 years or whatever, because you're dealing with a population. We're dealing within a system. You have a system going here. It's hereditary or it's not, we don't know.

Down Syndrome is a syndrome. 75 percent of handicapping conditions are etiology unknown. Nobody knows why the kid's like that. We have what's called a phenotype, you see the person, you have got correlations. In 75 percent of the cases nobody knows why the child is handicapped.

Okay. That's enough. You don't need to hear any more about that. Okay, so you have got breakage and you have got all kind of levels of retardation. Now, you may never know someone has a mosaic Down Syndrome because they may function in the normal level across the board.

They're not going to have all of these characteristics we think of. But later on, cha (sound), the separation occurs, more of those cells are going to be normal. Makes sense?

Yeah, okay.

All right, so we are doing a real bad job on the kids that happen to live in the mobile home park. Yeah. We're not only giving them truck traffic, we're not only giving them eflluviums, we're also giving them -- what was I going to say -- huh, we're giving them -- we're not only giving them handicapping conditions, let alone their parents, we're wrecking their genes. And what are you going to have when you have mosaicism? Just a bunch of dumb kids from a trailer court, ayea (sound)? Works for me.

So as far as the civil engineering goes -- which was talked about I think a time or two ago, I'm not sure when. The civil engineering roads have foundation. Macadamia (sic) is down there. I don't know what else is down there. I'm sure there's a lot more down there than macadamia. Guess what? I don't make roads, I ride on them.

Now, if you don't have a proper base for that road you're going to have a lot of potholes. I hit a pothole not very long ago that took my hub caps off -- one of them, one of them.

Sorry, Mr. Moran, only one hub cap. It was the front passenger's side hub cap. Boom (sound). And I was very glad that my tires weren't leaking. And I found out about the hub cap later after somebody said what happened to your hub cap.

Okay, so we got civil engineering, that's part of a system too. Nobody goes around making roads just because they enjoy it. They don't go, I think I'll go find some macadamia and make a road. No. Well, maybe somebody does, how would I know? In this whole wide world, I might not know, they might do that. But we got a foundation. Now, how is that foundation going to stay level? You want potholes? Well, okay, go ahead, just somebody -- somebody tells you that they -- they -- they have did this, that and the other.

Have we ever seen a road this guy did?

Maybe he made the strangler. Now, most people here know what the strangler is. If you go into the City of Chicago from here you go through the strangler. What the strangler does is right -- you're just heading right into the suburbs where it's getting real congested. I think that baby is on the other side of Aurora, I don't know, I didn't get a ticket there yet, so I'm not sure which side of Aurora it's on. I know the speed limit goes from 65 to 55 near Aurora, because I got a ticket.

But anyway, okay, the strangler is this wonderful, wonderful thing, and you want to say who signed off on this. Huh. Huh. Who signed off on this? Or what was this guy thinking? Yeah. Something is bad here, because right where we're going into the City of Chicago we go down a lane, maybe down two, I don't know how many lanes they have there. We go down a lane and there's an entry ramp. Oh, okay.

I don't know what was the matter with the civil engineer, I have no idea, but I think if somebody would have been looking at those plans they might have had some kind of a clue. Now, I

could be wrong. I could be wrong. Maybe those guys were real good friend, I don't know. And because they're real good friends they're a heck of a lot alike, they like this plan. Huh, rest of us don't. That's because we're in too big of a hurry, just like Waste Management is in a hurry to dump its trash because they got more trash coming, we all know that, they got to dump it somewhere.

Okay, so all right, the civil engineer, qualification and competence are not the same. I'll give you one good example of it, and it's hearsay because I read it in the paper, I don't know when. This is a brain surgeon, this is what I read, okay. This is a very trained person. I don't know where he was trained, that wasn't significant to me. But the guy actually took the top off of someone's head and went out to get a sandwich.

Now, aren't you going to object?
Speculation?

I got it out of the paper, who knows when. But you remember that kind of thing no doubt. When you hear about somebody cutting off the top

of a somebody's head and going out to lunch, hey, you remember that definitely. Now, maybe it never happened. Maybe we have a facetious reporter, I don't know. And maybe that guy is really not bad. He's probably pretty smart, probably pretty smart. Maybe he's real hungry, you know, maybe he hasn't slept for a long time, I don't know, I don't know what his problem is, I absolutely have no idea.

What I do know is we definitely got a problem in this dump that is going to be from 17 counties. That's a lot of traffic. That's a lot of dump.

Now, that's efficient for Waste Management. You're trying to get rid of a lot of trash, why be taking it the heck all over the place. Take it to Wisconsin, okay. I got family up there, they're not by the dump, they're way far away.

We think in terms of territory. You know, territory, what's your territory, what's your territory. Well, part of our territory is the jail, and as I understand it that's the precipitating factor to inviting the landfill

here at Cortland Corners by our children, as I understand it that's the precipitating factor.

Now, I was at the jail twice. I can tell you one thing for sure, there is absolutely no security there. And you know something else, I am pretty sure that buildings are a symbol. A guy just ran his airplane into the IRS building somewhere, if you're reading the same paper as I am. He didn't want to kill those people inside. He didn't say, I think I'm going to kill a bunch of secretaries, did he, that managed to get to work in the morning. Hey, are you glad that, you know, you take all your sick days and one of them happened to be that day? Yeah. Yeah. One of them happened to be that day. That's exactly it. And the people were at work in the IRS doing their jobs, like we expect them to. We expect people to do their jobs. We expect the ceiling to stay up. I don't know where the guy went.

But ceilings do fall down. When I was in Germany one fell down on a skating rink. Yes, they fall down. My sister was a building inspector. So -- that was in Germany, but I'm

somewhat aware of why ceilings fall on people in swimming pools. I would have never known that except she told me that, and she said look out, because that air up there is corrosive and it's very likely sooner or later that baby's going to come down, so watch them. Real important. Real important.

Now, does that mean you need a new building for your swimming pool? Well, let's just tear this building down. Hey. We got a swimming pool that's got a problem. Okay. That's real good for the construction industry, real good for the construction industry.

So the jail is not secure at all. And you got people that are real mad about things that go on in jails, don't you? Yeah, you do. People got a real grudge on jails, because we have somebody -- we have had three people now in my knowledge that have been killed in that jail. Killed, that's what I call it. You take somebody's freedom away from them and they commit suicide. You take their freedom away.

You pick up my kid, drug addicted obviously, 19 years old. I don't know if she

was puking it up in the drain or whatever. I don't know why she got picked up. You take my 19-year-old child, you pick them up, Mr. Policeman, you pick them up, you take them to the jail, you put them in a holding cell. I understand you're taking them to the jail. You haven't been trained to think should I take this person to the hospital. You're not trained to do that. People follow patterns.

We all have experienced our car going home by itself. I wanted to stop at the 7-11 store or whatever it is, what am I doing coming home.

So, okay, that's I would say not exactly predictable and not exactly excusable but it happens. It's going to happen. That's where the guy is used to taking the people he picks up. That's what he does. So that happened.

Where does he take her? Into a jail, that works. There is not a regular cell. Regular cells somehow seem to have a lot of power that holding cells don't have. And you wouldn't know that unless you have been around here awhile and you scan the papers, because it's all about she was in a holding cell. Well, let's get some

more regular cells. Let's get these people out of the holding cell so they don't strangle themselves with a telephone cord.

Now, if that makes sense to you, fine. It doesn't make sense to me. Why in the world is a telephone cord in any jail cell in the world? They have to make a call home? Not these people.

We live in a 22-county service area. We have got people from all over. We have got people that go into a cold auditorium and shoot a bunch of people. And I'm sure that there are a lot of people out there that know a lot about how and why this happens. I don't. I don't study that. Somebody's got to be studying that, why people shoot a bunch of people, because it's happening awfully often.

And right here we had a shooting recently on campus. And where does that guy go? To jail. And then you think, who are his friends, okay. Well, they got shot for one thing. The question is where do they get shot and where do they do the shooting? Maybe, maybe it's not. Maybe we got another question here, I don't

know. We'll find out. Mr. Moran is about to tell us real soon here.

Okay. We got to get people out of here.

I have described this building the very best I could. And the fact of the matter is when you come in what looks like the front door, which isn't the street door, the nice, fancy one with the vestibule, and it's got -- it's got wires in one part of it, that's the fancy one. Big, big, whooooo (sound), one lady is behind that, all this desk. I don't know why. I would think you could take some of that stuff and stack it up higher -- it's very low -- so she could see that door. And most of the people that go through that door have parked their car in the back. So, okay, but that's why we have a nice door for them, isn't it? They park their car, they have a nice door, they come in our jail. There's one person over there. I have never seen a policeman there, never.

MS. CIPRIANO: Mr. Hearing Officer.

HEARING OFFICER MCCARTHY: Yes.

MS. CIPRIANO: I'm sorry, I really apologize for interrupting you, but can we have

the testimony focus on the landfill --

MS. SLAVENAS: No.

MS. CIPRIANO: -- and what you want us to know about the landfill --

MS. SLAVENAS: No, no.

MS. CIPRIANO: -- because that's why we are here today is --

MS. SLAVENAS: Foundation. Foundation.

MR. D. STEIMEL: Mr. Hearing Officer, this is more public comment, and I think when you talked earlier you had mentioned that we were going to finish with the witness, the closing comments and then move for public comments. So I would ask you if you can get us back on track.

HEARING OFFICER MCCARTHY: Well, Mr. Steimel, when I arrived here today Ms. Slavenas approached me, I attempted to dissuade her from being sworn as a witness; she would not be dissuaded.

I agree with you that this is in the nature of public comment. She has a paper that she's handed out to some of us, I don't know whether all of us have it. I, like Ms. Cirpiano, would encourage her to direct her

comments to the landfill so that we might move on with additional public comment.

MS. SLAVENAS: And that's the problem --

HEARING OFFICER MCCARTHY: There are many people here who would like to speak who have waited patiently. You have had a number of opportunities to speak.

So if you could direct your comments to the landfill and to this application, that would be appreciated.

MS. SLAVENAS: I am. Because the landfill exists as part of a community and it doesn't exist yet, and there's a reason for this process and the reason for this process is to build a bigger jail. And because that system is extremely poor, you can get into a jail with no security. If someone decides to shoot someone, they are going to shoot that secretary.

And I can go on and on, and I have alternatives here, I have questions about -- on the written work about the jail. And I could have blown it up. And do I look like Timothy McVeigh? Timothy McVeigh blew up the Federal Building because he didn't like what happened in

Waco.

We live in a system. We are not isolated. We're not isolated. And that doesn't work maybe in the legal system, but it does here. There are alternatives. Our jail is a nightmare, a nightmare, and I think there are alternatives. I don't think you should ever have a jail where you can walk in and shoot people, let alone go down in the basement and blow the place up. I think that's crazy. Absolutely no security. Security at the courthouse and now we're going to dump a bunch of dump and wreck our kids' genes.

Well, okay, you all think that's a good idea? You all want to get out of here? That's fine. I hope you don't. I hope you don't. I sincerely hope that you don't just want to get out of here faster than you want to think about the context in which we live here are looking at the landfill.

Now, it's irrelevant to our young lady here, and so be it, I have no idea why it's irrelevant. It's relevant to us here, and especially those of us who don't think a bigger

and better jail which is going to be a bigger jail -- that is a symptom problem what's going on there. It is going to be a symptom jail that is a nightmare, because I can go there twice and figure out how to blow it up, I bet someone else will.

Okay. Thank you.

HEARING OFFICER MCCARTHY: Okay. As she was a sworn witness, does anyone have any questions of her?

Seeing none, I think we're done with the testimony.

Oh, yes, ma'am, I'm sorry, I didn't see you.

MS. DUBIN: Is this on?

HEARING OFFICER MCCARTHY: Yes.

MS. DUBIN: I really don't know why Rosemarie singled me out. I think it's because I sit on the 708 Mental Health Board. I have known Rosemarie a number of years as an acquaintance.

I believe that your testimony today was not pertinent to what we're talking about as far as the landfill. What we have here is the fact

that if a landfill goes through we will have funds that will help provide us the funds to give us a more secure and better jail.

And so I wanted to clarify what perhaps the relationship was or how we know each other, and I wanted to clarify that.

The other question I -- I have a couple questions.

MS. SLAVENAS: May I answer them one at a time?

MS. DUBIN: Well, do you want to answer that?

MS. SLAVENAS: Yeah. Gee whiz, uhm, we want a better jail. That's not necessarily a bigger jail. There is a building there -- did I turn this off? Okay. There, it's on.

Okay. There is a building there. The building symbolized a jail. The building is not a jail. It's all filled with offices.

And by the way, it's not a good idea to get on an elevator in a jail. Think about it. Once you get on an elevator you can't get off. No. Not a good idea. Okay. Not pertinent.

A bigger jail is not a better jail. We

have got security in the courthouse. We have got no security in the jail. I call that a problem.

MS. DUBIN: All I'm saying here is we are not discussing the jail or what we can -- if this came by and we have the money to refurbish the jail or do anything about it. We're not discussing the jail and what would -- we need to do with the jail. I think it is a problem within the community, and we recognize it as part of the County Board that something has to be done with the jail to accommodate the needs of the community. But that's not the issue that we are talking about today.

MS. SLAVENAS: You are absolutely correct. Thank you. Thank you very much. You are absolutely correct.

HEARING OFFICER MCCARTHY: Okay. At this point I think we are done with the sworn testimony, and it would be time now for public comment. For those of you who were not here the first day, the Act does provide that you may make public comment. We set aside a time, I think it was Tuesday evening, and we have

allowed public comment at other times throughout the process. But if you would have public comment, this would be the time to make it.

And what I would ask you to do is one by one come up to the microphone, state your name and address, spell your last name, make the comment, and the court reporter will take it down. It will be considered by the Committee and the County Board in making its decision. So with that --

MR. KENNEY: Mr. Hearing Officer?

HEARING OFFICER MCCARTHY: Yes, sir.

MR. KENNEY: Earlier this afternoon Mr. Mike Verbic, who is the President of the DeKalb County -- I'm sorry, DeKalb School Board presented me with this letter, and he asked that I read it during the public comment time because he was no longer able to be here. And since I'm an employee of the DeKalb School District, he asked if I would read it, so I'm doing so on his behalf.

HEARING OFFICER MCCARTHY: And this is a public comment?

MR. KENNEY: Yes.

HEARING OFFICER MCCARTHY: Okay.

MR. ANDERSEN: Dear DeKalb County Board Members, I am writing on behalf of the Board of Education of Community Unit School District 428 regarding the proposed expansion of the DeKalb County landfill. We recently built the new Cortland Elementary School near the existing landfill. We were aware that the landfill would need to be expanded soon to accommodate the waste needs of DeKalb County. We were not aware of any consideration to grow the landfill to what is being proposed during the planning stages of our new school.

Since completion of the school, our students, their families and staff have occasionally smelled the odors emitted from the landfill. Everyone thought that it was normal to notice the odors due to the proximity to the landfill. No one knew that the odors should have all -- always been contained within the landfill site or to the landfill or any other -- I'm sorry, let me reread that.

No one knew that the odor should have always been contained within the landfill site

or many would have already complained.

According to a recent complaint filed with the Illinois Environmental Protection Agency dated December 16th, 2009, Violation Notice L-2009-01456, Clinton Landfill, Incorporated violated Section 9(a) of the Illinois Environmental Protection Act due to malodors being detected beyond the landfill boundary. Odors were detected over a mile north of the facility. The Clinton Landfill also violated 35 Ill. Adm. Code 811.311 (d) due to their landfill gas system having not been designed and operated to prevent malodors caused by the unit to be detected beyond the property boundary. Both of these violations may be applicable in the case of our elementary school.

We are concerned regarding the health and safety of our students and staff at Cortland Elementary due to relevant data. Waste Management has indicated that the current site is leaking. According to the State of New York Department of Health, women living near solid waste landfills where gas is escaping have a four-fold increased chance of bladder cancer or

leukemia. A 1990 study found in the American Journal of Epidemiology found an increased incidence of bladder cancers in northwestern Illinois where a landfill had contaminated a municipal water supply. An additional study found in the American Journal of Environmental Sciences titled "Toxicity Testing and the Effect of Landfill Leachate Regarding the Behavior of the Common Carp" observed behavioral changes for individual fish at different leachate concentrations. The observations included a decline in general activity, loss of balance, breathing difficulties, excessive mucosal secretion and gathering at the surface of the -- for breathing. We urge you to conduct your own tests on the soils, water and air surrounding the existing site prior to your consideration for the expansion.

The landfill risks are only the beginning. We are also aware that truck traffic will significantly increase near Cortland Elementary. There is significant data for anyone to research on the internet which shows the direct correlation of carcinogens in the air and

cancer cases.

Please consider the health and safety of those living or learning near your proposed expansion. We understand the financial gain potential for this expansion and the desperate need for these revenues in our county. We only ask that you do your due diligence in this matter by verifying the long-term safety of this proposal.

Best regards, Mike Verbic, President,
Board of Education District 428.

HEARING OFFICER MCCARTHY: Thank you.

Anyone else want to make a public comment at this time?

Yes, sir. If you would come forward and state your name, spell your last name, give us your address, and then you may make your comment.

MR. WELLS: If you don't mind, I'm going to set this up so I can balance it against the chair. I have a little Parkinson's Disease, and sitting on a slope like this is a little more of a problem.

Mr. Hearing Officer --

HEARING OFFICER MCCARTHY: Why don't you state your name first, sir.

MR. WELLS: Okay. I got that coming. My name is Gary L. Wells. I'm a resident of DeKalb -- the City of DeKalb. I'm a taxpayer, voter and I generate trash. I'm a grandfather of seven, three of them live in this county and four live in DuPage County.

I'm a graduate of the University of Illinois with B.S. Degrees in Agriculture and Agricultural Engineering, both in 1960, and an M.S. in Agricultural Engineering in 1961. I am now retired from a career spanning well over 40 years in engineering, engineering management, product line management, and divisional general management with P and L responsibility.

What engineers do is solve problems. I have done a good share of that, and have well learned the immutable truth that all work product of engineering is a result of many, many compromises. The key to the best design is to find the best balance among those compromises that still fulfills or exceeds the objective. Certainly, the disposition of the byproducts of

life, commonly known as trash or waste, is a very vexing problem and one of prodigious magnitude. It's a problem everywhere in the civilized world, and it has been for hundreds of years. There's no perfect solution to this problem. However, we will have good outcomes when we learn to live with solutions that are responsible and that represent the best compromise for the greater good.

I stand in support of the DeKalb County landfill expansion that is proposed by Waste Management.

I agree that mega dumps, regular dumps, even little dumps, and many of the older landfills around are aesthetically ugly, psychologically and economically depressing, and potentially ecologically dangerous, and something has to be done. But I suggest we first try to get our nomenclature right. We're not talking in this hearing about creating a mega dump or any dump of any kind. It's not mega, 500,000 tons a year. It's middling in size. It's not a dump. Those are what our grandfathers used to use. They usually were

simply a gully or natural valley or ravine filled with trash, or a pit, sometimes a quarry, into which trash was dumped by anybody that could get away with it. Those who dumped cannot be condemned because they really had no other practicable alternative.

The present DeKalb County landfill as we have it today does indeed include an actual dump: the original 24 acres covered with waste before the principles of responsible landfilling were developed. The Waste Management proposal before this Jury right now includes exhumation of that horrendous and dangerous 24 acres of trash so that it can be given a proper burial. I find that feature alone to contribute quite a bit to the justification for approval of the project. So the term mega dump that we hear about in the protestations against the pact proposed by Waste Management is off base.

I have considered how the proposition before the Jury compares with the alternatives that I know of. And I talked to people and I have heard comments like these: "Let everybody burn their own trash in a backyard burning

barrel, that's how we used to do it"; "Let Waste Management haul our trash to some other county"; "Why don't we incinerate the trash?"

From what I have learned, every city that's tried that has either gone broke or created a bigger ecological disaster than they started with. Incineration puts dioxins and other pollutants in the air, leaves about 30 percent of the mass in ash that has to be buried in a landfill, and that's a more insidious problem than burying the trash.

"Why don't we vaporize the trash using plasma gasification?" Nobody knows how.

"Well, why don't we just reject this proposal and kick the can down the road and let our kids figure out how to solve it?"

So let's go back to the nomenclature. The proposition represents the best known technology from an ecological standpoint. The best known technology as I can figure it out is minimize many non-biodegradables and non-recyclables that go in the waste stream into the landfill. You can reduce the raw waste stream by 50, 60, 70 percent if you do that. So that's the best

technologies as represented in this proposition.

The proposition provides our county with economic considerations not likely to recur. The proposition is founded on a contract, also frequently referred to as a pact. This proposition will eventually result in some interesting new topography in DeKalb County and nearly a one square mile tract of park-like property.

For these reasons, I suggest that a good name for the project is not mega dump, not a landfill, it's Eco-Pact Park.

Additionally, from what I have seen and heard, Waste Management Company is one of the best in the business at competent, efficient, honest processing of the waste stream for recycling the recyclables. As far as I'm concerned, their customer service, reliability and efficiency and cost-effectiveness at the job of picking up the trash is simply the best, if not it's one of the best.

I strongly urge the Jury here to recommend to the County Board that they in turn advocate to the state EPA that the DeKalb County Eco-Pact

Park be approved and it be done timely.

Thank you very much.

HEARING OFFICER MCCARTHY: Okay. Thank you.

Anyone else want to make a public comment?

Yes, ma'am. Come forward and again state your name, spell your last name.

MS. MCINTYRE: Hi, my name is Sherry McIntyre, M-C-I-N-T-Y-R-E.

I live in DeKalb, and if I lived in Cortland I would be even more opposed to this. But I am opposed to this because it's our futures. And I don't think that it has been given the time or the -- not in this hearing, because I know that this has been going on for some time -- but beforehand before possibly decisions were made to take us down that road, maybe enough people weren't aware at that time.

I'm opposed to it because if I understand it right and, you know, if we're going to have a -- if we're going to rename it and call it a park, are we going to sell clothes pins to people who want to visit? That might be appropriate.

But if we're looking at 40 years down the road and if the responsibilities are going to be the County's, yes, we're giving some money that would help relieve some temporary situations of the jail and the other things, and in this economy money counts and we all know that. But what about 40 years down the road, and what is the price tag going to be if there are any of the problems that are commonly known that can come up with landfills or eco-pact parks?

The whole idea that we would take on new money in the beginning right now when we need it -- and it is a large amount of money -- without looking at the other areas that are refusing it, if Ogle County is refusing it why is DeKalb County saying yes so quickly? It just makes me question whose responsibility is it going to be if any of these things do happen, and what is a life worth, and what's the number of children getting cancer or the number of people being affected in a bad way worth? And can we just push that onto the future and say, well, we don't care?

Thank you.

HEARING OFFICER MCCARTHY: Thank you.

Anyone else like to make a public comment?

Yes, sir.

MR. ANDERSON: John Anderson, DeKalb
County. S-O-N.

Anyway, I'll refer back to Rosemarie, what she was saying there, and I will make a statement that if money was not involved here there wouldn't be a County Board member here. Waste Management has tried twice to do this and both times failed, but now they're desperate for money, money that there's questionable need for this money.

I have never -- I have been to the jail. I have had a tour through it when I served on jury duty. And there is a lot of wasted space both in the courthouse and the jail. And have you ever thought about getting experts in there to tell you just how you could move some people around? In the electronic age you could have people in Sandwich that were involved with court because it's all done electronically.

Now, I was here last Monday just for the beginning and I have had this bad chest

congestion ever since then. But it's just like what's going on with our federal government today: this guy gets his cut of the pie, this guy gets his cut and I'll vote for the project. And this isn't right.

Now, you can't say it's right until you go ahead and vote yes for it and accept the money. Then I can say you're taking bribery, but my wife said don't use that word because you're going to get in a lot of trouble.

But really when you get around to talking to people in the County here, this is the first man I have heard that's really for this. And from what I heard today from our chemist here, scientist, I'm almost ready to say let's take a petition up and have the place closed down right now.

They were here before the school was here. And the poor developer that built all these houses, after all this gets out in the public here I don't know how he's going to sell a house.

But really to begin with, around the school should be monitored very carefully until

they can get control of what they're doing here. And my suggestion would be to keep this outfit open for a few more years, take in the local garbage, and we should find another spot here in the County where you're not close to all these people, all these kids, because it may not kill them instantly but they're going to get a lot of mental problems down through the years and other health problems.

And I just think there's a better way to get some funds where you could rebuild the jail and be more suitable. Like she said, the thing isn't safe. You can't get in the courthouse, you can't get in there, but you sure can get in the jail.

And there's other alternatives here, but it's just like everything that is going on in Washington, it's who's got the money.

HEARING OFFICER MCCARTHY: Okay. Thank you.

Anyone else want to make a public comment? Yes, ma'am.

MS. MOTT: Grace Mott, I live in DeKalb. M-O-T-T.

After listening to 45 plus hours of testimony here at the public hearing, I know we have all heard a lot, but I am more concerned about the proposal than ever after hearing this testimony.

If this application were to expand a landfill for DeKalb County purposes, for our needs, I would not necessarily be against this. If this application were to propose a new recycling plant with a whole bunch of new jobs I might not be so against this. But it's not.

I heard that DeKalb County recycles to a larger degree than any other county around, we're at 51 percent, which is just awesome. Our price for that is to take in everyone else's garbage?

The fact that we had a County Board member, Eileen Dubin, just come up here and speak about the need for the jail at this hearing, we're already talking about how you're going to spend the money, at this hearing to bring up the need for the jail before we consider whether or not our future is going to be negatively affected tells me that that's what

this is all about. She confirmed it when she brought that up.

Instead, what I heard here at this 45 plus hours of testimony is that Waste Management has the need. DeKalb County doesn't have the need. Waste Management has the need to expand their landfill.

What I have heard is that the landfill has already leaked and Waste Management chose not to tell us. I heard Mr. Hoekstra state that there is no more smell of the H₂S, that rotten smell, that rotten smell that we all smell.

I heard a Waste Management witness tell us that they did not consider farm vehicles in the traffic studies and they will not pay for our road. That's not a traffic study in DeKalb County.

I heard that Waste Management wants to bring 16 other counties, including Cook County's, garbage all to DeKalb.

I also read that the County Board already has plans to spend the tipping fees for a jail that we, as citizens, voted down.

I have also read that there are many

companies willing to put garbage to energy technologies in place.

I implore the County Board to reject that petition and investigate those other technologies. They bring more money, and that's what you want is money. They hire more people, and we all know we need jobs, and it's a much safer process.

I heard here during the 45 plus hours of testimony each and every witness paid by Waste Management say that there would be no negative impact to our community, no negative impact to our property values, no negative impact to our roads, no negative impact to our water, no negative impact to our children from those hidden gases that we are all smelling.

I also heard each and every witness paid by Waste Management admit to us that every time they were paid by a landfill company to testify as a siting applicant that they found there would be no negative impact. Really? Every time that they did a study for every landfill in every community it was no impact? Really? Can we believe that if they have never, ever found

that it has caused damage yet we're hearing and we can read for ourselves that they do cause damage?

County Board, please, please, please do not vote for this application. Don't put our children more at risk. Don't destroy our roads. Don't make a DeKalb County known to everyone as Chicago's landfill. I'd much rather be known as the home of NIU. We already know NIU is having problems, and this isn't going to help. I don't want that moniker of, oh, yeah, that's DeKalb, Chicagoland's dump. We have much more to offer the world than space for their garbage. NIU will suffer, we will all suffer if you approve this. Please don't let this be your legacy.

HEARING OFFICER MCCARTHY: Okay. Thank you.

Anyone else? Yes, sir.

MR. DUREK: My name is John Durek. Last name, D, as in David, U-R-E-K.

The reason I wanted to come today is this, there's a perception in the community, at least from what I can tell in talking to the local citizens, that the decision has already been

made and that essentially hearings like this are a democratic facade.

You know, I'm a doctoral student in political science, and I'm interested in public policy. I'm also very interested in the work of a political scientist by the name of Robert Putnam who's written extensively on this issue of social capital. And what I had to emphasize here is this, you don't build trust in any community, whether it be your local community, your local government or your county government in some form if people have this perception that their elected officials already made decisions about policies that are going to affect them. And there's a lot of people out there who don't necessarily trust their local government and they don't -- as John mentioned, there's a lot of people who don't have a lot of trust in federal officials either.

And you erode the trust when people think -- or at least form the perception that decisions have already been made. And then you allow people to come to hearings like this and get in front of a microphone and speak their

piece, but what difference does it make?

Now, I don't want to be cynical, I don't want to submit to that kind of thinking. I hope that members of the County Board actually do think this through.

I don't think that DeKalb County should essentially become the repository for waste from all these other counties. We should take care of our own trash but not anybody else's.

But I just want to emphasize that it's really important for people to think -- you know, if we believe in democracy and if our principles are really what we claim them to be and our history and our political identity, well, you know, we have an obligation I think to our citizenry to make sure that we think through the issues and we don't just take the advice what a corporation has to say, especially when all of their evidence says that no matter what they do it's never wrong.

Thank you.

HEARING OFFICER MCCARTHY: Okay. Anyone else? I thought I saw another hand. Yes.

MS. LOVINGS: Can I comment on behalf of

an acquaintance who had to leave to pick up her child?

HEARING OFFICER MCCARTHY: Sure.

MS. LOVINGS: On behalf of Lisa Wilcox, she wanted me to stress her concern for the project and the overall degradation of the air quality that it would result in. Her child already has autism. I think that there's a concern, you know, general concern that the gases and the pollutants that are escaping into the air are going to have an impact whether we know and can identify them or not. There's just a concern.

And she wanted me to, on her behalf, implore the County Board to please consider the general health of the local population and to not accept this proposal.

On my own behalf, I have spoken a couple times. My name is Danica Lovings,
L-O-V-I-N-G-S.

And I'll just make my final statement. I have been here through a lot of the hearings. I too felt the process has not been -- that it's very short-sided, that the decisions have

already been made before the hearing, you know, was held and the money spent. I don't have confidence in this entire process. I don't like it.

And also, I just really, really, really hope that the Board considers and thinks about 40 years down the line. I know it sounds like a long time, but where are our citizens going to be at that point? And nobody during this entire hearing, nobody from Waste Management, nobody from -- nobody can answer that question, how it is going to impact our future. I mean, we're just putting our kids and our grandkids in a greater predicament.

HEARING OFFICER MCCARTHY: Okay. Anyone else?

MR. SEREWICZ: Can I make a public comment?

HEARING OFFICER MCCARTHY: You sure can.

MR. SEREWICZ: In listening to the questions I became much aware that there is a confusion about odor versus hydrogen sulfide. And the question about the content of hydrogen sulfide in DeKalb County has to be taken in

context of what we smell. When we go through the farming community with manure and other things on the surface what you are smelling predominantly is amenes (phonetic), and that is the nitrogen compound of our structure. You have to distinguish that from hydrogen sulfide, which only comes from confined things such as the landfill.

Out in the open where you have oxygen you're taking the sulfur, and it is sulfide, you will take it and you are oxygenating it. So it is going to not hydrogen sulfide, but it is going in the other direction.

And so with dead bodies, for instance, the predominant smell is an amene. They even named it after it, they called it cadaver amene (phonetic), and that's the way in which you put the association with the name.

So that the smell that you smell in rural areas predominantly are nitrogen compounds going into the atmosphere. It is only in specific cases such as diesels, such as confined areas where there's actually sulfur going into a confined area where you uncover it and suddenly

it is hydrogen sulfide. But the predominant smell in the community that you will call the farm smell is actually a nitrogen compound, amenes, and it is related to ammonia. You don't smell the ammonia per se, because you have the vegetable matter which gives you different compounds. You could isolate that and you will see some ammonia coming, but that is the distinction that I want to make.

The odor we associate with pollution from the farming community is mostly nitrogen. There are isolated cases of sulfur, but I would say that, once again, 75 percent of the hydrogen sulfide, an identifiable, testable compound, will come from the landfill.

Thank you.

HEARING OFFICER MCCARTHY: Anyone else?

Yes, sir.

MR. MELLOTT: Kerry Mellott, 22872 Malta Road.

I have been a resident here in DeKalb County for about 15 years. Prior to that time I was a resident of Wheaton, Illinois in DuPage County. I could go on and on about scientific

data, evidence, all sorts of testimony, but I prefer to put that into the written record which, as I understand, we're allowed to contribute to for the next 30 days after the close of this hearing.

However, as a public comment today I would like to tell you about my experience in Wheaton in DuPage County. Now, none of this I could have told you two weeks ago because I was not aware of most of what's been testified to at this hearing two weeks ago. It was only when I saw the memo from Mr. Bockman, the County Administrator, telling the County Board members, telling them not to communicate with us, their constituents, as elected representatives that I became interested in this topic and this landfill hearing and the potential for an expansion to our existing landfill.

But back to DuPage. 15 years ago and more, I spent 40 years in DuPage County, I have watched and even participated to some extent as a user in landfill building, filling and decommissioning in DuPage County. As I am now aware of the negative effects of those things

due to my research over the last couple of weeks, I simply went on the internet and found that the landfills that I used to use, that I used to be aware of in DuPage County; that being initially Blackwell Forest Preserve, that's more commonly known as Mount Hoy, that was the first one, I can remember hauling things out there to that landfill and, oh I guess it must have been 1970, '71, '72, somewhere around there, that landfill; another one called Mallard Lake, which is now in Hanover Park which is now surrounded by homes, when I first went there it was completely surrounded by empty fields; and another landfill called Green Valley which is in Naperville. All three are in DuPage County, and as I understand it from the research I did this last week or two are owned by the Forest Preserve District of DuPage County.

I mentioned these three because I'm familiar with them, you know, from personal experience as a resident -- former resident of DuPage County, and because the research lately tells me that Mount Hoy -- which as a young man, as a teenager I was quite interested in because

they were telling us great things about how this would be what our previous commentator called an eco-park or something to that effect. They were going to have a swimming pool there. And boy, any teenager in Wheaton was more than interested in going out to a swimming pool in a wonderful forest preserve.

They did site that pool -- that beach I guess it is probably more appropriate to refer to it as a beach rather than a pool. Very shortly after they closed it down because it was contaminated. There were contaminants found in the water in the surrounding area.

Mount Hoy now is on the superfund list. And for those of you who don't know in the audience what a superfund list is, it's a list that the United States Environmental Protection Agency has formed in which various landfills and other contaminated site projects are added.

Now, as I understand in the case of Mount Hoy, Blackwell is a voluntary situation where the Forest Preserve District chose to add it to that. They had good incentive, because as I understand it if they choose not to add

themselves to the superfund list if there is clean-up required in the future the US EPA can charge them up to three times the actual cost of the clean-up because it will be handled by the US EPA.

This is something I'm very concerned about regarding the proposed landfill expansion. If there is a future cost it will either go to the superfund list, if there is still such a thing if the government can still afford to manage those kinds of projects, or perhaps if the county government decides not to put it on a superfund list they would then perhaps be liable for up to three times the cost for any remediation of any potential problem. That's a big issue.

Another of the two landfills that I mentioned, Mallard Lake is right now on the EPA District 5 remediation list because they have a problem with methane migration. Methane in the case of Mallard Lake has migrated through the soils or through whatever stratum that might be there. I'm not a geologist, so I don't speak to that in terms of an exact science. But it's

been proven by tests that methane generated from the landfill has moved through the soils, off the site of the landfill and is now being collected in test wells and other methods in private property adjacent to that landfill. Now, that's an ongoing project. The last thing I read about it was a month ago in February of 2010, the EPA listed some things -- this is all online if anyone is interested, just Google the name of Mallard Lake, in this case, or Green Valley or Mount Hoy or Blackwell. All these things are easily found. That's how I did it, just simply went online on Google and found these things.

I understand from the Forest Preserve's website documentation that they are now using tipping fees from Green Valley to pay for some of the remediation costs of these other two landfills.

So I would request the County Board to take a look at this, to try and fully understand the liability issues, the potential remediation costs, and to fully understand the risks.

In my opinion -- and I will add this to

the written record in the next 30 days -- as a researcher I have looked and listened to what's been presented here over the last 40 hours or so. I do not believe that there is a complete plan that will work in maturity, or at least the next 40 some odd years that makes me feel that there is a safe risk to take for this project.

Thank you.

HEARING OFFICER MCCARTHY: Thank you.

Anyone else that would like to make a public comment? Yes, sir.

MR. ROMAN: I have a letter that I have prepared for the County Board, so I don't know who do I give it to?

My name is Craig Roman, 1766 Goldenrod Turn, DeKalb, Illinois.

I would like the Board to consider other factors other than the tipping fees from this proposed expansion. I am not against the expansion, but I have questions as to the safety of the citizens of this county.

With the proposal, Waste Management is going to transfer the refuse from the old fill area. I am aware that the area is leaking, but

as we have heard from this process is that the trash in this area was burned with diesel fuel. The Federal regulation of asbestos began in the 1970s. Due to health concerns, all new uses of asbestos in the United States were banned in July of 1989, which is all prior to Waste Management owning the landfill. Without intensive investigation to what is in the landfill, we should not endanger our citizens, mainly our youngest citizens, the ones who have no voice in our governmental system. If this is approved we are subjecting our children to the possible exposure for prolonged periods. I, as a citizen and as a father of one of the children at Cortland Elementary School, I have to ask are the tipping fees all that matter in this decision?

So far at this hearing, Waste Management has presented an appalling disregard for the public safety by completely failing to provide us with any information regarding the environmental hazards of this landfill. Then learning of the H₂S, or hydrogen sulfide, leaking into our environment, what is leaking

into our soil, our underground water, the union ditches or our waterways? The proposed expansion would straddle the union ditch, that would double the chances of the waterway becoming tainted if it isn't already.

Then the best information that's come from this is that the refuse disposal of DeKalb County is down 100 tons, from 350 tons a day to 250 tons a day. If the proposal of the landfill expansion is for DeKalb County this would satisfy our needs for refuse disposal for generations. If, as it is proposed to accept 2,000 tons a day, we'll be looking for solutions to our refuse disposal in less than one generation. Is that the lasting legacy that you want to leave for the children of our future, a two and a half mile, 550-acre landfill that is currently leaking, and that in the future will most likely leak, causing more damage to our community, our county than ever could be gained in tipping fees?

Can't we seek an alternative to a landfill and look towards a greener process, as you did with the wind turbines? Aren't you, as a board,

to look forward to expanding the economic outlook for the County? Is a landfill the best outlook for that, or are the tipping fees all that can be seen?

Thank you.

HEARING OFFICER MCCARTHY: Thank you.

Anyone else? Anyone else? Okay. Yes, sir.

MR. ANDERSON: If you got time, I just thought of a couple things that are positive about this. John Anderson again from DeKalb.

When we're talking about garbage pick-up day and you drive down the street, you see everything out on the curb, furniture, mattresses. And we do a good job to recycle, according to what I read in the paper, but we're still falling down. I see a lot of paper that's in the garbage. Now, there's just the wife and I, but we don't fill a five-gallon can of garbage every week. The recycling box is full. But if you do go buy a new tv, you won't get the styrofoam around that tv in two of those recycle boxes.

And I did see on one of those programs on

television about a company that picked up garbage in a St. Louis suburb that had gone to an electronic reading, and each -- each address has their own little tag on the garbage can, they pick it up, they weigh it, and they send you a bill according to how many pounds you throw out. You would clean up -- you would clean up the streets all over if you did something like that. And I thought that was pretty, pretty, pretty clean.

But getting back to if you do decide to go ahead with that project, which I'm not in favor of, and you're going to get a lot of money from Waste Management, save it. Because the liability is terrific and there's -- and as you have seen in the last year and a half, there's no corporation in the world that's beyond filing bankruptcy, and the County Board would be responsible for cleaning up any mess.

Thank you.

HEARING OFFICER MCCARTHY: Thank you.

Anyone else?

All right. Let's take a -- I'm not going to say how long -- well, let's say 10 minutes

and then we'll come back for closings.

(A recess was taken at 4:06 p.m.
and proceedings resumed at 4:23
p.m.)

HEARING OFFICER MCCARTHY: Let's reconvene
the public hearing.

Just a couple of the housecleaning items.
First of all, I -- during the public comment and
during Ms. Slavenas' testimony I was handed some
documents, and I want to make sure they get in
the hands of the County and are part of the
record.

So first of all, the first one is the
Analysis of Waste Management's Proposal to
Extend DeKalb County Landfill. You have that?

MR. BOCKMAN: That's Ms. Slavenas'?

HEARING OFFICER MCCARTHY: That's
Ms. Slavenas', that was the first one.

MR. BOCKMAN: I do have a copy of that.

HEARING OFFICER MCCARTHY: And then I
believe the second one was the address to the
DeKalb County landfill expansion hearing from
Gary L. Wells. Do you have that? Okay, I'll
give you that.

The third one I believe was a letter to the DeKalb County Board members from Mike Verbic, President, Board of Education of the School District 428. Do you have that? Okay, get you one of those.

And then finally was the letter from Craig Roman to the DeKalb County Board.

MR. BOCKMAN: Yes, and were there resumTs introduced as exhibits?

HEARING OFFICER MCCARTHY: Yes. You don't have those?

MR. BOCKMAN: I have none of those.

HEARING OFFICER MCCARTHY: I think maybe we should take a minute and go over the exhibits and make sure we're in agreement. I'm going to give you those, those are the four originals.

MR. MORAN: Mr. Hearing Officer, are we going to mark the exhibits from Ms. Slavenas and Mr. Wells?

HEARING OFFICER MCCARTHY: I think we should probably mark hers as an exhibit, since she was sworn.

(Objector's Exhibit No. 4 marked for identification.)

MR. BOCKMAN: I have the long version. Do you have the short version of this?

HEARING OFFICER MCCARTHY: I have both the long and the short, but 1 was not admitted but keep it anyway.

MR. BOCKMAN: The short one was not admitted?

HEARING OFFICER MCCARTHY: Right, but it's still part of the record.

MR. BOCKMAN: I will need it then.

HEARING OFFICER MCCARTHY: You don't have it?

MR. BOCKMAN: I have only the long one.

HEARING OFFICER MCCARTHY: I have a short one.

MR. CAMPBELL: Do you have the article? There was one article that I think was Objector's Exhibit 3.

MR. BOCKMAN: No.

HEARING OFFICER MCCARTHY: That was Objector's 2.

MR. CAMPBELL: 2 I mean.

HEARING OFFICER MCCARTHY: Okay. What I have as the exhibits would be the Applicant's

Exhibit 1 is the site location application itself, the nine volumes; 2 was the notice of public hearing; 3 was the power point presentation from Waste Management; 4 is the resumT of Andrew Nickodem; 5 was the resumT of Thomas H. Price; 6, the resumT of Sheryl R. Smith; 7, the resumT of Peter J. Poletti, Jr.; 8, the resumT of Dale Hoekstra; 9, resumT -- the shorter version of the resumT of Joan Underwood; 10, the resumT of David B. Miller; 11, the longer version of Joan Underwood's resumT; and 12, the resumT of David Yocca. And that's what I have as the Applicant's exhibits.

The Objector's exhibits I have -- and all those were admitted without objection.

The Objector's exhibits, I have the vitae of Aubrey J. Serewicz, which was not -- which was withdrawn; 2 is the article from the LRI Perspectives magazine; 3 was the longer version of the vitae of Aubrey J. Serewicz. And then I have finally Rosemarie Slavenas' exhibit, which was her talking points I guess.

Okay. Everybody agree? All right. What we're going to do now, for those of you who are

here, we have said over and over again this is sort of like a trial. At a trial there's an opportunity for closing arguments or a closing statement. We'll start with the Applicant, we will then go to the Objectors in any order that you want to speak, we will then go to the County. I suspect the County will probably have nothing to say. We will go to the members of the Committee, and I expect again that they probably will have nothing to say. Then we'll go back to the Applicant for any rebuttal of the comments that have been made by the Objectors. Okay, and then we'll take a few minutes to talk about dates, when your written public comment might be due, and I think we also want to talk about a briefing schedule, if the Objectors are agreeable.

Okay. With that, Mr. Moran.

MR. MORAN: Thank you, Mr. Hearing Officer, Members of the Committee, Objectors, Ms. Cirpiano, members of the public.

As we have seen over the course of the last six days, this is a very special and a very unique process. The process has been

established, as we have indicated, by the Illinois legislature almost 30 years ago. And that process was set up to address an issue and a problem that had existed for a long time in the local review of site location applications. And that issue was the problem or the perceived issue of local involvement, local input, local participation in the review process to permit a pollution control facility, what we have referred to as a pollution control facility. In this case, an expansion of an existing solid waste landfill.

But in providing for this process, which as we have indicated, allows for, encourages, in fact to a great extent demands the participation of all interested citizens and persons who wish to be heard and wish to have their views and their facts and their case presented before a committee or, in fact, the County Board itself.

The State, in providing for this procedure, recognized that as important as it is, it is also extremely important that the process provide for a review of the facts, review of evidence that would be used to either

support or underline specific criteria set out in the statute. And the criteria were critical, because the legislature determined that in order to properly review these types of facilities those criteria ought be spelled out, identified and applied and interpreted uniformly throughout the state so that these criteria that we now have to measure that application against have not only been specified for this proceeding but they apply to any proceeding in this state to site a new pollution control facility. And that's important, because it allows and it gives the decisionmaker, the County Board, specific standards and specific criteria which must be applied. And if the facts support those criteria, County Board members or the City Council members must grant siting approval.

So as we have said, this process puts those decisionmakers, those committee members in the role of judges, in the role of adjudicators of the facts and the evidence presented; not the role they normally play in legislative, in making policy, in making determinations about whether a certain law should be passed or

whether certain steps should be taken.

That's the reason this process has been set up, to consider the evidence and the facts presented both by the Applicant and by any interested person, any interested party who believes those facts and that evidence ought be presented.

But moreover, those facts and evidence must be presented as they relate to the statutory criteria. Those criteria identify the standard that must be met, and it is the facts and evidence presented which is the only measure that is appropriately reviewed and decided by this committee. And that's very helpful and it's very fair and it's a very proper way to evaluate evidence, because it provides that level of due process and fair consideration to which not just this Applicant but to everyone here is entitled.

And so when we talk about the process where we review and present facts and evidence, that's the crux of this proceeding: facts. Not speculation, not belief, not I think things are this way and they ought to be that way and you

ought to look at this from the standpoint of what we think ought to be the case. The review is much more limited. It's limited based upon a determination as to whether these facts satisfy this criteria or these criteria, there are nine and we identified those at the beginning.

During the course of this hearing we have presented eight witnesses who have identified and presented facts and evidence that support a finding that these nine criteria have been met. That's the standard of review here, that's the basis on which the decision must be made; not other considerations.

So as much as it may be appropriate, and certainly we have heard many statements and comments about people's beliefs about what landfills are all about, whether we like landfills or not, where we think landfills can be operated appropriately, technically it's not properly part of this review. But facts are a part of the review, facts that are presented in connection with the specific design elements that have been proposed here. The specific operational performance of facilities that have

similar operational procedures proposed, those are the kinds of facts that provide the basis for the proper determination by the committee.

And the facts as we have presented them and the evidence as we have presented over the course of these six days related to each of these nine criterion.

What I'd like to do now is to go through and identify for us those criterion and the evidence that was presented in support of each.

We'll begin with Criterion 1. The criterion states that a showing must be made that the proposed facility, in this case the expansion, is necessary to accommodate the waste needs of the area it is intended to serve. That language indicates that the proper factors in evaluating need include a service area, a service area that was defined here as 17 counties, DeKalb County and the 16 surrounding counties. And the law provides that that service area is to be determined by the Applicant, so that a consideration that the county that is hosting or that is considering the application that this proposed facility is

located in the county can't properly determine that only waste from within the county can be determined or evaluated in assessing need.

Because, again, the State in setting up this process recognized that these types of facilities are regional in nature, they're not local facilities, which is why the standards were uniformly established to apply throughout the state.

And in this instance the service area, as we indicated, defined is the 17 counties. The evidence that was presented in connection with Criterion 1 established the amount of waste requiring disposal that's generated within that service area.

And as you recall, Ms. Smith testified that that amount of waste generated within the service area over the site life of the proposed expansion was 490.4 million tons. And what the law provides for us is that in order to determine need, we must not only consider the net waste generated but also the available capacity, what capacity is available to serve that service area and to serve the needs of the

area generating the 490.4 million tons. And as we saw, that permanent capacity, along with potential capacity from sites that were preliminarily approved but not finally permitted, was about 83.3 million tons. That gave us a total capacity of 206.6 million tons. Taking that and measuring it against the 490.4 million tons, we end up with a capacity shortfall of 283.8 million tons over the life of this facility. The proposed capacity of this expansion is 23.2 million tons. So clearly the need for this facility has been established without contradiction.

The standard as set out is given to us in the case law. The case that I have cited here is one that identifies that standard, and that is you evaluate need by looking at both the net waste generated within the service area, the available capacity, measuring those two and if indeed there is a shortfall, as there is here, there's a need for the facility.

Criterion 2 states that the proposed facility, the expansion, must be demonstrated to have been designed, located and proposed to be

operated to protect the public health, safety and welfare. That criterion relates to perhaps the most important of the evaluations that must be made, and that is the efficiency, the effectiveness, the appropriateness of the design and proposed operations of the expansion.

And the criterion as they're identified and as we see them spelled out as we move forward does not provide or stipulate or require that the design or operation be foolproof or guaranty results. That simply isn't the way these criterion are structured. They are structured to establish that indeed the design is sufficiently protective of the public health, safety and welfare, that design elements will ensure no releases, no incidents, no events that will in any way impact or negatively affect the public health, the public safety or the public welfare.

And in this instance, as you'll recall, Mr. Nickodem testified as to the design of this expansion, and he identified those engineered elements for this design which will ensure that this landfill will perform and will protect the

public health and safety. Those features of the design are what has traditionally and commonly been employed by Waste Management, the leader in this industry in designing landfills. The composite liner, which we talked about, which as you will recall is the 60 mil high density polyethylene geomembrane, along with a 3-foot low permeability soil layer, combined with a leachate collection system, which as it ensures the collection and the removal of any leachate that may accumulate within the base of this landfill ensures proper and effective containment of the waste.

The other elements that Mr. Nickodem identified were the final cover providing for appropriate containment within the proposed landfill to ensure that any infiltration minimized into that mass and minimization of the generation of any additional leachate.

The surface water management system to address issues relating to surface water issues to ensure that no flows of surface water are in any way modified or changed from predevelopment flows to, of course, effectively manage surface

water within the site.

A gas management system which will ensure that any gas that is generated or formed within the landfill is properly collected, managed, and effectively controlled.

Importantly a groundwater monitoring system, as we heard from Ms. Underwood in the geologic and hydrogeologic site characterization that was performed to identify not only the geologic materials, the need for the site, but also the hydrogeology on the site to determine the direction of groundwater flows so that an effective groundwater monitoring system could be established.

Indeed here, as you'll recall, that groundwater monitoring system was established within those upper zones, what is called the monitorable zones, the Lacustrine unit, as well as within the Silurian, which are well above the principal drinking water sources of the County which was identified -- or at least in this area is within the Galena formation. The idea being that if, indeed, there were any possibility of a release or there were one it would be detected

well before it came close to any groundwater supply, any drinking water supply. A critical part of this proposal.

Additionally, the air, gas and leachate monitoring systems that were put in place to once again monitor and ensure the performance of the design elements of this facility.

And then Mr. Hoekstra, who testified as to the operational procedures that were being deployed at this expansion, all of the procedures that were in place to ensure proper management and control of how this waste comes in, how it's disposed of and how it's properly managed.

And what the cases have told us with respect to this criteria is that with these facts, Criterion 2 is met where the design and proposed operation is spelled out in the testimony, is spelled out in the facts presented to you, have indeed complied with those standards set out by the Illinois Environmental Protection Agency. And in this instance that's precisely the facts that were presented to you.

The third criterion relates to the

question of land use surrounding the facility. And it states that evidence must be presented to establish that the facility, the expansion in this case, is located so as to minimize incompatibility with the character of the surrounding area and minimize the effect on the value of surrounding property. I want to just focus your attention on those terms. "Minimize" is the operative term in this criterion.

The language itself assumes in some way that there will be some incompatibility between a proposed use such as the one we're suggesting here and the surrounding area. And what it says is that steps reasonable should be taken to minimize that incompatibility. Not eliminate it, not completely resolve it, but minimize it.

And as we heard from Mr. Yocca and also from Mr. Poletti, the steps that have been taken to minimize that incompatibility include the location of the facility away from a major population center or a high density area, the implementation of area screening and landscaping strategies. As we heard, the screening berms, the setbacks provided, the landscaping

treatments proposed for the entirety of the facility are precisely those types of strategies and features that will minimize any incompatibility, help transition this use and blend this use more compatibly within the uses in the surrounding area.

Similarly, with respect to property values, the statutory language identifies that the key term here is to minimize any effect on the value of surrounding property with the assumption being that there may be some negative impact. However, as we heard from Mr. Poletti, who did a specific case study of the existing landfill -- the landfill that was built, as we saw, predated the modern environmental regulations that are in effect today. With that evaluation and study, Mr. Poletti identified that the existing landfill has had no discernible negative impact on surrounding property values. With the data available from sales in the area the conclusion was clear, there simply was no negative impact.

And indeed the legal standard as set out is as we have identified it here on the screen;

and that is that if evidence is presented that establishes that the location of the facility is not in the middle of a high density residential area or away from population centers, it's provided with the appropriate screening setbacks and landscaping, that's sufficient to address and identify and establish the minimization of any effect.

The fourth criterion that we heard about related to the question of whether the expansion is located within the hundred-year floodplain. As we heard from Mr. Nickodem, it was clear that this facility is not located within the hundred-year floodplain, and the evidence establishing this conclusion is supported by the decision in the American Bottom Conservancy case which will appear on the board presently.

The fifth criterion relates to the plan of operations and whether the plan of operations has been designed to minimize the danger of the surrounding area from fire, spills or operational accidents. Again, we look at the language in this criterion, and it talks about minimization. It doesn't talk about guarantying

against, avoiding or preventing, because the courts recognize, the legislature recognize that to prevent all problems is simply impossible. That's not what the criterion requires. It requires clear steps to outline and define an overview of property procedures, a description of what plans are in place to address any of these contingencies should they arise, and the discussion of those procedures as they would relate to any possible accidents that might occur.

And as we heard from Mr. Hoekstra through his discussion of each of these items, the fire prevention and control plan, the spill prevention plan, accident prevention, emergency action plan, and provisions for facility security, this criterion, the evidence presented, was clearly met. And that showing is also confirmed and verified by the Fairview Area Citizens Task Force case, which involved a similar set of evidence presented and a similar set of facts.

Criterion 6, the traffic criterion. That language is very important to look at and

consider, because during the course of the hearing it appeared that maybe we had moved away from what the traffic criterion really requires and what is required to establish it. And that criterion reads that the Applicant must present evidence that shows that the traffic patterns that have been proposed for vehicles going to and from this facility have been set up or designed in a way to minimize impact. There's that word again, "minimize impact". Not eliminate, not prevent an impact. Because realistically there are going to be more vehicles, there may be impact. But that doesn't show that the criterion has not been met.

The key standard here is have you taken the steps to appropriately minimize that impact. And what was that received evidence that we showed here? The evidence showed that with respect to the transfer trailers that could be coming to this facility -- and by the way, we looked and we heard about the amount of traffic that would be coming to the expansion above and beyond what currently goes to the existing facility, and there was a fair amount of

misunderstanding regarding that information. I just want to remind all of us what that testimony, what that evidence was.

The existing facility now sees 89 vehicles coming and using the facility on a daily basis. The expansion will involve a total of 237 vehicles coming in and out of the facility. The additional new waste vehicles coming into this facility, coming into the expansion are 120. That's 120 waste vehicles coming into the expansion over an 11-hour period. So an average of under 11 vehicles per hour, which is approximately one waste vehicle every five minutes.

But in showing how these traffic patterns have been designed, the identified route for the transfer trailers -- and there will be 50 of those transfer trailers, new trailers beyond what is going into the existing facility, coming into the expansion. Those transfer trailers will be required to take 88 -- I-88 to Peace Road to Route 38 to Somonauk. It's provided for in the host agreement. It has been testified to by Mr. Hoekstra that that will be the route they

will follow.

A question came up as to how can we ensure that these transfer trailers will, in fact, be taking that route. And as we explained, those drivers who will be taking those transfer trailers to the expansion are all or will all be preapproved before they come to the facility. They're not transfer trailers that simply pull into the expansion on -- without any notice and attempt to deliver their loads. All 50 of these transfer trailers will either be third party drivers who have agreements with Waste Management to deliver their vehicles and their loads to this facility with provisions stipulating to the route that must be taken, and that in the event those routes are not taken there is a provision in the agreement that provides that those individuals are put on notice that they are in violation of the agreement, and upon a second violation these drivers not only stand to be terminated and to lose their privileges to come to the facility but their company may also lose their privileges.

The other drivers who come into the facility with these transfer trailers are Waste Management drivers. They obviously are controlled and directed by Waste in a similar program, and a similar enforcement mechanism is put in place there: you don't follow the route, you're subject to ultimate termination and other disciplinary action.

So that the assurance that these transfer trailers will take this route is in place. And with those des -- with that designated route and with these provisions, these traffic patterns have clearly been designed so as to minimize any impact and affect on existing traffic.

And as we heard from Mr. Miller, who testified with respect to his evaluation of traffic in and around the facility, he concluded and showed us how the street peak hours in and around the facility are offset or different from the peak hours of facility traffic; in other words, vehicles coming to the facility. Those two peaks are different. There's adequate roadway and intersection capacity as established at the critical intersections of Somonauk and

38, 38 and Peace Road and obviously at the facility entrance.

Mr. Miller also testified about the adequate gaps that were available at the facility entrance and also the more-than-sufficient sight distance to ensure that any impact has certainly been minimized with respect to that additional traffic.

And as the case law tells us, this evidence, this type of evidence that has been presented meets Criterion 6 because it shows that the effect on the existing traffic flow has been minimized. That case, the Tate case, establishes that proposition beyond any doubt.

The next criterion is Criterion 7, which is one that does not apply here. We heard from Mr. Hoekstra that this facility will not be accepting any hazardous waste, and Criterion 7 relates to a facility that proposes to accept hazardous waste requires an emergency response plan. Obviously that doesn't apply here.

Criterion 8 relates to the County's Solid Waste Management Plan. The language in that criterion states that if the facility is to be

located in a county that has a solid waste management plan, the proposal must be consistent with that plan.

As we heard from Sheryl Smith, she reviewed the DeKalb County Solid Waste Management Plan and updates and pointed out prominent provisions in each of those plans which established a consistency of this proposal with that plan.

And indeed, the City of Geneva case, which I have cited here, establishes that where a plan includes any of the elements that we have identified here and there's no provision in the plan that prohibits the expansion, the expansion is consistent with the plan.

The ninth criterion relates to the question of whether the expansion is located in a regulated recharge area. The Illinois Pollution Control Board identifies and describes regulated recharge areas. There's been only one, as Ms. Underwood pointed out, in the State of Illinois, and that's located in Peoria County and is known as Pleasant Valley.

So clearly here the evidence was

unquestioned that we were outside the regulated recharge area.

The beauty of this process is that it is driven and it is really defined by facts and consideration of facts and evidence. The facts and evidence that we have presented throughout the course of this hearing have been directly responsive to each of these criterion, and as I have described, established that each of those criteria have been met, have been met without contradiction, without impeachment, without any type of reputation. We have heard no contrary evidence or facts that refute any of the showings that has been made for these criterion.

And as such, as the Act provides, where that showing has been made the decision of the local county board, the committee members is clear to follow the dictates and the persuasiveness of that evidence that addresses these criteria, and with the showing that has been made to approve this siting application and to find specifically that these criteria have been established.

We didn't hear during the course of this

hearing, other than belief that the County perhaps should not accept out-of-county waste or that, you know, all landfills leak and all landfills are bad which, as I said, is not evidence, not facts, but beliefs that don't form a proper basis for this review. But one of the comments that I will always request and ask for is facts, present facts to us. If there's something about an application where you can point out that evidence or that set of facts that refutes any part of the showing that we have made, present those. We have not heard of that during the course of this hearing.

In fact, one of the statements that was made referenced landfills in DuPage County, three landfills, I believe the landfill that was owned by the Blackwell Forest Preserve, Mallard Lake Landfill and the Green Valley Landfill. The Green Valley landfill was the only of those landfills operated by Waste Management. And as we heard, those other two landfills, Blackwell and Mallard Lake, have problems, have been in need of remediation. And, in fact, those facilities have been and continue to be

remediated with funds and with host fees paid by Waste Management on its Green Valley facility.

We have heard discussion about the Settler's Hill facility. We saw photographs regarding that facility. Settler's Hill initially began receiving waste back in the 1960s when it was the Midway landfill, again predating the current scheme of modern environmental regulations. It did not have all the environmental protections and designed engineered features which we see in facilities that we're proposing today.

Settler's Hill, as we have heard, has seen significant residential and other development grow up around it to the point where if there had ever been a problem or issue, whether it was with landfill gas, whether it was with H₂S, whether it was with some other issue regarding a landfill, wouldn't we have heard it? Wouldn't we have heard something about that? Wouldn't that be the type of fact that could be presented in this type of hearing to establish that somehow what's been proposed here may not be appropriate? We haven't heard it. We haven't

heard it. We haven't seen, and there hasn't been a problem with H2S at Settler's Hill. And that's a facility that was built, expanded and developed without all of the engineered features that have been proposed for this facility.

So just to conclude, what the review here needs to be is one of the facts and the evidence presented. The facts and evidence as we have presented it directly relates to each of these criteria, establishes compliance with these criteria as set forth and supported by the case law that we have cited, and we would respectfully request your decision to approve this site location application.

Thank you very much for your consideration, your time and your effort in reviewing what is frankly a very technical and a very extensive application, and thank you again.

HEARING OFFICER MCCARTHY: Thank you, Mr. Moran.

Now the Objectors, and Mr. McIntyre, do you want to go first?

MR. MCINTYRE: I want to begin by thanking all the good people here in this room today and

all those who came for all the days last week in this hearing process; that includes the members of the County Board and the Pollution Control Facility Committee, the County Board's attorney, the court reporters, the staff and counsel of Waste Management, the concerned citizens who have engaged in this process, I'm very proud of you.

And I'm grateful to you, Mr. Hearing Officer, who has shown us respect and patience to the level of a consummate professional.

Mr. Moran was quoting case law, and it was on -- if I could get one more favor out of Bruce -- it was on Criteria 5, the first or second slide there's a case quoted there. It is Fairview Area Citizens Task Force versus the Pollution Control Board. This was 1990. And I think it's important that the Third District Court is singled out here. I think that's important.

And the court ruled, and I quote, although the State statutory criteria must be satisfied before local siting approval can be granted, Section 39.2 of the Act, it does not state that

these are the only factors in which may be considered. Thus, a local governing body may find the Applicant has met the statutory criteria, all nine, and properly deny the application based upon legislative-type considerations.

We need to deal with the facts, all the facts, not just those that are convenient.

I cannot duly express my concerns surrounding this siting application. I will begin and end with the student, parents, teachers, staff and taxpayers that made Cortland Elementary School necessary and possible. Thanks to this hearing, we now know that dangerous gases are being emitted from the landfill. Sure, those of us who drive by the landfill have seen the eternal torches burning the methane gas.

In Mr. Nickodem's testimony he acknowledged that deadly methane gas explosions have occurred on properties adjacent to the landfills, although none associated with any project he's worked on.

Methane is not a nuisance gas, as

Mr. Hoekstra described. Methane gas from landfills can and has led to death, injury and property damage. And an elementary school is within one-half mile of this landfill.

Mr. Hoekstra testified that the landfill does not have an odor problem. There is no odor problem because he said so. Many neighboring residents in attendance disagreed, as you could hear a nervous form of laughter fill this room.

In fact, Mr. Hoekstra told us about an incident with H₂S that occurred during 2008 and '9 that Waste Management chose not to notify the public at the time. That's important. They chose not to notify the public. I guess they didn't want to make a mountain out of a mole hill, but I question such a dangerous policy decision.

And I do have to wonder if School District 428 officials would have made or chosen another site for their new \$15 million grade school had the discussion of H₂S been at the public forefront, especially with the now known dangers for students and staff less than one-half mile away.

On the bases of toxic gases and the proximity of Cortland Elementary School alone, Criterion 2 has not been met. There is clearly a life safety issue with this siting application.

This application also fails Criterion 2 if thoughtful consideration of the potential risk of straddling the union ditch and what could mean to the head waters region of the east branch of the south branch of the Kishwaukee River is given.

I urge the County Board to think green, as in the environment, on this one.

Criterion 6, traffic, has not been met. A traffic study that does not account for agricultural traffic has no merit whatsoever in DeKalb County, Illinois, home of the fine ear of corn. That was Dave Miller's testimony. He told us an evolving story on how Waste Management's designated traffic routes would be enforced. Police will write tickets for failure to use Waste Management's route. Come on. Cops in 17 northern Illinois counties are going to help enforce Waste Management's rules? Does

anyone believe any of this? Then how can anyone believe that the siting application addresses the impact truck traffic from 17 counties will have on our roads? Who will assume any or all of the physical impact of road maintenance and upgrading?

What we have here is a Criterion 6 failed, plain and simple.

It was Criterion 1, however, that convinced me to engage in this process. Criterion 1 is all about need. Although the need for the regards of the host agreement is great for the County Board, as there are many projects to fund from courthouses to jails, the economic development corporation, forest preserves and, irony of ironies, even the County's go green! initiative. My concern is that this siting application process includes a set of judges who have vested interest, regardless of the merit of your motivation, to agree with the Applicant.

Clearly there's a need for Waste Management to get this landfill expansion approved. That's easy to establish. Why else

would they agree to pay the County \$120 million in tipping fees over the next 30 years? Why else would they agree to pay the town of Cortland a million bucks and a plethora of little something-somethings in return for Cortland's guaranty not to object to the siting application or to assist anyone else who might object? Why else would members of the County Board be given a private tour of another impressive Waste Management facility? Why else would every one of the expert witnesses -- Waste Management's expert witnesses that Waste Management had testify, every single one of them testify that this siting application passes with flying colors? And every single one also said that they make that recommendation to support whoever pays them, every single one.

This process enables the selling of police powers and we, as America citizens, must never allow that. Let me give you an example of selling police powers: if this County Board fails to protect the students and staff at Cortland Elementary School in exchange for a tipping fee, they have sold their police powers.

The need in Criterion 1 is to be based on the service area of the landfill. The Appellate Courts have ruled that County Board members are not prohibited from considering their legislative responsibilities in the siting application process.

Members of the Pollution Control Facility Committee and County Board, do not ignore your legislative boundaries and responsibilities in some, that being DeKalb County, by expanding the service area to meet the profit targets set by the corporate board of Waste Management.

Criterion 1 fails. I plead with the members of the Pollution Control Facility Committee and the County Board to see to it that a great injustice is not served upon our most humble and precious citizen, our children. Consider their need protection greater than the corporate needs of those who possess money and influence. Your constituents, as do our future generations, rely upon the impartiality, fairness and integrity of this elected County Board in the matter of this landfill expansion application. The criterion has not been met.

The risks are ever present now and for perhaps hundreds of years in the future.

I ask the Pollution Facility Control Committee and the County Board to reject this proposal.

Thank you.

HEARING OFFICER MCCARTHY: Thank you, Mr. McIntyre. Mr. Kenney -- Mr. Campbell.

MR. CAMPBELL: Since my comments are going to be sandwiched between Mr. McIntyre's and Mr. Kenney's, who have eloquently engaged in the defense against this particular proposal, I'm not going to spend my time going through each and every element.

I want to spend the few moments I have left here to talk about Aubrey Serewicz. Ladies and gentlemen, if you can imagine what had happened here during this hearing, we had a multi-billion dollar corporation -- which I said before last week in my comments and I'll say it now, as I understand Waste Management it's an outstanding company. Has it had some issue in the past with garbage and waste and leakage? Of course. It's in the business of waste. So I'm

not up here to denigrate Waste Management. I think Mr. Moran's done an outstanding job.

I completely commend the Hearing Officer here today and tell you, I have been doing trials for 20 years, you are looking at fairness, Ladies and Gentlemen. Whenever you have a mic out in the aisle that you can stand up at that mic and you can say whatever you want, and this gentleman over here lets you do that, it's fairness. That's America. That is what it's all about right here.

But I want to talk a little bit about Aubrey Serewicz, and I want to give you a little background into how I met him. I came here largely out of ignorance, and I'm standing here before you still largely ignorant. This is completely beyond my expertise. I'm not a scientist.

I happened to be sitting here with these other gentlemen, and I kept hearing somebody behind me talk about science. And I'm one of those people who when they don't know something, I shut up and listen to those who know. And I turned around to see who it was, and look who it

was, it was Aubrey Serewicz. So in a break last week I shook his hand, I said, sir, you seem to know a little bit about this stuff. He said, well, I have spent my entire life, 50 years, in chemistry.

So I thought what better barometer for my opinion in this than to see what he thinks at the end of it. In other words, I can stand up here and talk about the traffic flow and I can talk about the fact that nobody wants a 115-tall mound of garbage, nobody wants that. Nobody wants any of these things. But we all recognize that this is a reality. So rather than stand up here and go through all of that, I wanted to see what Professor Serewicz thought of it. 50 years of chemistry.

We engaged a little bit as the week went on, actually had some french fries with some of the other people that attended last week down in the cafeteria, and we got to chatting. The more I talked to him, the more ignorant I realized I truly was. And I said to him, sir, if you've -- if you've formed an opinion on this and you'd like to express it I would be happy to call you

as a witness and let you render your opinion to these good people here so you can decide for yourself if he was the person I think he is and has the intelligence that I think he does. He said I would be happy to do that.

Imagine our good fortune, Ladies and Gentlemen, that a hundred million dollar project that very well might affect the health and safety of small children a half a mile away, we happen to be lucky enough to have the benefit of a senior citizen -- I still call them old people. Professor Serewicz is an old person, and I say that with great respect.

The thing I like about old people is when you're about to do something stupid they put their hand on your arm and go, no, no, no. I did that. Don't do it. Professor Serewicz put his hand on my arm and said, don't do it.

So I spent a couple of days reading documents he gave me, I got online and tried to figure out if I could understand what this table of elements that he put up here today is. I still don't have any idea what any of that means. But he made me see that this is not a

cut and dry process. He told me that he listened to every single witness that was presented by Waste Management, he says they have completely not dealt with the dangers of this particular landfill.

He started talking to me about hydrogen sulfide. Ladies and Gentlemen, I have never even heard of hydrogen sulfide before I met him. I started learning from Professor Serewicz that if you smell that eggy smell that everybody that's lived near this landfill or lives in the southern part of DeKalb has smelled, you're getting a whiff of hydrogen sulfide.

Now, I'm not naive. If you're going to have a landfill it's going to stink. And as I drove by -- I have lived here 25 years. When I drove by and smelled the landfill, I said to myself, nobody wants a landfill but we got to put our garbage somewhere and garbage stinks, so one of the costs of having a landfill is having a stinky atmosphere now and then. But when I drove by the landfill I didn't sense danger. When I came here last week and started this process, started becoming an observer and a

participant I had no sense that this was dangerous. I mean it's not -- I understand if you plant nuclear waste somewhere in a hole you're going to have problems. I understand danger. I did not think that this was dangerous.

But Ladies and Gentlemen, after hearing the good professor talk up here can anybody honestly say they would enroll their child in Cortland Elementary School tomorrow? If Professor Serewicz went around Cortland and knocked on doors and said, I'm a retired professor and I'd like to talk to you a little bit about the air that your children are breathing, that elementary school would close tomorrow.

Ladies and Gentlemen, we are caretakers, everybody in this room. Ladies and Gentlemen of the County Board, we're caretakers of those children.

Five year -- I got two six-year-old kids. If a police officer tells them something, that is as high of an authority as you possibly could get with them. You know why? Because they

believe in our system. They know policemen are good, they know policemen have a car and a gun and a badge, and they know that if a policeman says something you better listen. They know teachers rule the world. They trust the people that are in positions of authority over them. Because guess what I teach them? If that policeman tells you to get out of the street, you get out of the street; if your teacher in your classroom looks over at you with a stern eye and you're running your mouth, you better stop talking. That's how our system works.

If a professor of chemistry tells you here without any grudge, without any payment -- let's assume for an instance you can try to discern why this professor would sit up here and exaggerate his opinion. I'm curious to see what his motivation would possibly be. I'm sure he's got other things to do than drive over to Kishwaukee College and sit around and involve himself in this huge discussion. He has no motivation to be disingenuous with you.

In fact, the old people that I know that get to the end of their lives, you know what

they want to try to do? They want to try to give something back. 50 years of chemistry. What more could he give to us than his judgment? And his judgment is this: This is not safe. Having hydrogen sulfide emitted from a landfill is not safe. If you have children or people with illness, they are in a greater degree of danger.

I didn't believe him at first. I thought, you know, he's paranoid. He spent too much time in the lab. But then I heard, you know, Mr. Hoekstra talk about they had this emission back in 2008, 2009 and, boy, they got on it, they tried to find out where the source of the gypsum coming into the landfill was. They tried their darndest to stop the problem from happening.

But what they didn't do was go to the surrounding citizens, Ladies and Gentlemen. That elementary school is about a half a mile away from that Waste Management site. It wouldn't have taken much for the engineer to drive over there and say, I just -- I feel obligated to tell you people that have your

six-year-old children at this school that although we had something come out of that landfill the other day, we're working on it. You smell that smell, that's not just rotten egg, that's hydrogen sulfide. Now, we don't think anybody's in danger and we're working on the problem.

You know what the average parent probably would have said? We appreciate you coming and telling us about this and we really hope you can get it resolved.

Did that interchange happen? Did that conversation take place? It did not. I always have to assume when somebody doesn't say something about something then they got something to hide. They have avoided hydrogen sulfide throughout this hearing like the plague.

The only true expert, a PhD in chemistry, was provided free of charge by Professor Serewicz. Of all of the witnesses that Mr. Moran just went through -- and I thought they were all beautiful, that's a tough thing to get up here and make a presentation like that, but not one of them got up here with the

credentials of Professor Serewicz and said that hydrogen sulfide that's going over to the school is not a problem.

I got to think, Ladies and Gentlemen -- I'm trying to be skeptical here, because I'm trying to think that it's our job to keep these kids safe. I got to think that the reason they didn't deal with that issue is it's probably the type of high button (phonetic) issue. It might be the dangerous issue that Professor Serewicz is talking about.

We cannot go home tonight and say, oh well, the County needs the money. We have ideas on how to spend it. And trust me, I do not envy any of you. Just driving here today they're talking about half the schools in Kansas City, half the schools are closing. Minnesota's going to a four-day week. Everybody is suffering for money. But money is not more important than children. I'd give everything I own to save one of my kids. I betcha everybody in this room would give everything they own to make sure that their children are safe.

And I know sometimes at these types of

hearings the County Board people come to these hearings and they're dealing with all the problems that nobody else wants to deal with. Mr. Moran is dealing with issues most people don't want to deal with.

So I'm not up here -- I have had some criticisms about the County Board in the past, but I'm not up here to denigrate the County Board, I'm not up here to denigrate anybody. I'm up here to say that as a community we have a responsibility to look into this issue.

I was kind of struck by the notion that we, the public, didn't get any experts in this. In other words, we have a hundred million dollar deal here, I wouldn't have minded hearing from some experts retained by the County to give us some advice on this gas.

Now, I know we have a gentleman over here that's an engineer that's looking at all this stuff. But I really, really would have applauded our public servants had they said I know Waste Management's coming in, I know they're going to have a first-class presentation, I know all their experts are going

to be outstanding, I know they're going to have a power point guy that just is unbelievable, and they have. Where's our expert? Where's the kids in Cortland's expert? Our expert ended up stumbling in here in the form of Aubrey Serewicz. Let's not turn away our good fortune. Let's not ignore his advice. Let's not just discard him as this, you know, old professor that just likes to get up and talk about science. Why don't we say to ourselves, let's make sure the issues that he talks about we thoroughly investigate before we make our decision.

If at the end of all that we have satisfied ourselves that the children are safe and that the hydrogen sulfide problem is not what everybody thought it was, I don't have any problems with this landfill. But if we don't, and we start having health problems with those children we are going to look back on this day, a day when we actually had the information that we needed to make the right decision, and we're going to say we ignored that. Instead of stopping things a little bit and getting more

information, we decided we were going to push forward, we needed the revenue at the time.

Ladies and Gentlemen, we're not always going to be in a recession. We're not always going to be hurting for money. Americans come up and come down. 10 years from now we might be on the top of the world, housing prices will go up again, employment will go up again. It's always been that way. When Americans are down, they come back up, and we're going to come back up. But when we come back up let's make sure at the time of our darkest hour when financially we didn't know how to keep the schools open, let's make sure the schools we made then that we made the right decisions, that we made the decisions based on information provided by people like Professor Serewicz, because without people like him aren't we all just stumbling through this life?

I mean, I learned more about science in the last four days than I learned from -- I've got a law degree. Why don't we engage ourselves in this. I don't want to be confrontational. I don't want to engage, because the kids over in

Cortland we're teaching them to engage, ask questions.

I want to know honestly, Ladies and Gentlemen -- I'll close with this -- the next time there is an egg odor smell in the Cortland Elementary School parking lot I would like to have somebody with the credentials of Professor Serewicz to evaluate that air right there and tell me what's in it, what's in this air right here. When we get that answer then we'll have some idea where we're at. But until we get that answer, we're sending those kids out every day -- summertime, I heard somebody comment earlier that you ought to go over there in August when it's 95 degrees out, get a whiff of it then. Let's get that sample, let's make sure we're doing the right thing, and then let's make a good decision on this case.

Thank you.

HEARING OFFICER MCCARTHY: Thank you, Mr. Campbell.

Mr. Kenney.

MR. KENNEY: I, likewise, would like to start by thanking everyone who's given their

time and energy and thought and effort to this hearing.

This past week someone said to me, a fellow citizen from DeKalb County, I'm so glad that we had this hearing, I thought this sounded like a bad idea for our County before, now I'm convinced it is not only a bad idea for the County, it is actually a public health hazard.

Thanks to the testimony of the Waste Management paid experts, it is now clear that not only did Waste Management fail to meet all nine criteria, they also exhibited exactly why this proposal -- proposed expansion plan should be voted down by the County.

The testimony also indicates that the host agreement needs to be renegotiated to protect the safety and wellbeing of DeKalb County citizens now and for generations to come. You only have to look at Kendall County's host agreement next to DeKalb County's host agreement and see some of the things that were left out of our host agreement with Waste Management that have to do with our safety and well-being in the future.

On the first day of the hearing there was discussion about the role of the County Board; are they a jury or a judge in this case. Carrying this metaphor forward, it is clear that the burden of proof lies with Waste Management. Their role is clear. They are required to prove beyond a shadow of a doubt that they have met the requirements of all nine criteria.

However, in reviewing the testimony it is clear there are many, many shadows of doubt hanging over this project. It is just -- it just goes to show you that no matter how many dollars you pay per hour you are paying someone to testify on your behalf, you cannot, as Mr. Moran says, change the facts.

Lets look at Criteria 1. Ms. Smith in her testimony did not refer to the Illinois EPA annual report on landfill capacity in Illinois. During cross-examination she told me that she didn't know about the report. She agreed that the capacity for the State of Illinois is at an all-time high. In fact, landfill capacity has been growing steadily and increased by over 10 percent in 2008.

She also told me that, according to the report, within the service area there is over 17 years of landfill capacity left. This capacity does not take into account new landfills that might open up during that 17 years. This capacity does not take into account what Ms. Smith told me on cross-examination, also admitted that it did not take into account solid waste that does not go to landfills but goes to waste to energy sites within the service area. This is a serious omission from her needs assessment.

Just as one example, the powered energy of America Project in Evansville, Indiana, Ms. Smith did not include the over 2,000 tons of solid waste per day that would be taken from the service area to this plant for processing. This processing plant will be taking in carloads of solid waste from Cook County daily.

Ms. Smith also did not indicate any other waste to energy projects that would be going online within the service area over the next 17 years. The number of such plants will be considerable given the financial incentives that

are available right now for waste to energy projects.

Waste Management also convinced many of their -- convinced many that their design will not protect the public safety for the citizens of our county. As Mr. Moran pointed out, this may be one of the most important of the criteria. And as he also pointed out, there are no guaranties.

Mr. Nickodem restated in his -- in this hearing, like he had stated in his testimony before the Kendall County hearing, that he believes that the geology of the area has little to do with the design. He firmly believes his design will prevent leakage regardless of what the underlying geology may be. However, Mr. Nickodem did make it clear that none of his designs have leaked, yet. That will be designs that have only been in place a decade or less.

His testimony did not include what plan is in place in the situation of construction error that may lead to a leak. Also his testimony did not include the following scenario related to moisture reentering the dry tomb after a period

of years has passed. This is from a paper entitled, Perform Base Systems of Postclosure Care at Waste Management Landfills, December, 6th 2004. G. Fred Bee (phonetic), PhD. I quote, while with good quality construction of the landfill cover, it is possible to shut off moisture supply to a landfill. Over time, however, the plastic sheeting layer in the cover will decay due to the free radical attack and rupture due to differential settling stresses. At some un -- I'm sorry, at some unpredictable time in the future it will allow moisture to enter the waste again.

As discussed by Jones and Lee in 2004 in their paper, Flawed Technology of Subtitle D Landfilling, the decaying rupture of the plastic sheeting cannot be observed since the plastic sheeting layer and the cover is buried underneath several feet of topsoil and a drainage layer. As a result, the repair of the plastic sheeting layer and the cover cannot be accomplished as needed and keep the waste dry, unquote.

Mr. Nickodem also confirmed that leakage

could occur and go undetected due to the way monitoring wells are located around the property.

Most importantly, Mr. Nickodem did not -- I'm sorry, Mr. Nickodem did say that over 40 percent of the gases released at the site do enter into the air. He also admitted that he was not a chemist and was not aware of all the dangers associated with the unburned gases, including hydrogen sulfide. He also said that he had never designed a landfill so close to an elementary school.

This leaves a large shadow of doubt as to whether the proposed design will hold up over time and whether the release gases are safe for elementary students to breathe in on a regular basis.

Now, let's look at Criteria 3 on property values. It was amazing to hear that proximity to a landfill has no effect on property values. I would like to invite those who own property near the Hillside landfill near Chicago to testify about this issue. Mr. Nickodem, who was also involved in that project, admitted that

there was a serious odor problem with that landfill. Also there is no doubt that the property values have plummeted in the area of the landfill. This is just one example of many that are out there. It is clear that when one uses computer models to reach your outcomes that the computers are only as accurate as the inputs.

Of course Mr. Moran also pointed out that the language is clear about property value. It is to minimize incompatibility. The key word, as he said, is to minimize. But he did not define what minimize means: minimize under the law, minimize by the person who owns the property next to the landfill, minimize as a citizen of the County? What does minimize exactly mean?

One can chose the inputs to get a desired output in your computer models. This can be said of all of the witnesses and all of the testimonies of Waste Management.

Waste Management uses the same witnesses for all their proposed projects. The witnesses are paid hundreds of dollars per hour to provide

the outputs that Waste Management wants.

Now let's move to another criteria that went unmet by Waste Management, that being Criteria 6, the traffic patterns related to the proposed expansion. You get further proof of how the Waste Management experts who have come into the County two or three times to reach their professional conclusions leaves much doubt to the accuracy of their work. Mr. Miller, having never lived in DeKalb County, failed to include farm traffic in this project in his projections. Oops, there's an important input that was missed.

Also Mr. Miller did not lift a shadow of concern about how the additional diesel exhaust fumes may affect the children of Cortland Elementary School. Mr. Miller did not say what impact an additional 148 diesel trucks per day, one every five minutes as Mr. Moran pointed out, accelerating and downshifting a few hundred feet from the elementary school may have on the children. The truck fumes also include hydrogen sulfide.

Nor did Mr. Miller mention the fact that

the Illinois Department of Transportation stated that trucks have 10,000 more times of an impact on a roadway than a car. How much increase in taxpayers' dollars is going for road repair due to this increased truck traffic is yet to be determined.

One needs to also take into account that the students of Cortland Elementary School are not just breathing in the outside air while they are outside. Illinois State Law requires our HVAC systems to draw in outside air all day long into the building. This means that whatever's in the air outside the building will also be brought into the building in large quantities all day long.

Mr. Miller also did not comment on the fact that of what -- when traffic flow was considered for the Whiteside County Landfill owned and operated by Waste Management that the size of the Morrison's downtown streets where Route 30 went through their downtown was not figured into their projections when they did the Whiteside County Landfill. So in 2003 a process was begun that would lead to rerouting Route 30

to accommodate the waste haulers. This would require an additional expense to Illinois taxpayers, as well as Whiteside County taxpayers of nearly over \$100 million. Oops, another faulty input. That leads one to wonder what are hidden costs in this project for DeKalb County?

Nothing said in this hearing has done anything to shine light on the dark operating history of Waste Management. The operating record of the Applicant is referred to as the 10th criteria. The record speaks for itself. Since 1970 to 2009 Waste Management has shown a disregard many times for the laws and regulations put in place to protect the citizens. They have had to pay fines, penalties and court judgments that total over \$400 million. In Illinois since 2000 they have had 11 litigations.

Local siting review of Act 5 of the environmental -- Illinois Environmental Protection Act states the County Board and the governing body of the municipality may also consider as evidence the previous operating experience and past record of convictions and

omissions or violations of the Applicant and any subsidiary or parent corporation in the field of solid waste management when considering Criteria 2 and 5 under this section.

From newspaper article dated October 1st, 2008 from Honolulu, settles air violations at West Hawaii Landfill will spend over \$180,000 for environmental project. Environmental Protection Agency today announced a settlement with Waste Management of Hawaii, Incorporated in the County of Hawaii for \$33,500 in fines and at least \$184,400 for a beneficial environmental project after violating the Clean Air Act at the West Hawaii Landfill. This was in the courts since the year 2000.

A court case from July -- I'm sorry, court case from October 1st, 1987 involving Waste Management for violation of the Sherman Antitrust case, Waste Management pled guilty, paid \$1 million fine. Fact.

Fact, October 18 -- or October 1987, Department of Justice filed one-count information for illegal violation of the Sherman Antitrust Act against Waste Management and

agreed which company could serve certain customers in the Monroe County area of New York and provide noncompetitive and rigged bids for industrial refuse removal. Fact.

On June 7th, 1988 the company pled no contest and was fined \$250,000. Remaining Defendants went to trial and were acquitted. The deposition was, again, the Sherman Antitrust Act.

Another summary of another court case, Los Angeles County District Attorney filed a felony complaint against Western Waste Industries, a subsidiary of Waste Management of California, alleging that they were involved in a five-year conspiracy to allocate markets and fix prices, which Waste Management entered a plea of no contest, similar to the other plea that I mentioned before, and they paid a fine of \$1 million.

January 1st, 1986, another Sherman Antitrust case violation, fined Waste Management \$250,000.

1979, fact, in a jury trial in February 1983 Georgia Waste Systems,

Incorporated and Mr. Raymond Diekel (phonetic) were found guilty. Georgia Waste Systems, Incorporated, a subsidiary of Waste Management, Incorporated, was fined \$350,000.

That had to do with a -- also in 1987 this plea that I just talked about also had to do with a probe of municipal corruption in the Chicago area and the Justice Department. Raymond Acres (phonetic), a former Waste Management employee, based on his conduct while acting as a lobbyist and marketing representative for Waste Management. Evidence established that Mr. Acres had bribed Chicago Alderman Clifford Kelly to acquire, among other things, an option to buy land for a waste transfer facility.

Another case involving US versus Horack, Fox Valley, Illinois. In 1985 John Horack, the general manager of HOD Disposal, a Waste Management, Incorporated subsidiary in Chicago was indicted for paying \$12,000 in bribe money to the mayor of Fox Lake, Illinois.

I could go on, I have 110 pages of fines and violations against Waste Management. Waste

Management's operating history indicates an attitude of if you don't like how we do business, sue us.

Finally, through the course of this hearing it has become evident that the public was not made aware of their rights. Time and again citizens' comments have shown that the process has not been transparent, nor welcoming for public involvement. As motions made clear here, there are many examples of fairness violations. Many citizens have made comments about how the public was not made aware of the hearing and that residents have not been well informed in how they can -- on how they can participate.

It is clear that the DeKalb County rules and procedures limiting the role of participants to only property owners within one and a half miles, which is Article 3, Section 5 of the rules and procedures, restricted public participation. I know this because individuals have told me that they didn't know they could testify or say anything during the public hearing because they did not live within one and

a half miles of the site.

It is evident that Waste Management has not met the requirements of all nine criteria. Waste Management has only succeeded in casting more doubt on this proposed expansion.

As I said in the first day, I'm opposed to this proposed expansion not only as a citizen but as a parent and a grandparent. I am also against the proposed expansion as a teacher of 28 fourth graders that will inherit the results of this hearing and the results of this vote taken by the County Board.

Soon the time will come for the DeKalb County Board members to vote on this application for expansion of the landfill. I trust that the County Board will vote according to the facts. I also trust the Board will vote for what is best for the safety of our citizens now and in the future. I trust that the County Board will vote no on this application because the facts show that there is more, more than a reasonable doubt that this landfill expansion goes -- if it goes forward not only the health of our children today will be in danger but also the health of

many generations to come.

I urge the Pollution Control Facility Committee and the County Board to vote no to this application for expansion.

As Mr. Moran stated in his closing remarks, there are no guaranties. But there are facts. And the facts prove that the health and safety of our children are in danger and will be in danger. I urge the County Board not to take any calculated risk with our children's health now or in the future, but to vote no on this expansion. And I would like to see us start over together, citizens, county government working together to try to find a new plan that will do better by our children now and for generations to come.

Thank you.

HEARING OFFICER MCCARTHY: Thank you, Mr. Kenney.

Mr. Roger Steimel.

ROGER STEIMEL: Mr. McCarthy, I wish to thank you for the very patient and fair handling of this hearing. I didn't know what we had ahead of us, six long days, and I have been here

every day.

I want to thank those of my fellow citizens that have been here to voice their concerns.

I'm just a common citizen. I haven't tried to put together legal counsel and expertise to try to confront what we have here. I'm real concerned though. I have watched Elmer Larson mine gravel in 1947. I watched the Engstroms dump junk in 1956. But I never dreamed what was coming to our front yard.

My family and I have lived here long before Waste Management came along. We have been told the County generates 300 tons of solid waste a year. It's been reduced because of our economic activity down to 250 tons. But now that we are asking for a seven-fold increase to 2,000 tons of solid waste per year, where's the outreach?

My friends from Cortland are usually the most vocal of any in the County, but they were nowhere to be seen, and we have learned here this past week that they have been silenced. It took a million dollars plus a lot of extras.

It's all about the money.

Let's talk about some of the issues.

Number one has to be traffic. You know, I was somewhat amused by the presentation by Mr. Miller. It would be funny except for the fact that it's going right past my driveway. I have been told it's barely significant, the increase. We have used the word minimize here today also. A quick math showed that a 1700-ton increase is 75 18-wheelers a day going back and forth. That's 150. Within the testimony it says that we're only going to have 50 of those trucks going back, for a hundred a day. The rest of that volume, I don't know how it's going to be brought in. I suspect that if it isn't brought in by the 18-wheelers I think it will be -- it's going to be brought in by packers and rolloff trucks that are going to come from Fox Valley. Where else can it come from? They're going to use Highway 38. That wasn't shown in the traffic study. And that's probably where it's going to come from.

But certainly any one of you that thinks that the number of trucks, whether it be 50 or

75 of those 18-wheelers going past twice, if that isn't significant then I don't know what is.

Certainly a second area of concern has to be odor and gases. We have heard a lot of testimony during this time. I know one thing for sure: For the past two years we have had the worst odors from the landfill during the entire lifetime of the landfill. And we find out that we were creating hydrogen sulfide. I'm not a chemist either, and I didn't realize that.

What other surprises are we going to face as we move along with this massive increase in daily volume? I just shudder to think what it's going to be.

Debris, we're always going to have debris along the way. There's no way that we can control it with the high winds that we have. It's just going to be a constant irritation.

Property values, I have been told if you don't like it why don't you move away. That's easier said than done. Legal counsel advised me that this property value guaranty that we have been offered is complex, involved, can be

expensive and is time-consuming. It could cost -- it could last two to three years from the first action to the last appeal, and by then that buyer that you have is probably gone down the road.

Specifically, there are two improvements that could be put into that legal guaranty. One is to increase the -- to decrease the wait time when seeking a buyer from 270 days to 180 days. That should be no problem, because that is what the wind farm people have guaranteed and the County, you know, okayed that. Secondly, expand the eligible area from one-half mile to one mile from the landfill footprint. This was the distance that was offered by Waste Management in their Kendall County proposal. Of course, this would involve several dozen homes in Cortland; they may not be eligible because their town officials have already spoken for them.

I can speak on stormwater. Just specifically, I raised it the other day, on the east footprint of this proposed expansion the half east of that -- the water drains east, going to be caught in a detention basin over

there, and at the time I raised the issue I didn't think there was an outlet. Since then I have talked with the farmers over there. There is not a suitable outlet. The presenters' answer was they were going to discharge that out to the Gurler Road ditch, that the Gurler Road ditch has no good outlet, and that's a problem that you need to address.

Our county has been recognized, as I said before, as one of the top in the state for recycling. What kind of reward do we get for this? Just the opportunity to take in more garbage from our surrounding counties.

I have served on the DeKalb County Board for 12 years. I retired a year and a half ago. I have been proud of my service to the County, but there's one thing that I regret: I wish I had helped provide aggressive leadership to find a more desirable solution for our solid waste. Certainly find solution to -- find a home for 300 tons of garbage, and look what we're talking about now.

We have enabled Waste Management to more or less write their own ticket on this, to

guaranty a profitable business. This will be a multi billion dollar operation during the course of its time. And those of you that are employed by Waste Management will be able to walk away at the end of the day. You see, it's all about the money, isn't it?

The County Board administrators have decided to take the easy way out. I'm glad I'm not in your shoes now.

But, you see, it's all about the money. You will be making the most important decision in your term of office. It will be a legacy you can view every time you travel Highway 88. It will be a monument for eternity. Those of you that live on the other side of town or that may retire to a location of warmer climate, that's great. But those of us in the immediate neighborhood, we'll be asked to endure the burden of this decision.

I have been proud of DeKalb County. It's been a great place to live. Will the environment continue? I'm not so sure.

I thank you for listening.

HEARING OFFICER MCCARTHY: Thank you,

Mr. Steimel.

Dan Steimel?

DAN STEIMEL: I have lived and/or worked across from this site my entire life. My family and I have bared the burden of dealing with the County's garbage next door that entire time. The trucks, the blowing garbage, the potential for contamination and the other problems never end. To put up with an additional eight times that amount of garbage is too much to ask.

It is unfortunate that one committee member disparaged those of us opposing this application. But until you have seen it from my point of view for 45 years, you won't understand.

The Committee states that it's taking its job seriously. I hope so, because this is the biggest decisions your committee will ever make.

Mr. McCarthy mentioned at the beginning of the hearing that the burden of proof is on the Applicant. I contend with you that the Applicant had not met all nine of the criteria sufficiently, and therefore you must deny this application.

Criteria No. 2 states that the facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected. It doesn't say should be protected, but will be protected. Only three trucks per week are checked for dangerous materials, which is only 1 or 2 percent. That is not adequate.

Waste Management has made changes to liners and other structural components in the past, partly because of new technology but also because of past failings. No one can guaranty that the public health, safety and welfare would be protected.

Criteria No. 6 states that the traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows. Mr. Miller stated that there will be another hundred traffic trips from semi haulers and at least 196 traffic trips from other trucks and vehicles per day.

It was shown that Peace Road and Route 38 are at or near 50 percent of vehicle capacity, and that is the minimum acceptable rate.

Remember that a hundred percent capacity is bumper to bumper, stop and go traffic.

50 percent is the minimum acceptable rate already.

It was shown that there is no way to enforce that these semis take the designated route. Not only will the hundred more semi trips slow down traffic on the designated route, other additional trucks to the landfill can travel on any other road. There will be increased truck traffic on Route 38 east, Route 64, through Cortland, through Sycamore, on Kessler Road and other routes.

Also, Mr. Miller admitted that he did not really study any farm traffic patterns on Somonauk Road. In DeKalb County, world-renowned for its agricultural, he left that out. The increase in trucks does not mix with the farm traffic.

Criteria No. 1 refers to need. The Applicant can say all it wants that they determine the need by the area that it is intended to serve. They say that garbage can come from 17 counties. It will mostly come from

the Chicago area. The need for you to consider is for DeKalb County to dispose of its garbage. It has always been that way, including under previous expansions under current law. That is your only responsibility as a County Board member. You are not responsible for supplying location to dump Chicagoland's garbage.

Don't forget that other counties have decided to keep its landfill to just their county's garbage. DeKalb County can too.

Many residents were sold on recycling in that for every container they recycle that is one less container of garbage coming to the landfill; therefore, preserving its life expectancy. Now it is clear that for every container we recycle it will be replaced with Chicago garbage. In fact, there is nothing holding back Waste Management from later on again doubling or tripling the amount of garbage that they bring into the expanded site. They only need to redo the agreement with the County. You are entering a slippery slope.

Many think that the host agreement was the County's decision to vote yes for the landfill

expansion. It was not. It was only a decision to jump ahead of Cortland to receive money if an expansion occurred. This point in time is the monumental decision for County Board members to decide if they want a mega-sized landfill to be the entranceway to DeKalb County. Is that the label that we want? Like Joliet is known for its prison, Byron for its nuclear plant, DeKalb will be known for its dump.

NIU, once known as the college in the cornfield, will not be remembered for its high quality education, but as the university after the two-mile dump.

To members of the DeKalb County Board, this decision is all in your hands. This is the most important decision that you will ever make on the Board, because it is the most long-lasting. Decide if you want your legacy to be forever that you approved this mega-sized landfill. The money will run out. The landfill is forever.

Thank you.

HEARING OFFICER MCCARTHY: Thank you. I assume the County has no --

MS. CIPRIANO: I would like to just make a statement, if --

HEARING OFFICER MCCARTHY: Sure.

MS. CIPRIANO: -- that's permissible.

Thank you, Mr. Hearing Officer. Yes, the County is going to waive their closing statement at this time, but I do think it would be helpful just to explain to the public sort of what our role is here so that everyone kind of understands what we'll be doing.

In particular, Patrick Engineering and I were brought on to study the application and to provide our analysis and our recommendation to the Committee.

Just to give everyone a sense, Patrick Engineering comes to us with over 100 technical experts, and we will draw on each and every one of them as they are relevant with respect to reviewing the application itself and the record.

I also come to you with over 20 years of environmental experience. I have been a lawyer for 20 years. And just to give you a little sense of my background, I have prosecuted environmental cases for over five years, I

served as the chief counsel to the Illinois Environmental Protection Agency for two years, I served as the governor's chief advisor on environment, agriculture, nuclear safety energy for over two years, and I served as the Illinois Environmental Protection Agency director for four and a half years. So we come to you with experience, and we do intend to study the application and provide a recommendation to the Committee. But we will only do that once we have had a chance to review what all of you have had to say about the application and also the record.

So I just wanted to make sure that everyone was clear that that recommendation will include a full review of the record before we go ahead and present that to the Committee.

I can assure you that the Committee and the County Board members take their job very seriously and without prejudice. And we thank each and every one of you for the six days of very thoughtful comment and information. And, again, all of that will be taken into consideration. And we hope if there are

additional comments that you all wish to make, I know the Hearing Officer will explain a written public comment period. They're given equal weight to all of the comments that were presented at the hearing, so we encourage again everyone to present those comments so that the County Board has the benefit of a full record.

Thank you all, very much.

HEARING OFFICER MCCARTHY: Thank you, Ms. Cipriano.

Mr. Moran, do you have any final comments or rebuttal?

MR. MORAN: Yes, just very briefly.

HEARING OFFICER MCCARTHY: Okay.

MR. MORAN: Mr. McIntyre indicated in siting to the Fairview Area Citizens Task Force case that somehow there was a provision in that case that said that the nine criteria really didn't matter, you could consider matter beyond the nine criteria in siting the application. That's not what the case said. The case was a matter in which a siting application was approved at the local level and objectors appealed from that approval. And during the

course of the review, the objectors were claiming that the decisionmakers in that instance considered other matters, in fact matters that might have economic consequences for that County Board, and that that was inappropriate to consider in affirming the application. And indeed, what the Appellate Court held in that case was so long as the nine criteria were established and met, the application was properly approved. The fact that the County Board, in this instance, may have considered matters beyond the nine criteria would not in any way affect the fact that the application was properly approved. So The Court endorsed the notion that additional factors could be considered but that if the nine criteria were, in fact, established the application is properly approved.

Mr. Kenney made a comment that I said that there are no guaranties in this process, and indeed there are no guaranties in life, but that's not what I said. What I said was that these criteria, the way they are structured and the way they are drafted, anticipate and

recognize that there are no guaranties in the process. Those criteria do not require guaranties.

However, what did Waste Management provide here through Mr. Nickodem? Assurances that this landfill will perform as designed, will perform and will do so in a way that will not result in any compromise, in any release, in any failure of those systems.

So even though these criteria don't call for that kind of assurance, it's been provided. It's been provided through the testimony of Mr. Nickodem and through Waste Management of Illinois' commitment to design, build and construct and operate this facility in accordance with these criteria.

I mentioned earlier that the facts and the evidence are just critical in the determination of whether these criteria are met. Dr. Serewicz came in and testified before us. And Dr. Serewicz is a very concerned, very intelligent and certainly very insightful individual who provided much helpful information for us here. But Dr. Serewicz is not a risk

assessor, he is not an air modeler, he is not someone who's been able to evaluate the health effects of H₂S as it relates to impacts on residents or persons downgradient or off-site.

As we heard from Dr. Serewicz, he wasn't able to identify for us or explain to us how H₂S, as a heavy gas, one that's heavier than air, so that in his words as it's released it tends to travel low to the ground and run downhill, as he said. For any assessment of health effects, particularly as it relates to the Cortland School, there has to be, as every risk assessor knows, an exposure pathway. There has to be a route or a pathway by which this could reach a specific location and a receptor in sufficient concentrations to have some adverse health effect. And there's simply no evidence or no facts presented to us that would possibly explain how if there were any emission of H₂S from the existing landfill it somehow made its way across the thousand feet of property within the existing landfill, down over I-88, back up I-88, and another quarter to a third of a mile to the school. Those facts

simply aren't here.

Dale Hoekstra and Waste Management have committed and are committed to public protection, public safety and public health, as has been demonstrated by his 34 years in this business, in running the Settler's Hill landfill, in running Prairieview. No one takes public health and safety more seriously and addresses it more diligently than Mr. Hoekstra and Waste Management of Illinois.

And here, as we learned, when there was an identification of this H₂S having formed as a result of the ground gypsum at the facility, prompt and immediate action was taken to address that issue. And Mr. Hoekstra explained what those steps were. He explained the additional gas wells, the flares, those collector trenches that were put in that addressed and resolved that H₂S problem promptly. As of October 2009 that issue had been addressed. That's the way Mr. Hoekstra and Waste Management have addressed any issues that have come up at their facilities.

And specifically, in Mr. Hoekstra's case,

the Settler's Hill example, which as we indicated set up in the early '60s, operated and closed in 2006, never had an issue with H2S. The Prairieview facility, which has been in operation since 2004 with the same design and engineered features that we have here, no problems with regard to H2S. And indeed, if that had been a problem, if there were some issue with H2S, why hasn't it been identified? Why has the School Board and the individuals who have allowed that school to go forward not identified that or brought that to anyone's attention? It hasn't happened because it's not an issue. It hasn't been an issue.

This application, this evidence, these facts on each of these issues, operational, design and otherwise, have clearly and unequivocally established that not only have these criteria been met, but that the commitment by Waste Management to operate, design and construct a facility that will protect the public health and safety has been established beyond a doubt.

Thank you.

HEARING OFFICER MCCARTHY: Thank you,
Mr. Moran.

A couple of matters I'd like to mention before we conclude. First of all, I'd like to thank you for all the complimentary remarks, and I'd also like to commend, as others have, the Committee. You have generally been here for the entire time. This is quite a time commitment.

The members of the County Board who have been here and members of the public, I think that we've had a fair hearing, very open hearing. We have allowed citizens to participate to a large extent.

Now, I'd also like to talk about establishing a briefing schedule. It means that the Applicant will submit proposed findings of the fact, conclusions of law, and the Objectors may desire to do so as well. I was going to suggest a date of Friday, April 2. That gives you three weeks. And that would give the County and its experts -- and I'm glad that Ms. Cirpiano brought out her qualifications and the qualifications of Patrick Engineering.

Would that date be acceptable? Is that

acceptable to the Applicant?

MR. MORAN: Yes, it would be.

HEARING OFFICER MCCARTHY: That gives you about three weeks, and then there would be another -- there would be an additional week then for public comment.

MR. CAMPBELL: That's fine.

HEARING OFFICER MCCARTHY: Okay. That brings me to public comment -- or written comment. As I indicated at the outset of this hearing, the Illinois Environmental Protection Act provides, among other things, that any person may file written comment with the County Board concerning the appropriateness of the proposed site for its intended purpose. The County Board shall consider any comment received or postmarked not later than 30 days after the date of the last public hearing. Written comments submitted then to the DeKalb County Board within this 30-day period shall be made a part of the record of proceedings in this matter and they will be considered by the County Board in making its decision. Those written comments, according the notice of public hearing, are to

be delivered or addressed to the office of the DeKalb County Board, 200 North Main Street, Sycamore, Illinois, 60178, and by my calculations, 30 days would be April 10th, 2010. Okay.

Yes, sir?

MR. STODDARD: That's a Saturday.

HEARING OFFICER MCCARTHY: Yes, it is.

MR. STODDARD: Does that affect the final date?

HEARING OFFICER MCCARTHY: Yes, but it would have to be postmarked for -- if it's postmarked Monday it's too late, all right, but if it were to be -- I assume the County Board is not open on Saturday?

MR. BOCKMAN: That's correct.

HEARING OFFICER MCCARTHY: If it were to be delivered by Monday, the 12th, it would be considered. However, a postmark of April 12th would not be sufficient and would not be included as a part of the record.

Does anyone disagree with that?

Okay, so if you intend to hand deliver your written comment, I guess you would have

until April 12th. If you intend to mail your written comment, it should be postmarked no later than April 10th.

Okay. With that, this public hearing is closed.

(The hearing was concluded at
6:26 p.m.)

STATE OF ILLINOIS

IN RE: THE APPLICATION)
FOR APPROVAL OF THE DEKALB)
COUNTY LANDFILL EXPANSION,)
) Kishwaukee Community
) College
) DeKalb, IL
) March 11, 2010

I, Callie S. Bodmer, hereby certify that I am a Certified Shorthand Reporters of the State of Illinois; that I am the one who, by order and at the direction of the Hearing Officer, JOHN J. McCARTHY, reported in shorthand the proceedings had or required to be kept in the above-entitled case; and that the above and foregoing is a full, true and complete transcript of my said shorthand notes so taken.

Dated at Dixon, Illinois, this 11th day of March, 2010.

Callie S. Bodmer
IL License No. 084-004489
Certified Shorthand Reporter
Registered Professional Reporter
P.O. Box 381
Dixon, Illinois 61021