

**PLEASANT RIDGE EXHIBIT
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1 STATE OF ILLINOIS)
2)
3 COUNTY OF C O O K)
4 BEFORE THE MAYWOOD BOARD OF TRUSTEES
5 In the Matter of:)
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7)
8 Application for Local Siting) FILE NO.
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1 ALSO PRESENT:
2 MR. GARY WOLL, Trustee;
3 MS. EDWEENA PERKINS, Trustee;
4 MR. GILBERTO GUZMAN, Trustee.
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1 HEARING OFFICER ZEMAN: I'd like to
2 call this hearing to order, please. I would
3 note that it's already 6:10 on Monday,
4 June 28th, in the village board chambers,
5 Village of Maywood.

6 This is the public hearing on the
7 siting application of Greenwood Transfer, LLC
8 for the Greenwood Transfer Facility. My name is
9 Christine Zeman. I'm the appointed hearing
10 officer and I will preside throughout the public
11 hearing portion of this proceeding.

12 Before discussing tonight's
13 procedures, I'd like some introductions, for the
14 record, first. I'd start with Dennis Walsh as
15 counsel for the Village of Maywood.

16 MR. WALSH: Thank you, Hearing Officer.

17 My name is Dennis G. Walsh. I'm a
18 partner at the law firm of Klein, Thorpe and
19 Jenkins, Ltd. I am representing the village
20 board tonight.

21 HEARING OFFICER ZEMAN: Is there anyone
22 else presently that you would like to introduce

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1 on behalf of the Village of Maywood?

2 MR. WALSH: Not at this time. To my
3 left will be the village manager, Bill Birth,
4 but he is temporarily out of the room.

5 HEARING OFFICER ZEMAN: Mr. Sargis?

6 MR. SARGIS: Thank you.

7 My name is Mark Sargis. I am a
8 partner with the law firm of Bellande, Cheely,
9 O'Flaherty, Sargis & Ayres in Chicago. I
10 represent Greenwood Transfer LLC, which is the
11 applicant in this proceeding.

12 HEARING OFFICER ZEMAN: Is there anyone
13 else for the applicant that you would like to
14 introduce at this time?

15 MR. SARGIS: Yes. Thank you.

16 To my left is Devin Moose, who is
17 with a principal with the principal consulting
18 firm for this project EMCON.

19 And also in the audience we have
20 the principals with the applicant Mr. Roy Strom
21 and also Dale Brooks behind him and we have
22 several consultants, other consultants who will

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1 be acting as expert witnesses which we will
2 introduce as their testimony comes up in
3 sequence.

4 HEARING OFFICER ZEMAN: Thank you.

5 Tonight's public hearing is
6 required by state law called the Illinois
7 Environmental Protection Act, section 39.2.
8 This act sets forth quite a bit of the procedure
9 on how the hearing is to be conducted.

10 For those parts of the proceeding
11 that the act is silent on, the Village of
12 Maywood has adopted a siting ordinance,
13 ordinance No. C0-02-32 that also establishes how
14 tonight's proceeding is to be conducted.

15 In addition to the local ordinance,
16 the Village of Maywood have also adopted rules
17 and procedures which detail how the hearing is
18 to be conducted.

19 This hearing is in the nature of a
20 trial. The witnesses are sworn under oath and
21 questioned subject to cross examination. The
22 significance of the witnesses' testimony and

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1 exhibits is to demonstrate whether the applicant
2 has established nine criterion that are set
3 forth in both the Environmental Protection Act
4 and the local siting ordinance. There is also a
5 silent criteria that does not have a number,
6 which also must be established with respect to
7 the operating history of the applicant in the
8 field of solid waste management.

9 The local ordinance requires that
10 the applicant affirmatively come forward with
11 evidence regarding that operating record. So I
12 anticipate that there will be testimony on that
13 issue.

14 Technically, the parties in this
15 proceeding are the siting applicant and the
16 Village of Maywood. There are procedures in
17 place where others can become a party or a
18 participant, but no one has formally signed up
19 to this point so as to be a party per se. If
20 they were to have signed up, it would have
21 allowed these others to present evidence, as
22 well as exhibits, and to cross examination of a

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1 witness either on their own or through counsel.

2 As mentioned, the hearing is like a
3 trial. In that respect, the board of trustees
4 of the Village of Maywood act like judges. It's
5 called a quasi adjudicative process. It's where
6 they step out of their customary role in
7 listening to their constituents on an issue and
8 instead they must decide whether the evidence
9 meets the nine criterion based on the record in
10 this proceeding.

11 In that respect, the board of
12 trustees have been advised that they are not to
13 engage in a direct discussion with anyone about
14 the siting application or the proposed facility.
15 Instead, the public and the applicant must bring
16 their comments to this proceeding tonight and
17 become a part of the record.

18 In that respect, this proceeding
19 prohibits ex parte communications, just like a
20 judge cannot engage others outside of the trial
21 itself.

22 While the board of trustees acts

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1 like the judges, the way the ordinance has
2 structured their participation, they are not
3 required to be present or have a quorum tonight.
4 The proceeding is set up so that they can come
5 and go and participate, that is to attend, and
6 they are welcome to do so. However, you won't
7 see them necessarily on the record actually
8 acting like a judge because I will be presiding
9 over the hearing. Nevertheless, the board of
10 trustees at all times are welcome either as a
11 participant with the public or up here and they
12 are encouraged to ask questions just like a
13 judge or an attorney would on cross examination.

14 The board of trustees is entitled
15 not to sit throughout the proceeding because
16 they will have access to all of the information
17 being developed throughout the proceeding, not
18 just tonight but even prior thereto.

19 Each board of trustee has been
20 provided the siting application, that's this
21 three-ring bound notebook, and will have access
22 to all of the public comment that has already

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1 been filed and will be filed, as well as have
2 access to the transcript and any exhibits that
3 are presented here during the public comment
4 portion. In the same vein, this procedure
5 encourages public participation in this respect.

6 First off, the siting application
7 and all documents of the proceeding are
8 available and have been available through the
9 village clerk's office for your review or
10 copying.

11 In addition to the siting
12 application being available for your review or
13 copying, you have been encouraged to submit
14 public comment either in written form or as oral
15 comment. And there are forms available here
16 tonight on the stand by the court reporter.
17 There are two different forms. One is if you
18 want to participate and simply comment, you can
19 do so on that page, but then please bring it up
20 to me during the proceeding because in addition
21 to a written comment, you have the right to make
22 oral comment. But to do so, I need to know

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1 during the proceeding who is present and wishes
2 to do so. The form also allows you to put your
3 comments right on that form.

4 In addition to making a comment,
5 you are also entitled -- the public is entitled
6 to ask questions. In that regard, regular cross
7 examination would be if you had already signed
8 up as a party. However, the village wants to
9 encourage the public component of this process
10 and, therefore, in addition to what would be
11 cross examination, at any time you can write
12 your questions on the question form and submit
13 it to me.

14 Generally, cross examination would
15 be limited to what a particular witness has
16 spoken about. And in this process, normally a
17 witness would be testifying about one or two of
18 the specific criterion and anything within the
19 scope of that witness' expertise or knowledge is
20 what the cross examination question would
21 normally be about. However, again, the village
22 wants to encourage any and all questions. So as

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1 you submit them to me, if it's on that
2 particular witness, that's fine. If not, I will
3 repeat it for the siting applicant, and then the
4 siting applicant can determine whether the
5 particular witness is qualified for that, or if
6 there is some other witness when they will be
7 likely to testify who can adequately respond.

8 I would like to go off the record
9 just a moment.

10 (Discussion had outside the
11 record.)

12 UNIDENTIFIED SPEAKER: Will this
13 continue tomorrow?

14 HEARING OFFICER ZEMAN: Back on the
15 record.

16 Yes, it will. I was getting to the
17 scheduling. But it definitely will continue --
18 we expect it to continue. And the public
19 comment portion normally would take place at the
20 end of the evidence portion so as to allow the
21 public to have heard what the evidence is.

22 There are some people who may not

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1 be in a position to come back tomorrow evening,
2 and if so, you are welcome to put that on your
3 form that you must comment tonight, but it would
4 likely be at the conclusion of tonight's
5 evidence, if tonight is the only night that you
6 are available to make your oral comment.

7 Just briefly, before I get on to
8 another topic, I would like to mention the
9 trustees who, I understand, are present.
10 Trustee Gary Woll is here on the dais with me.
11 He's to my left. Thank you. Trustee Edweena
12 Perkins. Thank you. And trustee Gilberto
13 Guzman. Thank you, very much.

14 As mentioned with respect to the
15 written public comment, you can submit them to
16 me. In addition, at the conclusion of the
17 public hearing, there is a 30-day public comment
18 portion that is specifically set aside to enable
19 you if you want to review the transcript of the
20 hearing before providing written comment or
21 submitting additional written comment, 30 days
22 from the last day of the public hearing you can

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1 walk into the clerk's office during regular
2 business hours to file the written public
3 comment. You can also send in your public
4 comment and any public comment that is
5 postmarked up to that 30 days following the
6 public comment portion is to be considered.

7 As reference with respect to
8 scheduling, we expect the hearing to start with
9 some formalities in the regular trial type of
10 procedure. After which the witnesses will
11 present their evidence, and then at the
12 conclusion, we will make sure that any public
13 who wishes to comment tonight yet, even before
14 the conclusion of the evidence, would be able to
15 do so.

16 At present, we had expected to go
17 until at least 10:00 o'clock tonight, possibly
18 later. The one condition being that if a
19 witness is in the middle of testimony, we would
20 want that witness to conclude basically his or
21 her portion or topic that they are testifying
22 about before we switch to public comment.

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1 Similarly, we would begin again
2 tomorrow at 6:00 p.m. and go as late as we need,
3 both with respect to the evidence, the case
4 itself and then public comment. We don't know
5 presently whether we will need a third day, but
6 if we do need that third day, the expectation is
7 that we would begin again at 6:00 p.m. this
8 Wednesday and go again as late as we need to get
9 in all of the evidence, as well as all public
10 comments of anyone who wishes to make public
11 comment.

12 Generally, I plan to call the
13 public in the order that we have received the
14 forms. And we have already had some sign up
15 before today's hearing.

16 Mr. Sargis, do you plan to address
17 the nine criterion in your opening statement?

18 MR. SARGIS: I was not going to detail
19 each criterion, so if you would like to go
20 through that.

21 HEARING OFFICER ZEMAN: I would like
22 to. I feel that because this is in the nature

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1 of a trial and it's about what does the evidence
2 show with respect to each of the criterion, it
3 would make sense to address in the record what
4 those criterion are.

5 And so that you know, it is the
6 applicant's burden to show whether this
7 criterion has been met and only if with the
8 siting application and evidence and testimony if
9 it demonstrates that all of the criterion have
10 been met, only then can siting be approved.

11 In that respect, you should keep in
12 mind there are a couple that are probably not
13 applicable that refer to hazardous waste or
14 something that is simply not applicable to the
15 proposed facility. And again, they must
16 demonstrate if it doesn't apply or if it's
17 inapplicable.

18 Local siting approval shall be
19 granted only if the proposed facility meets the
20 following criterion.

21 Whether the facility is necessary
22 to accommodate the waste needs of the area it is

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1 intended to serve.

2 Whether the facility is so
3 designed, located and proposed to be operated
4 that the public health, safety and welfare will
5 be protected.

6 Whether the facility is located so
7 as to minimize incompatibility with the
8 character of the surrounding area and to
9 minimize the affect on the value of the
10 surrounding property.

11 For a facility other than a
12 sanitary landfill, whether the facility is
13 located outside the boundary of the 100-year
14 flood plain or the site is flood proofed.

15 Whether the plan of operations for
16 the facility is designed to minimize the danger
17 to the surrounding area from fire, spills or
18 other operational accidents.

19 Whether the traffic patterns to or
20 from the facility are so designed as to minimize
21 the impact on existing traffic flows and if the
22 facility will be treating, storing or disposing

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1 of hazardous waste whether an emergency response
2 plan exists.

3 If the facility is to be located in
4 a county where the county board has adopted a
5 solid waste management plan, whether the
6 facility is consistent with that plan and if the
7 facility will be located within a regulated
8 recharge area, which will be discussed further
9 in the case.

10 Whether any applicable requirements
11 specified by the Illinois Pollution Control
12 Board for such areas have been met.

13 And then that tenth silent
14 criterion is that the county board or governing
15 body, here the village, may also consider as
16 evidence the previous operating experience and
17 past record of convictions or admissions of
18 violations of the applicant and any subsidiary
19 or parent corporation in the field of solid
20 waste management when it considers criterion two
21 as to health, safety, welfare and five,
22 regarding operational plans.

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1 One other thing I would simply like
2 to add here is that the way the process works in
3 Illinois is the village is the first step of a
4 two-step process. Only if the village finds the
5 site suitable, or that the siting applicant has
6 demonstrated compliance with these criterion,
7 can the applicant then move forward to seek a
8 permit to operate a transfer station site from
9 the Illinois EPA.

10 And the process that's set forth in
11 the act is a rather lengthy one, in that after
12 the close of the public hearing tonight or
13 tomorrow or Wednesday, then there is the public
14 comment portion. And then the village has until
15 September 15th, to make its decision.

16 And the procedures that will apply
17 from the time that the public comment portion
18 concludes until September 15th, are basically to
19 be determined by the village but they will
20 deliberate, the board of trustees will
21 deliberate, like judges and their decision must
22 be announced at an open meeting and be put in

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1 writing.

2 I also am responsible for preparing
3 a report at the conclusion of the public hearing
4 portion and the public comment period. And that
5 will be submitted and placed on file for public
6 review and copying as appropriate.

7 In addition to the evidence and the
8 criterion, there are two other elements of a
9 case like this. One is that it must be
10 conducted so as to be fundamentally fair. And
11 that means fundamentally fair to the public, as
12 well as to the siting applicant, as well as to
13 the village itself.

14 In addition to fundamental
15 fairness, there's a notion of jurisdiction. And
16 that is based on the notices that must be
17 submitted, first a pre-filing notice and then a
18 notice of hearing. And so there will be some
19 information presented about notices and it is so
20 as to establish whether the Village of Maywood
21 has jurisdiction to hear the siting application.

22 In that regard, Mr. Sargis, do you

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1 want to make any statements with regard to the
2 notice portion or on anything else that I have
3 stated so far?

4 MR. SARGIS: Thank you, Madam Hearing
5 Officer. Thank you for the summary of the
6 procedure here.

7 I would like to make a brief
8 opening statement, and after which I would like
9 to introduce the principals of the applicant and
10 after that point, I would like to introduce the
11 exhibits, including the proof of service and
12 publication that establish the jurisdiction for
13 this hearing.

14 HEARING OFFICER ZEMAN: Very good.

15 MR. SARGIS: Again, my name is Mark
16 Sargis. I represent Greenwood Transfer, LLC,
17 which is the applicant for this proceeding.

18 To summarize the project, this is
19 proposed as a waste transfer station. And this
20 is a facility that will not store waste; it will
21 not dispose of waste; it will not bury waste; it
22 will not incinerate waste. The purpose of the

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1 transfer station is to move waste in and out as
2 quickly as possible to send to far away
3 landfills.

4 The purpose of this planned
5 facility is to design a modern facility that's
6 safe, that is run efficiently, that is run
7 effectively and that preserves the safety of the
8 neighborhood, both the industrial neighbors as
9 well as the residential neighbors.

10 The size and location of this
11 facility is in one of the village's industrial
12 zoning districts. It is just under two acres in
13 size. It's within a larger facility of property
14 boundaries owned by the Roy Strom building
15 corporation and it's bounded generally on the
16 west by Greenwood Avenue, on the east by the
17 river, on the north by Madison and on the south
18 by Wilcox. It's essentially a smaller facility
19 within a larger facility owned by and located by
20 the Roy Strom building corporation property.

21 The building itself on this
22 proposed site is actually an existing building.

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1 It's going to involve a renovation and expansion
2 of a building that's located on the Roy Strom
3 building corporation property. Currently that
4 building is used for processing and handling
5 recyclable material. That's one of the
6 operations that the Roy Strom family of
7 businesses conducts. That building will be
8 redeveloped and expanded to handle the transfer
9 of nonhazardous solid waste.

10 Now, handling recyclable material
11 is not subject to this kind of local siting
12 process that we have here today, but the
13 handling of solid waste is. And that's why we
14 are going through this proceeding.

15 There are going to be substantial
16 improvements to this site by the applicant.
17 Currently the yard is used by the Roy Strom
18 businesses for its other operations. Most of it
19 is not paved, it's gravel. The applicant will
20 pave that area, the two acres in size, and that
21 is going to reduce whatever fugitive dust might
22 be in that area.

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1 In addition, the renovated building
2 will move the orientations of large doors from
3 where we can see them now from Greenwood, if you
4 stand at Greenwood Avenue, and they are going to
5 move those doors to the north of that building
6 so they cannot be seen from the street.

7 The operation of a transfer station
8 is fairly simple. The building design is such
9 that it accepts waste from trucks that come into
10 the facility, drive in inside the enclosed
11 building and those trucks are the packer trucks
12 they are called that collect waste from your
13 residences, from businesses and office
14 buildings.

15 The trucks come in and they
16 temporarily place the waste on what's called a
17 tipping floor, and then that waste is loaded as
18 it comes in onto a much larger truck called a
19 transfer trailer. Now, why is this done? Well,
20 because loads from about three collection
21 trucks, those packer trucks that go around the
22 neighborhoods, about three loads of those trucks

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1 can fit into one transfer trailer. And there
2 are very few remaining landfills in the Chicago-
3 Metropolitan area. And those that are available
4 in this area are scheduled to close soon. So
5 most of the waste from the Chicago-Metropolitan
6 area is transported to distant landfills outside
7 of the six county area. So waste will not be
8 stored at the site or buried but will be moved
9 out quickly.

10 Well, why are we here tonight? The
11 Roy Strom family of companies has its home in
12 Maywood. Now, you may know Roy Strom, the
13 current business owner, and he will tell you
14 very briefly about the history of the family
15 businesses.

16 Roy Strom currently operates an
17 independent waste hauling company. It's one of
18 the few remaining independent hauling companies
19 in this area. Many of these types of companies
20 have been bought out by larger national
21 companies and that leaves fewer choices for
22 customers, customers like Maywood, customers

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1 like apartment buildings, offices and businesses
2 to contract for their waste services.

3 Well, what about the neighborhood
4 around this proposed site? Well, Roy Strom
5 operates several businesses in this industrial
6 area and I think has gained a very good
7 reputation with the local residents as well as
8 with the village. Greenwood Transfer will
9 operate at these same high standards.

10 Well, how do we know this? Roy
11 Strom has his headquarters right here. They
12 will watch over the Greenwood Transfer Facility
13 along with their other businesses. Because of
14 that, they will be able to respond quickly to
15 any concerns that might come up by residents and
16 the village.

17 What are the benefits to the
18 village and to the community for having this
19 transfer station? Well, Greenwood Transfer and
20 the village have negotiated an agreement. Now,
21 if the site is approved, the village would
22 receive a cash payment for each ton of waste

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1 that is transferred through this facility.

2 Now, this contract is conditional.

3 It doesn't prejudice this hearing, this
4 application that we have here. It's merely
5 saying that if the transfer station meets the
6 criteria as presented by this evidence here
7 tonight and tomorrow, then once that is approved
8 and assuming the site is permitted by the other
9 authorities, then once the operation comes into
10 place, then those payments will start.

11 Now, the benefits will help keep
12 taxes from rising as much as they otherwise
13 would in the village. The improvements to this
14 property will help maintain the industrial tax
15 base for the village. And this company will be
16 able to continue in Maywood with all of its
17 other businesses and will look to fill some of
18 its employee needs from its hometown here in
19 Maywood. In fact, that's a preference that's
20 stated in the agreement itself.

21 I believe the hearing officer has
22 stated what comes next after this hearing,

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1 assuming we can meet the criteria, and there are
2 other permits from the state, which the hearing
3 officer mentioned. But in addition, there will
4 be some village approvals necessary such as
5 building permit because of the expanded building
6 and other improvements. So it will be a
7 watchful eye both by the state, Environmental
8 Protection Agency, as well as the village on the
9 particulars of this construction, the
10 development and operation both now and in the
11 future.

12 Now, the criteria are required by
13 the state but they are decided by this local
14 board of trustees. We believe Greenwood
15 Transfer has documented how it meets the
16 criteria in the quite voluminous application
17 that we have submitted to the village.

18 Now, our witnesses tonight and
19 tomorrow will not try to repeat everything in
20 this book because we will be here for a couple
21 of weeks, but we would like to highlight the
22 important facts about this application, what it

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1 means to the village, what it means to the
2 residents and how this applicant has designed
3 this facility to be constructed and operated in
4 a way that will minimize any adverse effects on
5 the community and immediate neighborhood.

6 So in conclusion, this is not a
7 brand new site. It's already a site that's used
8 by Strom's other businesses for waste hauling,
9 recycling and excavating. Because it is a site
10 within a site, it will help shield and protect
11 the neighbors, both the industrial neighbors in
12 this district, as well as the residential
13 neighbors, from any potential adverse impacts.

14 At this point, I would like to call
15 Mr. Roy Strom to make a brief statement about
16 the history of the company and the various
17 expansion of businesses leading to the current
18 Greenwood Transfer Facility.

19 HEARING OFFICER ZEMAN: If he's going
20 to testify, then I would like him to be sworn
21 under oath, please.

22 MR. SARGIS: This is in the nature of

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1 an opening, part of our opening statement, but
2 we can swear the witnesses, that's fine.

3 HEARING OFFICER ZEMAN: Thank you.

4 ROY STROM,
5 having been first duly sworn by the Notary,
6 deposeeth and saith as follows:

7 MR. STROM: Good evening, everyone.
8 Thank you all for coming out this evening.

9 First of all, I'm Roy Strom, CEO of
10 the Roy Strom companies. I'm the third
11 generation of the original founders Leroy, my
12 grandfather, and George Strom, my father, who
13 I'd like to introduce right here, right now.

14 George, my dad, is one of the original founders.

15 Back in 1944 Leroy and his son,
16 George, began with an idea, \$900 and a dream to
17 operate a successful business. The company grew
18 through old-fashioned principles, such as hard
19 work, quality service, respect for the neighbors
20 and the community.

21 The Stroms' dream has now grown to
22 include an excavating and trucking company that

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1 rivals to be one of the largest in the Chicago
2 area. A refuse company that has also grown and
3 has become one of the largest family-owned
4 hauler in the metropolitan area.

5 Leroy and George Strom moved their
6 business from Chicago to Maywood in 1962, opened
7 its new state-of-the-art garage and office. In
8 the past 42 years, our facility at 1201
9 Greenwood Avenue in Maywood has expanded to
10 include over seven major new facilities and land
11 acquisitions.

12 Through this, the Stroms have
13 improved the aesthetics of the land and brought
14 stability to the area and needed tax revenue to
15 Maywood. As we understand, everyone must pay
16 taxes and the Stroms now are the second largest
17 taxpayers in Maywood with over \$200,000 paid
18 annually.

19 Through the vision of the founders,
20 the cornerstone of integrity and values has not
21 changed. The Strom company's record speaks for
22 itself with an excellent safety record, as well

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1 as helping our neighbors with snow removal,
2 salting and sweeping of the streets.

3 This good neighbor philosophy
4 started 42 years ago in Maywood and the Stroms'
5 way of sharing its bounty with our neighbors.

6 These neighborly gestures will continue as long
7 as the Stroms reside at Greenwood Avenue in
8 Maywood. The Strom company's 42 years in
9 Maywood has been good. Our expansions have been
10 necessary for our businesses to grow.

11 Now we are expanding again to
12 remain competitive in the refuse business. We
13 are a family-owned business, not a publicly
14 traded conglomerate. The Stroms need this
15 facility to remain a company that can offer
16 cost-effective refuse removal to residents and
17 businesses. This expansion is a large
18 investment and the Stroms' reputation to operate
19 a stellar business in Maywood will not end here.

20 The transfer operation has been
21 designated to keep the community and our
22 neighbors in mind along with their ability to

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1 interact in the future.

2 Finally, the Strom family is a good
3 neighbor and will continue to be so. The Roy
4 Strom company is celebrating 60 years of quality
5 business and a long and strong heritage in
6 Maywood. Our future starts today. Thank you,
7 very much.

8 MR. SARGIS: Thank you, Mr. Strom.

9 Also as part of our opening, I'd
10 like to call Dale Brooks to the stand. He's
11 also one of the principals with the company.

12 DALE BROOKS,
13 having been first duly sworn by the Notary,
14 deposeth and saith as follows:

15 MR. BROOKS: Good evening. My name is
16 Dale Brooks. I am the manager of the Greenwood
17 Transfer, LLC. It's equivalent to being the
18 chief executive officer of the company.

19 I have been serving the Roy Strom
20 family since 1981, first as an outside auditor.
21 I'm a CPA. I joined the company in 1993 as its
22 controller, went on to become the CFO of the

00035

1 company and two years ago was appointed as
2 president of the other two companies.
3 Just as we opened the recycling
4 facility 12 years ago, we are now forming
5 Greenwood Transfer Company to operate a transfer
6 station alongside the other businesses to help
7 maintain our independence and keep cost as low
8 as possible to our customers.
9 Many of our employees live in the
10 community already. And we are committed to the
11 village, as Mark alluded to earlier, by a
12 written agreement with the village that will
13 give Maywood residents a preference in hiring
14 additional workers that we will need for the
15 transfer operation.
16 Many have asked already why the
17 name Greenwood Transfer. We called it that
18 simply because the company was just east of
19 Greenwood Avenue. Although Roy Strom is the
20 principal owner, it does not carry the Strom
21 name because the facility will be able to handle
22 other waste haulers operating in the area and

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1 not just the Roy Strom refuse company.
2 This concept of having the facility
3 within a facility makes sense for us. We think
4 it makes sense for remaining in the community.
5 It makes sense for a safe and clean operation
6 because we, the owners and principals, will be
7 right here on location to make certain the
8 facility is run well, run efficiently, run
9 safely and run cleanly.
10 Many transfer stations run out of
11 different locations from the corporate
12 headquarters. This is different. Our offices
13 are right there. We have talked with the local
14 residents. We have respect for your homes, as
15 well as respect to have everything clean around
16 our business.
17 Mark had mentioned earlier, we are
18 going to pave the entire yard. This should
19 result in less dust. I think for those that
20 live around there know that with the truck
21 traffic, we have always had a dirt parking lot.
22 Well, that will change with this expansion. We

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1 have done street cleaning in the local
2 neighborhood. We will continue to do so.
3 The truck traffic, will be brought
4 up by witnesses later on, will only be on Wilcox
5 Street and on Greenwood just in front of our
6 office. And those will be cleaned daily, as
7 well as the adjacent streets in the local
8 neighborhood.
9 This is an extensive undertaking
10 for our business, but we are committed to the
11 future. We are committed to the village's
12 industrial base. And we are committed to
13 Maywood residents.
14 The waste hauling and disposal
15 business has seen a lot of consolidation in
16 recent years with many of the independent
17 companies being bought out. By adding this
18 waste transfer component to our operations, we
19 will be able to help ensure that communities and
20 businesses have good alternatives for their
21 waste hauling needs for the foreseeable future.
22 Thank you.

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1 MR. SARGIS: Thank you, Mr. Brooks.
2 Madam Hearing Officer, at this time
3 I would like to offer into evidence in the
4 record the exhibits that relate to the
5 application itself and the proof of service and
6 publication.
7 HEARING OFFICER ZEMAN: Are you going
8 to designate them from the front here?
9 MR. SARGIS: What I'd like to do first
10 is designate the original siting application as
11 Exhibit No. 1. I believe it's the application
12 that's on the table.
13 HEARING OFFICER ZEMAN: Mr. Walsh, any
14 objections?
15 MR. WALSH: No objection.
16 MR. SARGIS: This application was
17 previously filed with the village clerk's office
18 and has been received and we offer this Exhibit
19 No. 1 into evidence.
20 HEARING OFFICER ZEMAN: Exhibit No. 1
21 is admitted.
22 MR. SARGIS: Thank you.

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1 For Applicant's Exhibit No. 2, we
2 have a copy of the filing fee that Roy Strom
3 submitted with the application in the amount of
4 \$50,000 that was received by the village clerk.
5 And I do have an original and several copies of
6 each of the exhibits. So I will give the
7 original to the hearing officer and the copies.

8 HEARING OFFICER ZEMAN: Actually,
9 please give the original to the court reporter
10 and I will take a copy.

11 MR. SARGIS: For Exhibit No. 3 --

12 HEARING OFFICER ZEMAN: Just a moment.

13 Mr. Walsh, do you have any
14 objection to Exhibit No. 2, the filing fee being
15 admitted?

16 MR. WALSH: No objection.

17 MR. SARGIS: I offer Exhibit No. 2 into
18 evidence into the record.

19 HEARING OFFICER ZEMAN: Then it's so
20 admitted.

21 MR. SARGIS: Exhibit No. 3 is a
22 certificate of publication. This is the

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1 newspaper publication notice that was published
2 in the Pioneer Newspapers to indicate that the
3 Greenwood Transfer, LLC company will be filing
4 its application on a certain date, and that was
5 March 19th of this year. And I have the Pioneer
6 press certificate of publication as Exhibit No.
7 3, and I would like to offer that into evidence
8 at this time.

9 HEARING OFFICER ZEMAN: Mr. Walsh, any
10 objection?

11 MR. WALSH: No objection.

12 HEARING OFFICER ZEMAN: Exhibit No. 3
13 is admitted.

14 MR. SARGIS: Actually, the original
15 Exhibit No. 3 is this one.

16 Exhibit No. 4 is for the prefiling
17 notice as well. This is the original green
18 cards from the registered mailing receipts that
19 we received after mailing the notice to the
20 required persons according to the statute and
21 the village ordinance.

22 I would like to offer Exhibit No. 4

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1 into evidence in the record.

2 HEARING OFFICER ZEMAN: Mr. Walsh, any
3 objection?

4 MR. WALSH: No objection. Just would
5 note that it's an 11 page exhibit.

6 MR. SARGIS: For Exhibits Nos. 3 and 4,
7 which relate to the certificate of publication,
8 as well as the registered mailing receipts,
9 copies of those exhibits were included with the
10 original siting application and the appendices.
11 So these two exhibits, Nos. 3 and 4, are the
12 originals that are offered into evidence.

13 HEARING OFFICER ZEMAN: Exhibit No. 4
14 is admitted.

15 MR. SARGIS: Thank you.

16 Now, Exhibit No. 5 is the notice of
17 public hearing affidavits of service and related
18 attachments.

19 This exhibit, which I will offer
20 into evidence, is an affidavit that I prepared
21 to document the notice of publication and
22 service and mailing of this notice of public

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1 hearing tonight. And this affidavit has six
2 attachments to it.

3 My affidavit has attachment A,
4 which is a copy of the notice of public hearing,
5 which was published in the paper and mailed out
6 to the required persons.

7 Attachment B is a certificate of
8 publication from the same newspaper, Pioneer
9 press. I will have the original as a separate
10 exhibit.

11 Attachment C is a list of the
12 persons and entities that were served by both
13 personal service and by certified mailing.

14 Attachment D and attachment E are
15 affidavits of service by two individuals making
16 the personal deliveries.

17 And attachment F is a copy of the
18 certified mailing receipt cards. Again, that
19 exhibit, attachment F, will be presented as a
20 separate exhibit for the original. So,
21 therefore, attachment B and attachment F are
22 copies and we will submit the originals as a

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1 separate exhibit subsequent to this.

2 I offer Exhibit No. 5 into evidence
3 at this point.

4 HEARING OFFICER ZEMAN: Mr. Walsh, have
5 you had an opportunity to review Exhibit No. 5?

6 MR. WALSH: I have, and I have no
7 objections to it.

8 HEARING OFFICER ZEMAN: Exhibit No. 5
9 is admitted.

10 MR. SARGIS: Thank you.

11 Exhibit No. 6 is a notice of public
12 hearing. And this is the original certified
13 mailing receipt card, the green card, that were
14 proof of service of the mailing on the required
15 individuals of this hearing.

16 I offer Exhibit No. 6 into evidence
17 into the record.

18 HEARING OFFICER ZEMAN: Do I understand
19 from your earlier statement that Exhibit No. 6
20 you have provided the original to the court
21 reporter but copies are already a part of
22 Exhibit No. 5?

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1 HEARING OFFICER ZEMAN: This is
2 attachment B of Exhibit No. 5 or is it
3 attachment F?

4 MR. SARGIS: That is the equivalent of
5 attachment F of Exhibit No. 5.

6 HEARING OFFICER ZEMAN: Thank you.

7 Mr. Walsh, have you had an
8 opportunity to review Exhibit No. 6?

9 MR. WALSH: I have, and I have no
10 objection to it.

11 HEARING OFFICER ZEMAN: Exhibit No. 6
12 is admitted.

13 MR. SARGIS: Thank you.

14 Finally at this juncture, I offer
15 Applicant's Exhibit No. 7 into the record.
16 Exhibit No. 7 is the equivalent of attachment B
17 to Exhibit No. 5 is the certificate of
18 publication from the Pioneer press documenting
19 the publication notice for this hearing tonight.
20
21
22

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1 The court reporter has the original of this
2 Exhibit No. 7 for introduction into the record.

3 HEARING OFFICER ZEMAN: Mr. Walsh, any
4 objection?

5 MR. WALSH: No objection.

6 HEARING OFFICER ZEMAN: Exhibit No. 7
7 is admitted.

8 MR. SARGIS: Thank you, Madam Hearing
9 Officer.

10 At this point, we would like to
11 proceed with our presentation in chief and I'd
12 like to call our first witness to the stand, and
13 that is Mr. Christopher Lannert, who will
14 testify as to a portion of criterion three.

15 Criterion three states that the
16 facility is located so as to minimize
17 incompatibility with the character of the
18 surrounding area.

19 HEARING OFFICER ZEMAN: Before you
20 proceed, I would just like to clarify, for the
21 record.

22 Mr. Walsh, did you have any opening

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1 statements?

2 MR. WALSH: I do not at this time.

3 HEARING OFFICER ZEMAN: Did you want to
4 make any comment with respect to the additional
5 notice of hearing that was prepared by the
6 Village of Maywood above and beyond what the
7 exhibits have already shown by Mr. Sargis in
8 terms of the publication? Either now or later.

9 MR. BIRTH: It just should be noted,
10 for the record, that the village did send
11 directly to the residents in the subject area a
12 special notification over and above those
13 already sent out at the direction of the board
14 to make sure that all residents in the subject
15 area were notified and that they knew the
16 village was totally aware of the application.

17 So again, we just wanted to support
18 and make sure that additional information was
19 gotten out to all residents that may be affected
20 by this application.

21 MR. SARGIS: Madam Hearing Officer, I
22 might suggest that at the conclusion of the

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1 applicant's exhibits in this proceeding, that as
2 a -- I don't know if you would like to label it
3 as the village exhibit, or if you would like to
4 have those notifications, those special
5 notifications, offered into the record by the
6 village for this proceeding later.

7 MR. WALSH: I would also note that the
8 notice of the hearing was in the website of the
9 village as well and in the newsletter I think
10 that goes out to each village resident.

11 MR. BIRTH: That's correct.

12 HEARING OFFICER ZEMAN: At some point I
13 would ask someone from the Village of Maywood to
14 have a copy of the newsletter in which the
15 notice of hearing was made so that it can become
16 a part of the formal record.

17 MR. BIRTH: Yes, ma'am.

18 MR. SARGIS: It may also be appropriate
19 to offer into the record a copy of the printout
20 of the website as well.

21 HEARING OFFICER ZEMAN: We will leave
22 that to the village at that point in time.

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1 Thank you, very much.

2 MR. SARGIS: I was just notified there
3 may be one or more officials from public or
4 quasi public entities here who had filled out a
5 comment form and who may wish to make a comment
6 in the proceeding earlier rather than at the
7 conclusion of our presentation and we would be
8 happy to defer to those individuals, those
9 officials, to be able to make a statement at
10 this time.

11 HEARING OFFICER ZEMAN: I was provided
12 one citizen comment form and if there are other
13 public officials who wish to provide comment at
14 this time. The one that I have been provided is
15 Donald Storino.

16 Did you wish to make a public
17 comment at this time before the testimony
18 starts?

19 MR. STORINO: Yes. If that pleases
20 this tribunal, I would.

21 HEARING OFFICER ZEMAN: Mr. Walsh, any
22 problem with that?

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1 MR. WALSH: No objection.

2 MR. SARGIS: We have no objection.

3 HEARING OFFICER ZEMAN: Just so that

4 everyone knows, for the record, those who

5 testify or make statements about experiences or

6 things like that, might be asked to be sworn,

7 but anyone wishing to make a public comment

8 about their position need not be sworn.

9 You can proceed, Mr. Storino.

10 MR. STORINO: Thank you, Madam Hearing

11 Officer, and I appreciate this tribunal

12 accommodating me this evening.

13 My name is Donald J. Storino. For

14 the record, it's S-t-o-r-i-n-o. And I am the

15 executive director of the West Cook County Solid

16 Waste Agency.

17 And a little background on my

18 agency is we are a governmental body created by

19 statute. We comprise 36 member municipalities

20 within the western portion of Cook county. And

21 we were created in 1989 with the strict purpose

22 of planning for the management of solid waste

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1 generated within its member municipalities,

2 which it happens to include the village of

3 Maywood as one of our members.

4 In 1992, the West Cook Solid Waste

5 Agency adopted a solid waste management plan.

6 At the time, the plan was adopted with only one

7 single operating landfill within the planning

8 area, which was projected to close shortly at

9 the time. And I would note that it is our

10 belief that that existing landfill has only a

11 few years left of operating ability.

12 The agency recognized that

13 relatively few large undeveloped tracts of land

14 were remaining within the region at the time.

15 Making the siting of a new landfill highly

16 unlikely.

17 And again, I would note that of

18 today's present conditions, there are almost no

19 sites of land that would be available to site a

20 landfill in western Cook county, which makes the

21 ability for landfill in western Cook county

22 nearly extinct.

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1 As a result of that fact and given
2 these realities, the agency developed a plan
3 that would rely solely on transfer stations to
4 allow waste to be transported economically to
5 more distant landfills. The agency continues to
6 support and recommend the use of transfer
7 stations to handle the area's waste.

8 The agency has opted not to pursue
9 the development of a government owned transfer
10 station, but rather decided to rely on the
11 private sector to develop these needed
12 facilities. This policy determination reflected
13 the fact that the solid waste management
14 services currently are predominantly provided by
15 the private sector.

16 It is the agency's and my
17 understanding that Greenwood Transfer, LLC
18 shares a common principal with the Roy Strom
19 Refuse Removal Services, Inc. Roy Strom is an
20 independent hauler that also provides collection
21 and disposal services to residents and
22 businesses within Cook county region for more

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1 than 40 years and is one of the few remaining
2 independent hauling companies in the region.

3 My personal experience and the
4 agency's experience with the Roy Strom company
5 has been both positive and professional. They
6 service several of our communities and
7 businesses in the west Cook region.

8 The independent hauling companies
9 are crucial for assuring competition for solid
10 waste collection and disposal services for our
11 member communities and businesses. Having
12 competitive options for our community is one of
13 the key goals of the agency.

14 Based on the agency's review of the
15 application for local siting approval for the
16 Greenwood Transfer Facility, and based on the
17 review of the west Cook county solid waste
18 management plan, the agency believes that this
19 facility is consistent with the solid waste
20 management plan for the following reasons.

21 And before I get into the reasons,
22 I think it's important to note that on June 2,

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1 2004, at our executive board committee meeting,
2 which is made up of mayors and other elected
3 officials throughout the west suburban plan,
4 they unanimously supported a resolution that
5 provided for me to testify on behalf of the
6 agency in support of this plan.

7 The facility currently proposed to
8 be located within the agency's planning area as
9 a defined service area which includes many of
10 the agency's member communities.

11 The applicant has indicated that
12 the facility will be available to serve both
13 residents and businesses within the agency's
14 member municipalities.

15 The agency has historically relied
16 upon the private sector to provide additional
17 transfer capacity when necessary within this
18 region and has become increasingly reliant on
19 transfer stations due to the closing of area
20 landfills and the lack of area landfills
21 thereof.

22 The agency also believes that the

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1 facility is necessary to serve the proposed
2 service area, including that portion of the
3 service area which includes the agency's member
4 municipalities for the following reasons:

5 Population and employment continue
6 to increase in our region.

7 Waste disposal quantities continue
8 to increase in our region.

9 The proposed facility is
10 conveniently located to the member communities
11 of the agency.

12 The proposed facility will enhance
13 the efficiency of solid waste collection and
14 disposal and therefore will be an important
15 addition to the waste management infrastructure
16 available to our communities, and Maywood in
17 particular.

18 The development of this facility
19 will promote competition for solid waste
20 collection and disposal services. Refuse
21 contracts are typically a large budget item for
22 a municipality. Fostering a cost-competitive

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1 environment for solid waste services over the
2 long-term is a key policy goal for the agency
3 and its member communities. Given the ongoing
4 physical challenges faced by local governments,
5 the agency has historically viewed independent
6 companies such as Roy Strom and Greenwood
7 Transfer as a crucial maintaining cost-effective
8 collection and disposal option for our
9 community.

10 For these reasons, the agency
11 believes that the proposed Greenwood Transfer
12 Facility is consistent with the provisions of
13 the solid waste management plan enacted by the
14 West Cook County Solid Waste Agency in 1992 and
15 that the facility will provide needed transfer
16 capacity to both residents and businesses in the
17 west Cook county region and beyond. The agency,
18 therefore, supports the proposed project.

19 And Madam Hearing Officer, I have a
20 copy of my testimony that I'd like to submit to
21 the record to supplement the record, basically
22 memorializing my statement barring no objection.

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1 HEARING OFFICER ZEMAN: I will accept
2 your written comment rather than testimony.

3 MR. STORINO: Thank you, very much.
4 And I appreciate this tribunal accommodating me
5 here this evening.

6 HEARING OFFICER ZEMAN: Are there any
7 other public officials present for public
8 comment?

9 (No response.)

10 At this time, then, Mr. Sargis, do
11 you want to proceed with your case?

12 MR. SARGIS: Yes. Thank you.

13 I would like to call as our first
14 witness Mr. Christopher Lannert, who will
15 address criterion three.

16 J. CHRISTOPHER LANNERT,
17 having been first duly sworn by the Notary,
18 deposeth and saith as follows:

19 MR. SARGIS: I'll note, for the record,
20 Madam Hearing Officer, most of our witnesses
21 have a visual presentation to go along with
22 their live testimony and we do have a screen set

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1 up to the left of the witness and to my left so
2 everyone hopefully will be able to see the
3 screen as well as the witness as they testify.

4 At the conclusion of the witness'
5 presentation, I do have a color original of the
6 presentation submitted to the record as a visual
7 documentation of what was presented on the
8 screen for the record. And I will, after each
9 witness is finished, I will offer that into the
10 record.

11 Also for the hearing officer and
12 for the village representatives, there is a
13 reduced copy of that presentation so that they
14 can make notations as the presentation goes
15 along.

16 EXAMINATION BY

17 MR. SARGIS:

18 Q. Would you please state your name, for
19 the record.

20 A. Yes. My name is the initial J.
21 Christopher Lannert, L-a-n-n-e-r-t.

22 Q. Could you state your address and

00058

1 professional background?

2 A. Yes. My address is 215 Fulton
3 Street, Geneva, Illinois. I am the president of
4 the Lannert group, which is a consulting firm.
5 We specialize in the area of planning, landscape
6 architecture and community consulting.

7 A breakdown in terms of our
8 facilities are under the area of landscape
9 architecture. We practice the traditional
10 campus planning. We do landscape plans for
11 office buildings, for medical facilities and
12 things of that sort.

13 In our community consulting area,
14 we do zoning ordinances and comprehensive plans,
15 as well as testify at hearings like this for the
16 solid waste industry, as well as we are engaged
17 in terms of doing highest and best use testimony
18 for IDOT and other agencies that are condemning
19 areas for right-of-waste or utility lines. And
20 then the principal practice of the key
21 businesses in site planning. We have done the
22 master plan for the Galena territory you might

00059

1 be familiar with. In Grayslake we have done
2 prairie crossing and also in western Kane county
3 we have done mill creek. We have done a number
4 of projects in our hometown of St. Charles,
5 which Bill was able to advise over a number of
6 years.

7 I started my career in St. Charles
8 in 1974 upon graduation from Michigan State
9 University in 1970. As shown on the slide, I'm
10 a registered landscape architect. That's what
11 the R in front of the LA indicates. I presently
12 serve on the Department of Professional
13 Regulations Board for Springfield. I'm a past
14 member and president of the Landscape
15 Architecture Foundation and I have relations,
16 associations, with the American Society of
17 Landscape Architects, American Planning
18 Association, Urban Land Institute. I sit on
19 committees for all those associations.

20 My solid waste experience started
21 in 1978. And I did the first siting for the
22 settler's hill landfill, which was in my

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1 hometown of Geneva. And since that time, I have
2 testified on approximately 25 solid waste cases
3 and approximately 13 transfer station cases.

4 Q. How much of your work on local waste
5 siting projects has been for municipalities as
6 opposed to developers?

7 A. I have had the occasion on three
8 different times to testify for the
9 municipalities as opposed to the applicant.

10 MR. SARGIS: I believe Mr. Lannert has
11 a resume that I don't believe is in the
12 application. So I would like to offer a copy of
13 his resume into the record at this point and we
14 will mark that Applicant's Exhibit No. 8.

15 I have, at this point, the one
16 original but we can make copies for the other
17 participants.

18 HEARING OFFICER ZEMAN: Could you show
19 Mr. Walsh and myself?

20 MR. SARGIS: Yes.

21 I believe Mr. Lannert's resume
22 consists of four pages; is that correct?

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1 MR. WALSH: Five pages.

2 MR. SARGIS: Thank you.

3 I'd like to offer Mr. Lannert's
4 resume into the record at this point.

5 HEARING OFFICER ZEMAN: Mr. Walsh, do
6 you have any objections, or do you wish to ask
7 Mr. Lannert any questions about his resume or
8 experience?

9 MR. WALSH: I would like to have him
10 just authenticate that this is indeed his resume
11 and everything is true and accurate as outlined
12 in the resume, please.

13 HEARING OFFICER ZEMAN: Could you come
14 get Exhibit No. 8, please, and just verify?

15 THE WITNESS: Yes, it is. I'm
16 commenting that this is a current copy of my
17 resume and it includes the recently completed
18 testimony for the Lee county landfill, which is
19 a solid waste landfill out in the Dixon,
20 Illinois area. It also includes the Batavia
21 transfer site, which we testified with Batavia
22 in review of that application.

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1 MR. WALSH: Is it a true and correct
2 reflection of your professional criteria and
3 your professional experience?

4 THE WITNESS: Yes, it is.

5 HEARING OFFICER ZEMAN: Any objection,
6 Mr. Walsh?

7 MR. WALSH: I have no objections.

8 HEARING OFFICER ZEMAN: Exhibit No. 8
9 will be admitted.

10 MR. SARGIS: At this point, Madam
11 Hearing Officer, I would like to offer
12 Mr. Christopher Lannert as an expert witness on
13 criterion three concerning the location of this
14 public facility so as to minimize
15 incompatibility with the character of the
16 surrounding area. He's being offered as an
17 expert in the area of land use planning.

18 HEARING OFFICER ZEMAN: Do you have any
19 objections, Mr. Walsh?

20 MR. WALSH: I have no objections of him
21 being identified as an expert of land use and
22 planning.

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1 HEARING OFFICER ZEMAN: So noted.

2 MR. SARGIS: Q. Mr. Lannert, what
3 were you retained by Greenwood Transfer to do in
4 this application?

5 A. We were retained to investigate
6 criterion three as to whether the facility is so
7 located to minimize any incompatibility with the
8 character of the surrounding area.

9 Q. Did you prepare a report in
10 connection with your work?

11 A. Yes, we did.

12 Q. And is a true and correct copy of
13 your report that you prepared, does it appear
14 starting at page 87 of the local siting
15 application?

16 A. Yes. That's the report.

17 Q. And it's the report prepared by the
18 Lannert group dated March 2004?

19 A. That's correct.

20 Q. Mr. Lannert, what information did you
21 review for your work on this project?

22 A. We did a number of things in terms of

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1 the preparation for this assignment. The first
2 thing that we obtained was an aerial photograph,
3 the date in spring of 2002. We obtained copies
4 of the Village of Maywood's comprehensive plan,
5 zoning ordinances, as well as those in
6 surrounding communities. We investigated the
7 zonings within Cook county. We drove the area
8 to verify our findings. We took photographs
9 along the streets up to and leading to the
10 facility. We looked at the report prepared by
11 other consultants in processing this
12 application, and then we ultimately prepared our
13 report and submitted as part of criterion No. 3.

14 Q. Could you review in detail the work
15 concerning this project that you performed
16 starting with the aerial photograph that you
17 referred to?

18 A. Yes, I can. What has been shown on
19 the screen is the aerial photograph which we
20 obtained. It is a 2002 aerial photograph as I
21 have shown. It shows the subject site in this
22 location and it surveys a one-mile radius as

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1 required by the siting ordinance surrounding the
2 site.

3 This is a land use diagram. What
4 it shows in terms of the color codes is the red
5 areas indicate those commercial classifications.
6 The purple areas include the industrial and
7 manufacturing areas. The green areas indicate
8 the open space areas and as designated here,
9 some of those are flood plain, some of those are
10 parks, some of those are the cemeteries. The
11 balance of the area as shown in yellow represent
12 the various residential zonings surrounding this
13 particular area.

14 After we looked at this aerial
15 photo, we measured the areas within the
16 circumference of the circle, which is
17 approximately 2,100 acres, and prepared a land
18 use table which summarizes those land uses.

19 As you can see on the table,
20 approximately 52 percent of the uses within the
21 one-mile study area were nonresidential and 48
22 percent of the uses are residential.

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1 A quick way for the audience to
2 visualize that is you can look at the yellow
3 areas in Maywood, which is basically in this
4 area, and also in the neighboring communities in
5 these areas, you can see a little bit less than
6 half of that area is residential. You can see
7 that the large swath of green along the river
8 corridor appear as open space uses, some of them
9 are zoned business in terms of the cemeteries.

10 While this was a good study
11 required by the siting ordinance, we also looked
12 in detail at the immediate area and chose a
13 smaller area, which is defined with Madison
14 along the north, First Street along the west,
15 Maybrook Drive along the south and the river
16 corridor along the east side.

17 We felt that this was a more
18 precise context in terms of the siting of this
19 application. Looking at adjoining properties
20 and their uses. The subject site is
21 approximately this area outlined in yellow and
22 labeled as subject site. It's approximately 2

00067

1 acres, 1.99 acres to be precise.

2 In the last photograph, the areas
3 shown in purple are manufacturing uses. The
4 blue uses are institutional. This is the public
5 works department. This is the parking lot for
6 Proviso East high school.

7 The commercial zonings along First
8 Avenue and Madison are shown, and then the
9 established residential neighborhood is also
10 shown. When you look at the land use ratios
11 within this area, some things are
12 proportionately the same. There's 21 percent of
13 the area is shown as open space. In the overall
14 context, that number was 28 percent, I believe.
15 The commercial area, at shown here in this
16 scenario, shows approximately 10 percent and the
17 overall one-mile study area was only 9 percent.
18 The difference is that within this study area,
19 46 percent of the area is zoned for, is used for
20 manufacturing purposes. And you would suspect
21 this because if you look at a one-mile study
22 area within these closer deep filled

00068

1 communities, a larger portion of those land uses
2 are residential.

3 The intense developments along the
4 river corridors, at the intersections of the
5 major streets, those are the areas that have
6 nonresidential uses. So as we look at both of
7 these plans, we can conclude that the context of
8 this facility is within a manufacturing area.

9 Q. Mr. Lannert, did you undertake any
10 views of the surrounding site and the streets
11 surrounding the proposed facility?

12 A. Yes, we did. In order to confirm
13 that what we saw from the aerial photos and what
14 we were able to obtain from the comprehensive
15 plan and land uses were appropriate depictions
16 of what was happening, we went out in the
17 community and took a number of photographs.

18 First photograph which I will
19 describe is at Wilcox Avenue just past the
20 commercial strip along the first looking
21 easterly towards the site. You can see the
22 industrial buildings on the south as well as on

00069

1 the north.

2 You can notice that all of the
3 parking for the buses and the trucks are south
4 of this site in the right-hand side of this
5 photograph. And you can certainly see that the
6 south portion of this corridor is industrial in
7 nature.

8 The second photograph that we
9 looked at moved down Wilcox to this location and
10 is looking north up Greenwood. You can see the
11 Roy Strom headquarters here. If you are
12 familiar with the site, you see the caboose
13 located at this location. Again, all of the bus
14 parking and truck parking is behind us. But you
15 can see the industrial buildings which are
16 characteristic of Greenwood Avenue at this
17 particular junction.

18 The next photograph that we looked
19 at went to Legion Street, just again past the
20 intersection with First, and you are looking to
21 the east at the existing facility. You can see
22 the large setback in terms of the street. You

00070

1 can see the parkway and the street trees on both
2 sides of that location.

3 The next photograph which
4 reconfirms that same character is taken at the
5 intersection of Legion and Orchard. Orchard is
6 in this direction, Legion is in this direction.
7 The view, in terms of our site location map
8 still shows it from the west looking towards the
9 east. Again you can start to see the setbacks
10 for the residential units, the planting that has
11 been protected along those lines and you can see
12 at the end of the street the industrial uses
13 which are characteristic of that corner.

14 To further confirm our findings, we
15 went to the north and we took a photograph
16 looking south down Greenwood Avenue right on
17 Madison. And this is an interesting photograph.
18 As you can see, the printing company which forms
19 the street wall behind the setbacks in that
20 location. You can start to see the street wall
21 formed by the residential uses, and again the
22 mature landscaping on both sides of the street,

00071

1 which has existed for many years.
2 Our next photograph came down to
3 the intersection of Legion Street and Greenwood.
4 Here again, you can see the existing facility.
5 You can see the land form behind it, as well as
6 the industrial buildings in this location.
7 Again, a corner of the caboose and that existing
8 vegetation along that wall.
9 The last photograph that we took
10 was right at the intersection of Legion Street
11 and Greenwood. Again, you can see the existing
12 building, which is the subject of this hearing
13 tonight. You can see that the garage doors are
14 facing out towards the street will be relocated
15 as part of this proposed design. You can start
16 to see what has happened in terms of closing off
17 this access point. There's a stop sign at this
18 location. Because as the neighbors know Legion
19 Street is no longer used for any traffic.
20 Currently in the proposed request tonight
21 indicates that all of that traffic will come via
22 Wilcox for the future.

00072

1 Q. Mr. Lannert, did you undertake any
2 further analysis that was required above and
3 beyond the state criteria but required by the
4 Village of Maywood ordinance?
5 A. Yes, we did. The last thing that we
6 looked at was the zoning ordinance of the
7 community as well as surrounding communities.
8 We used the same aerial photograph to display
9 this information. Basically the format is the
10 same.
11 This is the aerial photograph from
12 2002. Our subject site is located by this green
13 dot and labeled in this location. The corporate
14 limits of the Village of Maywood are shown in
15 yellow and they are classified in terms of
16 zoning classifications on that part of the
17 table. The village of Forest Park is in blue to
18 the north and the corporate limits of River
19 Forest are to the south in the light orange.
20 You can see that all of the zonings
21 that are residential in nature occur on the east
22 side, excuse me, on the west side of First

00073

1 Avenue, and that all of the zonings surrounding
2 our property are the M-1 zonings with the
3 exception of the B-3 zoning at the intersection
4 of those two locations.

5 Q. Mr. Lannert, could you just clarify
6 on the legend, it says the blue area is village
7 of River Forest?

8 A. The blue is the village of Park
9 Forest and the yellow is Forest Park.

10 Q. Blue is River Forest?

11 A. Correct.

12 Q. So the yellow is Village of Maywood
13 that's on the left side of the screen?

14 A. Correct.

15 Q. Blue on the upper right hand is the
16 village of River Forest?

17 A. That's correct.

18 Q. And then the orange is on the bottom
19 right, village of Forest Park?

20 A. That's correct. And all of their
21 zonings are listed within the charts and tables
22 of their respective color designation.

00074

1 Q. Mr. Lannert, are you familiar with
2 the proposed specific site plan for this
3 facility?

4 A. Yes, I am.

5 Q. Could you take us through, generally
6 speaking, the site plan and how the vehicles
7 will move in and out of the site?

8 A. Yes, I can. The last part of our
9 analysis in terms of the compatibility of this
10 site with the character of the surrounding area
11 looked at the total property holding, which is
12 this area, which includes the storage area on
13 top of the land form. It includes the 1.99 acre
14 site, the existing building, the proposed scale
15 house and routing and the traffic which will
16 come in on Wilcox into this area, a transfer
17 storage area and cueing area in this location.
18 The vehicles will be weighed in this location;
19 they will proceed to the north. They will back
20 into this facility. Remember the doors have
21 been relocated to the north facade as opposed to
22 the existing doors in the facility on this

00075

1 location. The load will be dumped and they will
2 exit the site coming back this way back out to
3 the site.

4 The reason that we are referring to
5 this as a facility within a facility is that the
6 existing corporate facilities of the Roy Strom
7 headquarters are in this location. We footnoted
8 where the caboose is located.

9 Their maintenance garage is located
10 within this area. As you saw on the
11 photographs, we have already screened off and
12 fenced off with the slats within the cyclone
13 fence. So basically this building is hidden
14 behind the existing building, which have been
15 there for a number of years, and that all leads
16 to the context of this facility.

17 Q. Mr. Lannert, when you referred to the
18 total property holdings, you are referring to
19 the ownership of Roy Strom building corporation
20 of that entire area?

21 A. Yes. I'm talking about their
22 corporate holdings. The petition tonight is the

00076

1 1.99 acres, which is outlined in this back area
2 and rendered in this light yellow color.

3 Q. Mr. Lannert, do you have an opinion
4 on whether the proposed Greenwood Transfer
5 Facility is located as to minimize
6 incompatibility with the character of the
7 surrounding area?

8 A. Yes, I do.

9 Q. What is your opinion?

10 A. My opinion is that this site is so
11 located so as to minimize the incompatibility
12 with the character of the surrounding area.

13 Q. What's the basis of your opinion?

14 A. The basis of my opinion is I just
15 spoke that this is a facility within a facility
16 that has been operated in excess of 42 years.
17 We have the adjacent zoning as well as the
18 zoning on the site is M-1. The comprehensive
19 land use plans call for this area to be
20 industrial.

21 MR. SARGIS: I have no further
22 questions.

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1 HEARING OFFICER ZEMAN: Ladies and
2 gentlemen, please remember that you have the
3 opportunity to ask a question on a form here to
4 me and I can pose it to this witness. Also,
5 under the rules of this proceeding, technically
6 speaking the village should go last. I have a
7 few questions.

8 Mr. Walsh, do you want me to
9 proceed with my questions first?

10 MR. WALSH: Please, go forward.

11 EXAMINATION BY

12 HEARING OFFICER ZEMAN:

13 Q. Just a few points of clarification,
14 please. During your testimony, you talked about
15 we did several things. You obtained some
16 information. You took photographs.

17 Who are you referring to when you
18 talk about we?

19 A. I'm talking about other members of my
20 staff and myself.

21 Q. And is it customary to utilize other
22 people in the development of the information for

00078

1 a siting application?

2 A. Yes, it is. Because my degree of
3 skills as it relates to the computer technology
4 is not as polished as some of my staff members.
5 So I always have staff help me with the
6 execution of these exhibits.

7 Q. And the report itself and the
8 conclusion is yours, is it not?

9 A. That's correct. I write the reports.

10 Q. Some of the photos that you showed,
11 you talked in terms of the mature vegetation,
12 but it looks like they were taken at different
13 times of the year; is that correct? Or were
14 they taken all at the same time?

15 A. No. They were taken at two different
16 points in time. That's noted in my report. We
17 took one group of photographs during the winter
18 months, and those are the ones that did not have
19 any vegetation on them. But then some of the
20 photographs were taken in the spring, so they
21 had vegetation leaves on those photographs.

22 Q. And to further define the site plan,

00079

1 the black and gold boundary that you identified
2 as being surrounding the 1.99 acres, could you
3 perhaps put that photo back up, please?

4 MR. SARGIS: It's page 13 in the
5 presentation.

6 HEARING OFFICER ZEMAN: Thank you.

7 Q. The black and gold surrounding that
8 1.99, did you identify that as a cyclone fence.

9 A. No. It is a combination of buildings
10 and fences and then the earthen mounds behind
11 it.

12 Q. All of those things are existing; is
13 that correct?

14 A. That is correct.

15 Q. And then on that same diagram, I'm
16 sorry, on that same figure, you have identified
17 a series of trees on what would be the
18 northeast? Is north up?

19 A. Yes. North is an upward direction.

20 Q. And are those trees existing?

21 A. Are you talking about trees that were
22 located in this area? Or are you talking about

00080

1 in this area?

2 Q. No. The upper right-hand corner of
3 the 1.99 acre area?

4 A. These trees, the vegetation in this
5 area here?

6 Q. Correct. And going down to the
7 right. Correct.

8 A. Yes. That is the vegetation on the
9 land form which is behind this facility. It is
10 not on the property.

11 In fact, if you looked at even the
12 photograph that we have the closest of the
13 intersection of Legion and Greenwood, that
14 photograph does not show the nets that have just
15 recently been put up for the driving range
16 behind the municipal complex.

17 So, again, these photographs, in
18 terms of their time, are not current as of
19 today. They do illustrate the context of the
20 site.

21 Q. With respect to transfer stations,
22 are there any regulations of the state of

00081

1 Illinois that require screening?

2 A. No. There are not any regulations
3 that specifically require screening.

4 The regulations are geared towards
5 minimizing any incompatibility. Sometimes that
6 would incorporate screening.

7 Q. And is there a requirement in
8 Illinois law that talks in terms of screening
9 where a township road is within a certain
10 distance of a site?

11 A. I'm not familiar with the regulation
12 that calls for screening of township roads.

13 Q. Are there any township roads within
14 300 feet of this facility that you know of?

15 A. Not that I'm aware of.

16 HEARING OFFICER ZEMAN: I don't have
17 any further questions.

18 Mr. Walsh, do you have questions?

19 MR. WALSH: I do. Thank you.

20 EXAMINATION BY

21 MR. WALSH:

22 Q. Is there any plan to add additional

00082

1 vegetation to this site or surrounding this
2 site?

3 A. No, there is not.

4 Q. And you indicated that a couple of
5 times you reference that this site is a building
6 within a building. I think is the phrase you
7 used?

8 A. Or a facility within a facility.

9 Q. What is the significance of a land
10 planning position on that?

11 A. I think the point that I'm trying to
12 communicate is that all of the buffers and all
13 of the setbacks and all of the screening devices
14 that are normally used in terms of the practice
15 of landscape architecture and planning
16 principles tend to be those types of
17 transitional uses.

18 In this particular location,
19 because we had the existing facilities, the
20 existing buildings, because we have those street
21 walls which have been determined by either
22 existing structures or other facilities, we have

00083

1 been able to place this proposal behind all that
2 stuff.

3 So, in fact, the existing buildings
4 are screening and are buffering this proposal
5 and they predate and are outside of the boundary
6 of this proposal and so, therefore, those types
7 of screening and/or setback devices customarily
8 employed were not necessary in this application.

9 Q. Would the fact that it's a facility
10 within a facility help reduce noise to any
11 residents that may reside near this area?

12 A. Yes, it would. Because, again, the
13 buildings would act as baffles much like sound
14 walls do when you are along expressways.

15 Q. What about the mound that is to the
16 east of the proposed site? Are you familiar
17 with that?

18 A. Yes, I am.

19 Q. Does that have any significance in
20 your findings?

21 A. Yes, it does. Now it's not part of
22 this village, but it certainly is a great buffer

00084

1 and transition between the neighboring
2 communities.

3 Q. Will that also help reduce the noise?

4 A. Yes, it will.

5 And in that particular case, not
6 from a baffling standpoint. The vegetative
7 material has the opportunity to absorb some of
8 that new sound and the vegetation will do that.

9 Q. The area that is just east at the end
10 of Legion Street, where I think gates are being
11 proposed? Are you familiar with that?

12 A. Correct.

13 Q. Are there going to be added
14 evergreens or any type of vegetation in that
15 area?

16 A. No, there is not.

17 In some of the original plans we
18 were proposing that, but as it related to
19 comments received from the health and safety
20 departments, we have removed those from the
21 plantings in front of that gate.

22 Q. The Health and Safety Department

00085

1 being who?

2 A. Pardon me?

3 Q. Did you say based on comments from
4 the Health and Safety Department?

5 A. I was not at those particular
6 meetings. There are other consultants who will
7 be able to testify to that.

8 But those were part of our original
9 submittals and they were deleted prior to filing
10 the application.

11 Q. Your understanding is that it was at
12 the village's request?

13 A. That's my understanding.

14 Q. Okay. You have a number of findings
15 in your report that's part of the record here as
16 Exhibit part A and I have a couple questions
17 with respect to that.

18 One of the findings that you have
19 in sort of a bullet presentation is that
20 residential uses account for 48 percent of the
21 study area and occur within neighborhood areas
22 not impacted by the transfer facility site.

00086

1 What do you mean by that statement?

2 A. The point that I am trying to make in
3 terms of that comment is that within the Cook
4 county because this is an in-fill area and many
5 of these communities that have been developed
6 over time the residential areas tend to be
7 behind those commercial streets and those
8 commercial corridors. So, therefore, this
9 particular siting, which is along the river
10 corridor within that industrially zoned property
11 has buffered those residential areas and that's
12 the idea behind that comment.

13 Q. What about with respect to the bullet
14 point above that, which is compatible land uses
15 account for 52 percent of the area within one
16 mile of the proposed subject site?

17 Does that mean that a majority is
18 in the M-1 zoning district?

19 A. That is a summary of the original
20 land use table summarizing the 2,165 acres
21 surveyed and what we are doing is adding the
22 commercial, industrial, institutional, as well

00087

1 percent of those uses are the yellow areas shown
2 on the plan, which are zoned various types of
3 residential.

4 Q. There's an Illinois state requirement
5 that no areas that are zoned residential be
6 located within 800 feet of the boundaries of the
7 proposed site; is that correct?

8 A. That is correct.

9 Q. What's your understanding of the
10 reason behind that law?

11 A. No. It is a requirement specific to
12 Cook county and I think the reason behind that
13 is in a populated county such as Cook, there are
14 very few areas where you can end up having
15 landfills sited. They are trying to prohibit
16 landfills within those zoning classifications.

17 Q. Are there residential properties
18 within 800 feet of this facility?

19 A. There are residentially used
20
21
22

00088

1 properties. All of the properties are zoned
2 manufacturing.

3 Q. And is it your professional opinion
4 that based on your experience and your resume,
5 that these properties will not be impacted by
6 the facility?

7 A. Yes, that is my opinion.

8 As shown in those aerial
9 photographs, you can see we took those view
10 corridor shots down those roadways looking
11 towards this facility. And that's again why the
12 facility within a facility is so appropriate in
13 this particular application.

14 Q. When you came to your conclusions and
15 your findings, did you take into account issues
16 relating to odors that may emanate from this
17 facility?

18 A. I am aware that the plan for
19 operation eliminates the opportunity for that to
20 happen, so I did take that into consideration in
21 terms of my analysis.

22 Q. What's your opinion on that issue?

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1 A. My opinion that as long as this
2 facility operates in accordance with those
3 regulations, this is compatible with the
4 character of the area.

5 Q. Transfer stations create noise;
6 correct?

7 A. Yes, they can create noise.

8 Q. Based on your findings, have you come
9 to a conclusion whether or not this facility
10 will have an undue burden in terms of the noise
11 it will have or the impact it will have on the
12 properties that are residential and within 800
13 feet of the facility?

14 A. Yes, I have come to a conclusion.

15 I think, as I pointed out, that the
16 design of the facility, which is going to
17 relocate the openings for those doorways to the
18 north facing the land form and that vegetated
19 area that the chairman pointed out, those are
20 all things that have been done to mitigate any
21 incompatibility with this character so therefore
22 I believe that criteria has been satisfied.

00090

1 EXAMINATION BY

2 MR. BIRTH:

3 Q. One question as pertains to your look
4 at this, Mr. Lannert. The impact of traffic on
5 the residential area is in my mind a concern.

6 And based on your evaluation of
7 this, is that impact either minimized,
8 mitigated, basically a nonfactor or will it be a
9 factor? And in going back to the second part of
10 the question, you noticed in one of your finding
11 points that the transfer facility will be
12 located behind and shielded by existing
13 structures on the parcel.

14 Are you making that assumption then
15 that the noise will be buffered tremendously so
16 that it won't have an impact on the residential
17 neighborhood, either the truck traffic going in
18 and out or the noises created by operations?

19 A. There are other witnesses which will
20 be able to address that topic in more detail.

21 As relates to the planning criteria
22 in terms of minimizing any compatibility, yes,

00091

1 as you characterize my testimony, that's
2 correct. I think that by reorienting those
3 doors and by having this facility being located
4 behind those structures, it will greatly reduce
5 the potential for any conflict.

6 As I pointed out, in terms of the
7 slides, the mere fact that Legion is not used
8 for any truck traffic, nor has it been used for
9 truck traffic the last couple years. All of the
10 traffic will be explained by the traffic
11 consultant, as well as in the plan of operations
12 coming in and out of Wilcox. That was the first
13 picture that I took which has the industrial
14 building both on the north side of the street
15 and the south side of the street. And then the
16 characteristic of that whole truck traffic
17 storage parking yards I think is well-suited in
18 terms of land use compatibility for this new
19 plan and how it's going to be operated and how
20 the trucks are coming to and leaving the site.
21 But other consultants will be able to give you
22 more detail on that.

00092

1 Q. From your basis, from the land
2 planning use analysis, you feel these concerns
3 have been addressed by their proposal fully as
4 far as impact? Now, I'm just talking about your
5 view?

6 A. Yes. I'm aware of what was in the
7 application. I had talked to the other
8 consultants who did their portions and from a
9 planning perspective, I'm very satisfied that
10 the traffic plan, as well as the plan of
11 operation, addresses any of my concerns that I
12 have from a planning perspective.

13 Q. Would you look at this as a planner
14 as the highest and best use for that property
15 because of its zoning or relative to its zoning?

16 A. Yes. I think it's well-suited in
17 terms of the context of the area. It has been
18 established as a manufacturing and industrial
19 area. There's no reason to believe that it's
20 going to change quickly. It might change over
21 time, but I think the historical land use
22 patterns within this zone have been well

00093

1 established for decades.
2 MR. BIRTH: Thank you.
3 HEARING OFFICER ZEMAN: The trustees do
4 have an opportunity to ask questions.
5 Are there any additional questions.
6 MR. WOLL: Again a follow-up. There
7 are other traffic studies. I have some concerns
8 about First Avenue in terms of the entering and
9 exiting, particularly times of day. There are
10 other studies that are here that will cover
11 that?
12 MR. SARGIS: Yes. For the record, I
13 will state that our traffic expert will be
14 presented tomorrow evening.
15 MR. WOLL: Thank you.
16 MR. WALSH: I have a couple follow-up
17 questions.
18 EXAMINATION BY
19 MR. WALSH:
20 Q. Just in general for everyone that's
21 attending this meeting, what kind of things do
22 you take into consideration from a land use and

00094

1 planning analysis when you determine whether or
2 not a transfer station is an appropriate use for
3 a particular piece of property?
4 A. I think we look at a number of
5 different things. We don't do it within a
6 vacuum.
7 I think that the plan of operation
8 is a factor. Obviously the traffic is a factor.
9 The site and location of the parcel is a factor.
10 The location in terms of setbacks and buffers,
11 we consider all of those issues.
12 I would cross-reference the most
13 recent testimony that I gave in support of the
14 city of Batavia and their evaluation of a
15 proposed transfer station site, which was also
16 going to be retrofitting an old unused
17 industrial building within their industrial park
18 was again a very creative and adaptive reuse.
19 So within that industrial park, I
20 thought that that was an efficient and
21 appropriate thing to do within the context of
22 its land uses as well as zoning.

00095

1 I think this is similar to those
2 particular uses because we have this industrial
3 area. We have the existing industrial
4 buildings. Looking at upgrading of the whole
5 area, both in terms of paving the parking lot,
6 reorientation and the retrofitting of the
7 building. These are all positives to that
8 number.

9 MR. BIRTH: The highway system around
10 that proposed facility is it similar, different
11 than what the highway system is here? For
12 example, Madison, First, the Eisenhower?

13 THE WITNESS: The site, as you probably
14 remember, Bill, is in the Batavia industrial
15 park and its access off of Kirk Road, which is
16 tied down to 88 down at Kirk and Farnsworth. It
17 is considerably further north. It's miles north
18 of that intersection, where we are within a mile
19 of this particular intersection.

20 But I think the characteristics of
21 a major north-south street, in this case First
22 Avenue, in that case Fabyan Parkway, and the

00096

1 ability Madison Street in this location is a
2 heavier roadway. Fabyan Parkway is about a half
3 a mile north of the Batavia proposal. Fabyan
4 Parkway would be more comparable to Madison
5 Street, but the local Wilcox Road is similar to
6 the access roads within this industrial park in
7 Batavia.

8 So I would say these are a pretty
9 similar applications for uses for transfer
10 station sites.

11 MR. BIRTH: From what you know, the
12 bulk of the penetration is going to come off
13 first proceeding north off the expressway to the
14 site, i.e. Wilcox?

15 THE WITNESS: That's correct.

16 MR. SARGIS: Again, we will have a
17 traffic expert detail this traffic flow.

18 MR. BIRTH: Just asking how it
19 coincides with land use and planning.

20 MR. SARGIS: Sure.

21 MR. WALSH: Q. You mentioned things
22 like operation and the operational plan as

00097

1 something you would take into consideration to
2 determine whether or not this is an appropriate
3 use.

4 Did you do that in this case?

5 A. Yes, I did.

6 Q. Did you take all the factors that you
7 just testified to into consideration when you
8 came to your opinion?

9 A. Yes, I did.

10 MR. WALSH: I have nothing further.

11 HEARING OFFICER ZEMAN: I have received
12 a questionnaire from a citizen and it is --

13 MR. SARGIS: Will we have an
14 opportunity for redirect on any of those
15 questions or would you like to proceed with the
16 questions?

17 HEARING OFFICER ZEMAN: I think it's
18 appropriate to proceed with this and we can come
19 back. I certainly don't want to preclude you
20 from doing that. To the extent that there is
21 some overlap, you may want to follow-up with
22 this witness on the citizen's questions.

00098

1 The citizen has inquired on some
2 issues that may also be appropriate to
3 Mr. Strom. Do you intend to call him back as a
4 witness?

5 MR. SARGIS: Not formally as a witness.

6 Mr. Strom and Mr. Brooks will be available to
7 answer questions that some of the expert
8 witnesses will not be able to cover if there are
9 questions that come up.

10 So if necessary, we will bring

11 Mr. Strom or Mr. Brooks back to answer questions
12 particularly about the applicant itself.

13 EXAMINATION BY

14 HEARING OFFICER ZEMAN:

15 Q. Some of these are crossover with your
16 testimony, so let me ask each one and to the
17 extent that your conclusion, Mr. Lannert,
18 addresses any of these, I would ask you to
19 comment on it. And otherwise, please, recall
20 the question for later answer by Mr. Strom, or
21 whoever is the appropriate person for the
22 testimony?

00099

1 One of the questions is: How many
2 employees from the Village of Maywood are
3 employed with Roy Strom? That obviously relates
4 to the initial presentation.

5 Mr. Lannert, do you have anything
6 to add on that particular question?

7 A. There's a more qualified witness to
8 answer that question.

9 Q. No. 2. What is the cancer rate in
10 the area that you have looked at, if you know?

11 A. I'm not familiar with that.

12 Q. Would land use planning ordinarily
13 look at that question?

14 A. No. That's not part of our
15 assignment at this time.

16 Q. You say that you have testified that
17 it will minimize incompatibility and there has
18 been a statement that it will minimize potential
19 adverse effects and what do you mean by that and
20 what kind of effects are you talking about?

21 A. My evaluation in terms of the land
22 use compatibility addresses a whole menu of

00100

1 things, and as I have stated, I think that the
2 location of the facility within a facility, the
3 existence of the land form and vegetation behind
4 this proposal, the buildings, as well as the
5 headquarters of the Roy Strom operation in front
6 of this facility, and then just the mere
7 coexistence of all of these things living in
8 harmony for the last 40 plus years gives me
9 confidence in saying that those impacts have
10 been addressed.

11 Q. And those impacts, again, could you
12 briefly state what the potential impacts are?

13 A. There could be impacts in terms of
14 dust but the parking lot is going to be paved.

15 There could be impacts in terms of
16 noise, but I think the orientation has been
17 changed in order to do that.

18 The plan of operations will address
19 other types of litter control and things like
20 that and I'm comfortable in that section of the
21 application those have been addressed.

22 Q. How about fumes? What kind of fumes

00101

1 would you expect to come from the site?

2 A. I don't know if I understand the
3 question in terms of fumes. There could be
4 odors, but most of the odors are contained
5 within the building.

6 All of these operations will take
7 place within that enclosed building. So if you
8 already have a problem, you already have a
9 mechanism to control those odors.

10 Q. Just in the off chance by fumes a
11 citizen actually meant fumes from the vehicles,
12 is that a potential affect?

13 A. I think there's a better witness than
14 I to address that in the plan of operation and
15 design.

16 Q. Thank you.

17 One of the questions raised, and
18 again this may not be your area but just so you
19 could testify to this or not, what will the
20 material that is going to be dumped and
21 transferred be and into what type of containers?

22 What kind of material is this

00102

1 transfer station proposed to handle?

2 A. It's basically household waste and
3 it's coming off of the scavenger trucks that
4 pick up the waste within a neighborhood, and
5 then they are deposited on the tipping floor and
6 condensed into transfer trailers and then
7 shipped to landfills which are further located
8 from the site.

9 Q. And that information is definitely a
10 part of the siting application that you reviewed
11 and utilized in coming to your conclusions, is
12 it not?

13 A. That's correct. And the witness
14 testifying to the design will be able to
15 enumerate that waste stream for you.

16 Q. Finally, it shows a small row of what
17 appears to be bushes.

18 Are those bushes or trees that are
19 shown in that one plan diagram? And if they are
20 bushes or trees, is that any kind of a safety
21 buffer?

22 A. May I come and look at the photograph

00103

1 you are looking at?

2 HEARING OFFICER ZEMAN: May I clarify

3 with the citizen? Are you talking about the

4 site plan that he had up the yellow?

5 MS. MUHAMMAD: No. He had a picture

6 with bushes next to a residential site.

7 HEARING OFFICER ZEMAN: Come show me

8 which photograph you are talking about so we get

9 it specifically on the record.

10 For the record, it appears that we

11 are speaking about view No. 5 that appears on

12 sheet No. 4.

13 THE WITNESS: Is this the view?

14 MS. MUHAMMAD: Yes. You said those

15 bushes would barrier it?

16 THE WITNESS: Yes. This is an existing

17 hedge row on this property, which is on the

18 northeast corner of Orchard and Legion, and

19 those are existing vegetative plantings on that

20 property.

21 MS. MUHAMMAD: I don't understand.

22 HEARING OFFICER ZEMAN: Excuse me. The

00104

1 court reporter has to get everything down. I'm

2 sorry, I didn't hear the exchange.

3 MS. MUHAMMAD: He said the bushes were

4 barrier and I don't understand how could that

5 short row of bushes be what kind of barrier?

6 THE WITNESS: I was characterizing this

7 photograph in terms of this location, that there

8 are the overstory trees which are within the

9 parkway and this particular example adjacent to

10 that building there is a row of bushes or hedges

11 which continue to amplify the setback of this

12 corridor.

13 Now this is on Legion Street and so

14 this road will not be used in terms of traffic

15 coming to or from this facility. So I was

16 characterizing this area as a street, you know,

17 that has been well maintained and is mature

18 looking in terms of its streetscape.

19 MS. MUHAMMAD: So it's not a barrier

20 for noise just because it's pretty?

21 THE WITNESS: Yes. It exists today and

22 will continue to exist in the future.

00105

1 MR. BIRTH: Will there be -- I thought
2 you indicated -- it's my understanding there
3 will be no -- there is no truck traffic up and
4 down that street now and there will be no truck
5 traffic up and down that street that services
6 this facility? Is that correct or is that
7 incorrect?

8 THE WITNESS: That is my understanding
9 and there will be other witnesses that will be
10 able to address that in their analysis.

11 MR. BIRTH: Does that have an impact on
12 how you looked at this from a land view
13 description?

14 THE WITNESS: That's correct.

15 MR. SARGIS: Just for the record. That
16 view of Legion Street and Orchard Avenue is a
17 block away from Greenwood Avenue and the
18 facility will actually be north of Greenwood
19 Avenue not right on Greenwood Avenue, and that
20 view in the distance you can see sort of a large
21 garage door opening and I believe Mr. Lannert,
22 as he previously indicated in a closer view,

00106

1 that those garage door openings will be
2 eliminated and will not be seen from the street.

3 MR. BIRTH: The question the resident
4 had was a concern over impact and that there was
5 a feeling that those bushes would be a sound
6 barrier, whatever. I think that's the
7 resident's question.

8 But the clarification is on your
9 part and what we want to know is there's no need
10 for that on that street based on what you said
11 because there's going to be no truck traffic on
12 that street where these people have to be
13 impacted by noise? Is that correct or
14 incorrect?

15 THE WITNESS: I think that as you
16 characterize it, that that is correct. And the
17 continuation of the noise in terms of the
18 vegetation I was talking about is the hill and
19 the vegetation behind the facility, not this
20 decorative planting on individual owner's lots.

21 MR. SARGIS: And the applicant
22 stipulates, for the record, that it will not

00107

1 allow any trucks for this facility, or other Roy
2 Strom businesses, to operate on Legion, Orchard
3 or any of these residential streets but only on
4 Wilcox and the very corner of Greenwood.

5 MR. WALSH: Will the noise from the
6 facility itself carry down Legion Street to the
7 west that would have a significant impact on
8 residents in the area?

9 THE WITNESS: I did not study that
10 specifically, nor did I do any noise studies.

11 It's my perception from working on
12 a number a these things that most of that noise
13 will be dissipated prior to getting to that
14 intersection of Orchard and Legion.

15 MR. SARGIS: We will have a more
16 specific witness to address the engineering and
17 design concerns that would relate more
18 specifically to noise.

19 MR. WALSH: Do you have a
20 recommendation as to whether or not additional
21 vegetation in this area in and around the site
22 would have an impact on reducing noise to the

00108

1 surrounding community?

2 THE WITNESS: My opinion is that
3 additional vegetation is not required so I did
4 not propose it as part of my testimony.

5 EXAMINATION BY

6 MR. BIRTH:

7 Q. You took into consideration existing
8 land uses; correct?

9 A. Yes, we did.

10 Q. Mr. Lannert, you took into
11 consideration existing site land uses in your
12 analysis and evaluation?

13 Currently, are there refuse-type
14 operations conducted at the site? And what kind
15 of an impact did you see on the area from a land
16 use perspective because of that?

17 A. There aren't any refuse operations
18 going on on the site right now. There's a
19 recycling program that's going on on-site but
20 there is no transfer station operation.

21 Q. Don't they operate a scavenger or
22 hauling company currently? Is that true or not

00109

1 true?

2 A. One of their businesses is that.

3 Q. Where are those trucks parked?

4 A. The ones I noticed are south of
5 Wilcox at this time and there might be some
6 parked on the site. I'm just not familiar with
7 that part of the application in terms of the
8 operation.

9 Q. I guess what I'm trying to find out
10 is: Are there refuse operations, from a hauling
11 company standpoint, operating out of that site
12 and have there been, to your knowledge, any
13 adverse impacts because of that?

14 A. I don't know if I understand the
15 question, but I'm not aware of any refuse
16 operations other than the comings and goings of
17 the scavenger trucks on this site at this time.

18 Q. That's what I'm asking.

19 MR. SARGIS: The applicant stipulates,
20 for the record, that Roy Strom refuse removal
21 service has been operating at this site for over
22 40 years and that the refuse removal trucks have

00110

1 used portions of the facility, including the

2 proposed facility boundaries, over those years

3 without significant complaints from residents or
4 the village.

5 We also stipulate that the
6 applicant has acquired some additional property
7 and Mr. Lannert made reference to south of
8 Wilcox. So many of those trucks now are being
9 parked south of Wilcox, whereas before this past
10 year they had been using the property north of
11 Wilcox where the proposed facility will be
12 located.

13 MR. BIRTH: Q. I'm just wondering
14 if you engaged in the impacts adverse because of
15 their existing operations at all from a land use
16 perspective?

17 A. I did not observe, nor am I aware of
18 any that would impact that site.

19 MR. BIRTH: Thank you.

20 HEARING OFFICER ZEMAN: I would like to
21 clarify, for the record, that the citizen who
22 previously spoke on the record was Debbie

00111

1 Muhammad.
2 And I have a couple of more
3 inquiries from citizens and it appears that
4 there may be other witnesses that are more
5 appropriate. One appears to be traffic, but let
6 me run these questions by you.
7 EXAMINATION BY
8 HEARING OFFICER ZEMAN:
9 Q. How will the bus traffic coincide
10 with the transfer trucks? What will be the
11 heaviest hours of traffic? Will there be any
12 danger to the high school students at Proviso
13 East? Are there any long-term affects on
14 residents? What fumes will come out of the
15 doors when they are opened, and how many trucks
16 will be operating?
17 A. I'm aware of the answer to all those
18 questions, but I am not the witness that will
19 best address them. Those will be testified to
20 in the future presentations.
21 Q. You did talk in terms of odors, the
22 potential for odors, and perhaps there's someone

00112

1 else that's better suited to answer these but
2 here are the questions.
3 Who is going to guarantee our
4 neighborhood will be clean and odor free? And
5 when the doors are opened, how can we keep the
6 foul odors from our homes?
7 A. There is another witness both in
8 terms of the design of the facility and
9 operations that will be able to adequately
10 answer those questions.
11 Q. I believe this set of questions is
12 addressing the other part of this criterion.
13 What impact will this transfer
14 facility have on the market value of my home?
15 And will the market value increase or decrease?
16 A. Mr. McCann is the other witness which
17 will testify as to the value portion of this
18 criterion and he will be the next witness.
19 Q. And the next set of questions is with
20 respect to rodents. Whether rodents will
21 increase if the transfer station is located
22 here.

00113

1 Will there be someone testifying
2 about that?

3 A. Yes. That will be handled in the
4 plan of operations and there's a witness that's
5 prepared to answer that question.

6 Q. Finally, the next set of questions
7 appear to be more traffic-related.

8 What are the noise levels of the
9 businesses along with all of the trucks in terms
10 of decibels, if that's known? What is the
11 number of trucks per hour? The hours of
12 operation? And whether the facility will be
13 handling red bag waste, yellow bag waste and
14 whether the site is bleached and exterminated?

15 A. There are other witnesses that will
16 address those concerns. I'm not the appropriate
17 witness.

18 HEARING OFFICER ZEMAN: Thank you, very
19 much, Mr. Lannert. I appreciate you taking a
20 look at these questions.

21 And so the citizens do know, we
22 will come back to these questions when the

00114

1 witnesses on the plan of operations, traffic and
2 the design are up for testimony.

3 MR. SARGIS: Madam Hearing Officer, it
4 will be helpful for the applicant if we could
5 get copies of those questions so that we can
6 direct those particular concerns to the
7 appropriate witnesses.

8 HEARING OFFICER ZEMAN: To the extent
9 we can, we will make that effort.

10 MR. SARGIS: Thank you.

11 EXAMINATION BY

12 MR. WALSH:

13 Q. I want to go into your background
14 just for a second here.

15 I know that you mentioned in your
16 testimony that you had worked on siting
17 applications on behalf of municipal governments
18 in the past; is that correct?

19 A. I didn't actually prepare any siting
20 applications, but I have testified for the Lake
21 county forest preserve, for Batavia. In one
22 case support of a transfer station location, the

00115

1 other one against a proposed sanitary landfill.

2 Q. You were working on behalf of the
3 staff of the government; is that correct?

4 A. That's correct.

5 Q. In your experience you have opposed
6 these transfer stations; correct?

7 A. That's correct.

8 MR. WALSH: That's all I have.

9 HEARING OFFICER ZEMAN: Redirect?

10 EXAMINATION BY

11 MR. SARGIS:

12 Q. I believe just one question to
13 clarify.

14 Mr. Lannert, there was an earlier
15 question raised concerning what's referred to as
16 the residential setback for Cook county.

17 Do you recall the question about
18 the 800 foot setback for Cook county?

19 A. Yes, I do.

20 Q. You refer to that there was a special
21 requirement for Cook county.

22 Could you clarify are you familiar

00116

1 with the distinction between the setback
2 requirement for Cook county versus all other
3 counties in the state?

4 A. Yes, I am aware of those
5 requirements. There is a requirement within
6 Cook county that mandates an 800 foot setback
7 from residentially zoned properties. It does
8 not make a distinction in terms of residentially
9 used properties.

10 I believe that that is a function
11 based upon the numerous instances within Cook
12 county where zonings and land uses don't always
13 coincide for that, the restriction is 800 foot
14 from residentially zoned properties.

15 All of the residents within the
16 established community along Greenwood, Orchard
17 and Legion, those residential units are all
18 zoned M-1 and they have existed with this
19 transfer facility as long as the transfer --
20 they have existed within that manufacturing
21 zoned property as this proposal has come forward
22 as the Roy Strom companies have grown and I

00117

1 believe that the mere existence of those
2 facilities within that zone indicate that they
3 can coexist compatibly within this context.
4 I can tell you in terms of the
5 measurements of those sites, the setback between
6 the building and the residential units is
7 slightly over 400 feet, but I think the
8 intervening buildings, I think that the street
9 walls that have been formed by the mature
10 planting along the streets and with the
11 buildings and the setbacks themselves,
12 adequately serve to buffer and meet that
13 criterion as it relates to the zoned property
14 within the setback required as part of the Cook
15 county requirements.
16 Q. Are you familiar with the section
17 22.17 of the Illinois Environmental Protection
18 Act that discusses that 800 foot setback
19 requirement?
20 HEARING OFFICER ZEMAN: 22.14.
21 A. Yes, I am.
22 MR. SARGIS: Q. And is it your

00118

1 opinion that this proposed facility satisfies
2 the setback requirement?
3 A. Yes, it does.
4 Q. One final question. You mentioned
5 about you were asked the question about barriers
6 and screenings and vegetation that might be
7 acting as screens and also buildings.
8 In this industrial district, do you
9 have an opinion on whether man-made versus
10 natural vegetative screening would be any more
11 or less a barrier or screen than the other?
12 A. In this particular application, the
13 existence of the existing structures in the
14 foreground of this proposal are much more
15 effective screen in terms of blocking views and
16 minimizing any impacts as proposed to a
17 vegetative screen and/or another man-made
18 screen. These structures will be very effective
19 continuing. They are effective today, they will
20 be effective into the future.
21 I will cross-reference that in
22 terms of the industrial zoned property for the

00119

1 Batavia retrofitting of their existing building,
2 there was an extensive landscape plan provided
3 along the street front because that particular
4 site had hundreds of feet of frontage. So in
5 that particular application because of
6 industrial buildings across the street, a
7 landscape buffer and screen was provided and
8 called for.

9 In this application, there is not a
10 need because the existing structures serve a
11 much better screen than anything else that could
12 be proposed.

13 MR. SARGIS: Thank you. I have no
14 further questions.

15 HEARING OFFICER ZEMAN: I understand
16 that one trustee has a question.

17 Mr. Woll?

18 MR. WOLL: Yes. This may be generic
19 and it probably refers to something that staff
20 or somebody later will answer but it occurred to
21 me.

22 Are there any experts who did study

00120

1 for this application that the Greenwood
2 application people decided not to use? If so,
3 who are they and why?

4 Specifically, why were they not
5 made part of the application? I'm not saying
6 there are any at all.

7 MR. SARGIS: And I will stipulate, for
8 the record, that the applicant has not retained
9 any experts that we are not presenting for this
10 hearing.

11 MR. WOLL: Thank you.

12 HEARING OFFICER ZEMAN: I have two
13 additional citizen question forms, but from my
14 review of them, I can determine that they are
15 not related to land use planning.

16 One is again with relationship to
17 employees. What percentage of employees do you
18 have now and do you expect to hire if the
19 transfer station is approved? And what type of
20 study has been done with respect to health and
21 especially airborne illnesses related to
22 transportation of this waste?

00121

1 I am not going to pose these to
2 Mr. Lannert. I'm confident he is not the
3 appropriate witness to answer these questions.

4 Do you have anything further,
5 Mr. Sargis?

6 MR. SARGIS: No. At this point, I
7 would like to offer into the record Applicant's
8 Exhibit No. 9, which is a reproduction of the
9 visual presentation on the screen made tonight.

10 HEARING OFFICER ZEMAN: This is for
11 demonstrative purposes only?

12 MR. SARGIS: Correct.

13 HEARING OFFICER ZEMAN: Mr. Walsh,
14 having seen this exhibit, do you have any
15 objections.

16 MR. SARGIS: Mr. Lannert, could you
17 review that copy and communicate whether it's a
18 true and correct representation of your power
19 point presentation?

20 THE WITNESS: Yes. That's a color copy
21 of the slide that was presented.

22 MR. WALSH: I have reviewed it. I have

00122

1 no objection.

2 HEARING OFFICER ZEMAN: Admitted just
3 for purposes of the record.

4 MR. SARGIS: Thank you.

5 At this point, Mr. Lannert is
6 dismissed at this point.

7 HEARING OFFICER ZEMAN: Thank you,
8 Mr. Lannert.

9 MR. SARGIS: For our next witness, I
10 would like to call Michael McCann.

11 While Mr. McCann is coming up, it
12 will be helpful for future questions that might
13 come up, I'd like briefly to indicate what our
14 order of witnesses will be from here on.

15 This next witness will be
16 testifying as to the real estate impacts from a
17 transfer station facility. And our witness
18 after that will be testifying regarding the
19 consistency of the proposed facility with the
20 solid waste plan and also the need for the
21 facility based on the service area.

22 And probably starting tomorrow

00123

1 evening our traffic expert will discuss many of
2 the traffic issues and questions that have come
3 up. And our final witness will be addressing
4 the operations and design, health and safety of
5 the facility.

6 And then we will have some
7 concluding remarks as well as any final answers
8 to questions by the principals of the company.
9 So that will be generally our expected order of
10 the remaining witnesses.

11 HEARING OFFICER ZEMAN: Thank you.

12 I would ask the citizens to keep
13 that in mind as the forms come in that
14 Mr. McCann's testimony may be on limited issues.

15 MR. WALSH: We have been going over two
16 hours. I don't know if it's appropriate at this
17 point to take a break before he starts his
18 testimony or not.

19 HEARING OFFICER ZEMAN: Mr. Sargis?

20 MR. SARGIS: If there's any, otherwise
21 we can proceed.

22 HEARING OFFICER ZEMAN: The court

00124

1 reporter says she needs a ten minute break. We
2 will reconvene at 8:30, according to the clock
3 on the wall.

4 (Whereupon, a break was taken.)

5 MR. SARGIS: Our next witness, as I
6 mentioned before the break, Michael McCann will
7 address parts of criterion three. The facility
8 is located so as to minimize the effect on the
9 value of surrounding property.

10 MICHAEL McCANN,
11 having been first duly sworn by the Notary,
12 deposeth and saith as follows:

13 EXAMINATION BY

14 MR. SARGIS:

15 Q. Would you please state your full
16 name, for the record.

17 A. Michael McCann. Spelled M-c-C-a-n-n.

18 Q. Would you please identify your
19 business affiliation and background?

20 A. I'm a real estate appraiser and
21 consultant. I'm president and general manager
22 William McCann & Associates. We are an

00125

1 appraisal firm in Chicago.

2 Q. Will you please summarize your
3 experience and, in particular, with regard to
4 solid waste facilities, including transfer
5 stations?

6 A. Certainly. The last 20 some years I
7 have had occasion to appraise virtually all
8 types of property, commercial, industrial,
9 vacant land, residential, special use properties
10 and as I'm showing on the slide on the screen, I
11 have appraised, evaluated and studied in excess
12 of four dozen pollution control facilities and
13 surrounding properties, not just in the Chicago
14 area and midwest but about 17 states.

15 Q. And is a true and correct copy of
16 your professional biography included in the
17 siting application at page 169?

18 And was it true and correct at the
19 time the siting application was filed with the
20 Village of Maywood?

21 A. Yes, it was.

22 Q. And specifically with regard to

00126

1 transfer stations, can you summarize

2 approximately what percentage of your work has
3 been done for municipal and governmental
4 entities compared to private developers?

5 A. Pollution control facilities and
6 transfer stations probably 25 to 30 percent of
7 my work in evaluations has been for
8 municipalities and governmental bodies.

9 MR. SARGIS: Mr. McCann, I believe
10 these mikes are somewhat directional, so if you
11 could move that around.

12 At this point, I'd like to offer
13 Mr. McCann as an expert witness on the field of
14 real estate appraisal and evaluation of property
15 values.

16 HEARING OFFICER ZEMAN: Mr. Walsh, do
17 you have any objection or any questions for this
18 witness?

19 MR. WALSH: I do not, and I have no
20 objection.

21 HEARING OFFICER ZEMAN: Accepted. So
22 accepted.

00127

1

MR. SARGIS: Thank you.

2

Q. Mr. McCann, what were you retained by

3

Greenwood Transfer to do for this application?

4

A. I was retained to study the subject

5

property, and more specifically, the location to

6

determine whether or not it meets the second

7

part of criterion three, which is whether or not

8

the facility is located so as to minimize the

9

effect on surrounding property values.

10

Q. Did you prepare a report in

11

connection with your work?

12

A. Yes, I did.

13

Q. Is the real estate impact evaluation

14

report that appears starting at page 106 of the

15

local siting application appear to be a true and

16

correct copy of your report?

17

A. Yes, it is.

18

Q. And was the work and the report that

19

was done for that report done under your

20

supervision and direction?

21

A. Yes, it was.

22

Q. Mr. McCann, could you summarize what

00128

1

information you reviewed in connection with your

2

work for this project?

3

A. Certainly. I reviewed the facility

4

plan as it was being developed and as it's laid

5

out in the application.

6

I reviewed the character of the

7

surrounding area and the proposed ingress and

8

egress routes to the site, as well as the

9

existing facility, the location that this

10

transfer station was proposed to be located

11

within the existing Strom land holdings.

12

I also studied and evaluated

13

property value trends adjacent to several other

14

transfer stations and pollution control

15

facilities throughout the Chicago area in order

16

to provide some comparable basis or market study

17

as to what value trends and property values

18

actually do in the presence of these types of

19

facilities.

20

Q. Specifically, can you take us through

21

your field investigation and evaluation of what

22

you performed?

00129

1 A. Yes. If we could go to the slides.
2 The first map really just shows the
3 location of the subject in Maywood in context of
4 the entire metropolitan area.
5 The second map zooms in a little
6 closer. You can see the Eisenhower expressway
7 south of the subject property, Madison Street to
8 the north, the Des Plaines river line to the
9 east, First Avenue to the west and Maybrook
10 Drive also to the south.
11 This is the area that I define as
12 the immediately surrounding area or the
13 neighborhood, Madison, Maybrook, First Avenue
14 and the river.
15 If we can go to the next slide,
16 please. This map depicts the location of the
17 subject property in a Melrose Park study
18 location which specifically addresses
19 residential property values, as well as a case
20 study in Elk Grove Village, Alsip and Batavia,
21 which are more geared towards the industrial
22 properties being this is an industrial zone and

00130

1 the most proximate properties are existing
2 industrial uses.
3 Q. Mr. McCann, what was the purpose of
4 the study areas and why did you select these
5 particular study areas?
6 A. Well, the purpose of the study areas
7 was there's existing transfer stations, or in
8 the case of Batavia location it's a developing
9 area, which is relevant to the context of future
10 developments or redevelopments of a given area.
11 The Melrose Park case study I found
12 to be the most comparable location to Maywood
13 given that it's a near west suburb in Cook
14 county, an established community with modest
15 well-kept homes in similar price range to what
16 we have in the residential area nearest the
17 proposed Greenwood facility.
18 Q. Mr. McCann, the facility is located
19 within the context of a larger industrial area;
20 is that correct?
21 A. Yes, it is.
22 Q. Did you look at any industrial study

00131

1 areas?

2 A. I did. On this slide that's up now
3 shows an existing transfer station surrounded by
4 a black line which defines the target area.

5 The target area is an area that is
6 researched for industrial property values
7 surrounding an existing transfer station and we
8 have calculated rates of appreciation, average
9 prices per square foot and so forth for that
10 area.

11 The balance of the village of Alsip
12 and as shaded in dark yellow is the control
13 group or the baseline data that property values
14 for industrial properties was also researched,
15 again provide a background for measuring any
16 value in the target area.

17 Go to the next slide, please. This
18 table characterizes what the values were in the
19 target area and control area. As you can see,
20 the average wave of appreciation or the rate of
21 which values increase are both right about three
22 percent in the target and control areas. The

00132

1 average prices per square foot are both in the
2 mid to high \$30 square foot range.

3 The buildings were a little older
4 and a little smaller on the average, or actually
5 significantly smaller in the target area. So I
6 also broke down the control group into sub
7 groups by 8,000/15,000 square foot range because
8 our target area doesn't have the building size
9 of 16,000 feet, and then similarly the 15,000 to
10 30,000 square feet, again the bracket by the
11 size of the target area. That shows also that
12 prices per square foot bracket for square foot
13 in the target area.

14 I would note that this particular
15 transfer station in Alsip is a three-sided
16 structure with an open view from the tipping
17 floor from Austin Boulevard. They might have
18 used an inferior facility compared to what's
19 been proposed here in Maywood for the Greenwood
20 Transfer Facility.

21 If we can go to the next slide. A
22 second industrial case study is in Elk Grove

00133

1 Village, a more homogenous industrial area,
2 where again a transfer facility is located
3 adjacent to a target area where the property
4 values are studied to determine any change in
5 value of rates of appreciation and compared to
6 the more existent control group and two miles
7 further west in Elk Grove Village and the
8 results tabulated on the following slide shows
9 that the rates of appreciation the very closest
10 to the existing transfer station were actually
11 significantly higher than the appreciation rates
12 further removed, while the control area also
13 showed a slightly higher price per square foot.

14 That rate of appreciation, the nine
15 percent, is certainly a healthy rate for the Elk
16 Grove market and was not due to the transfer
17 station that the values went up that high but it
18 certainly does not defer their value. The cost
19 value is decreased by being located adjacent to
20 that transfer facility.

21 The next slide summarizes a study I
22 did in the village of Batavia. There's a

00134

1 Batavia industrial park located along the south
2 side of Fabyan Parkway, across the street from
3 the settler's hill landfill. Both of those
4 developments were ongoing at the same time and
5 while the landfill was being developed, operated
6 and expanded in excess of \$71 million the
7 building permit activity was reported in that
8 Batavia industrial park. And for a total size
9 of those buildings they average \$28.73 per
10 square foot of building area.

11 This is a significant investment,
12 multiple target use not just one in investor or
13 developer or property owner but literally dozens
14 of individual investments made. Right across
15 the street from a large-scale pollution control
16 facility is similar to the transfer station
17 because the landfill is an open air facility,
18 it's much more visible as to the actual disposal
19 operations instead of being taken place within a
20 completely enclosed building as proposed for
21 Greenwood, it was quite visible really from
22 anywhere in front of the industrial park.

00135

1 That study also shows that average
2 prices per square foot in most recent year far
3 exceed the initial investment of \$28 a square
4 foot. And even when you count the cost of land
5 and additional improvements shows a clear solid
6 return to the investors and buyers and owners
7 who have invested significant money in that
8 Batavia industrial park.

9 With the industrial issues are
10 really just to address the proximity to the
11 existing industrial uses in Maywood.

12 Q. Mr. McCann, before we go to any
13 residential study, on the first study on the
14 Alsip facility, you compared the relative
15 operations with the proposed facility.

16 I didn't hear a comparison of what
17 the Elk Grove facility was to the proposed
18 Greenwood Facility?

19 A. Certainly. The Elk Grove facility
20 was about a 3,000 ton per day permitted transfer
21 station, or roughly on the order of three times
22 the intensity in volume that's proposed at the

00136

1 Greenwood facility.

2 The next exhibit shows the Melrose
3 Park transfer facility, which I think is
4 probably most significant to the residents here
5 in the audience because it does affect
6 residential property values.

7 This is Lake Street just west of
8 Mannheim Road and you might be familiar with the
9 existing ONYX transfer station originally built
10 by BFI. That's also a much larger facility,
11 more intensive operation, about a 3,000 ton per
12 day permitted transfer station. And I believe
13 also it has authorization to operate 24 hours a
14 day if they so choose.

15 This residential area immediately
16 to the north, northwest is an area with single
17 family homes and smaller apartment buildings
18 like two flats that provided the opportunity for
19 a case study most similar to what we have
20 adjacent to the Greenwood Facility by price and
21 overall quality of the homes. It's modest
22 well-kept homes very similar in price range.

00137

1 Each of these yellow squares that's
2 numbered corresponds with a table contained
3 within the application that shows properties
4 that have sold and resold. I focused on the
5 sales and resales of these properties to
6 determine what the property values have actually
7 done. Have they gone up? Have they gone down,
8 or stayed pretty flat?

9 Each one of them showed that
10 property values increased in appreciation rates
11 that were in line with the market and not
12 effected by the transfer station.

13 This particular case study also
14 provided the opportunity for a real life
15 laboratory because some of the sale activity
16 occurred before the transfer station opened,
17 some of it occurred after and some of it
18 overlapped.

19 So in my study included there's an
20 aerial photograph showing the transfer station,
21 residential area and also there's a mobile home
22 park to the northeast.

00138

1 Q. On the aerial photograph, Mr. McCann,
2 can you try to identify where the entrance and
3 exit to that facility is?

4 A. Certainly. The entrance is right off
5 of Lake Street and circles around the transfer
6 station.

7 Q. Right across from the entrance across
8 Lake Street is that the start of the residential
9 area there?

10 A. Yes, it is.

11 If you go to the next slide,
12 please. That's also the main street of the
13 transfer station and denotes numerous doors
14 visible to the street. Again, as opposed to
15 what Greenwood is proposing to rearrange the
16 doors away from the view of the residential
17 areas. That's also a larger facility.

18 This slide shows one of the homes.
19 And in that target area that was adjacent to the
20 transfer station in Melrose Park, it shows the
21 first sale \$87,500 in 1990. The second sale in
22 1998 for \$108,000 and average annualized rate of

00139

1 Did you mean to say '96 or '98?
2 A. Like Mr. Lannert, I should be using
3 my glasses.
4 Q. So the second sale occurred in what
5 year?
6 A. 1996.
7 Q. Thank you.
8 A. Could you go to the next slide. I'll
9 just go briefly through these.
10 A two flat just north of Lake
11 Street, annual appreciation rate of 7.27
12 percent. A nice cape cod, 5.69 percent. Almost
13 12 percent for another two flat with in-law just
14 to the north of the facility. And so on for
15 quite a few more of those transactions. Every
16 one of them showing a positive rate of value
17 change of 5.82 percent.
18 What this study also did was broke
19 down resale transactions where both sales
20 occurred before the development and operation of
21
22

00140

1 the transfer station. What those particular
2 sales showed was an annualized rate of
3 appreciation of 5.38 percent.
4 The second group was identified in
5 the study group B, has one sale occurring before
6 the transfer station was open and the second
7 sale occurring after the transfer station opened
8 and that actually shows an increase of 5.38
9 percent and 5.51 annualized.
10 The third group is where both sales
11 of the property occurred after the transfer
12 station was opened. And that showed the highest
13 appreciation rate yet, 9.21 percent on an
14 annualized basis.
15 Again, I'm not going to stand here
16 and tell everyone that the higher appreciation
17 rate is because of the proximity of the transfer
18 station, but clearly that transfer station has
19 not caused the property values to go down or the
20 rates of appreciation to be something lesser
21 than they would absent the transfer station.
22 Q. Mr. McCann, that table that somebody

00141

1 transactions reflected by the yellow colored
2 indication on the earlier map that you showed?

3 A. Yes, they are.

4 Q. And then the individual transactions
5 for each picture of each home, those are also --
6 that's a summary of the 13 transactions?

7 A. Yes, they are.

8 Q. Thank you.

9 Beyond these study areas for these
10 particular comparisons, did you do any further
11 work beyond the state required criterion because
12 of the local Maywood siting ordinance?

13 A. Yes, I did. I researched and
14 cataloged the property values within one-quarter
15 mile radius of the proposed Greenwood Facility
16 as required by the Maywood ordinance. And that
17 study utilized both recent sales of any
18 properties within that quarter mile radius and
19 absent any recent sales of the Cook county
20 assessor's market value estimates to tabulate

21

22

00142

1 what the total values within a quarter mile
2 radius are.

3 Q. Thank you.

4 Is the property value and
5 assessment information detailed in your report?

6 A. Yes, it is.

7 Q. So that as of the date of your
8 report, which was January 2004, that would
9 provide a snapshot of those current conditions
10 to compare for any later analysis; is that
11 right?

12 A. I believe that would be the purpose
13 of it, yes.

14 I also prepared the following
15 exhibit, which the ordinance requires, which
16 basically shows a one-mile radius around the
17 site and the ordinance requires that any area
18 where values are projected to be impacted be
19 characterized on the map. I don't believe there
20 are going to be any adverse effect on any
21 surrounding property values so the entire area
22 within a one-mile radius is shaded accordingly.

00143

1 Q. Mr. McCann, do you have an opinion of
2 whether the proposed Greenwood Transfer Facility
3 is located so as to minimize the impact on
4 surrounding property values?

5 A. Yes, I do.

6 Q. What is your opinion?

7 A. The proposed Greenwood Transfer
8 Station is located so as to minimize impact on
9 surrounding property values.

10 Q. And, Mr. McCann, what's the basis for
11 your opinion?

12 A. Well, you have heard some discussion
13 on a facility within a facility. Those existing
14 buildings do provide a buffer and screening from
15 the neighboring residential.

16 We know that there has been
17 existing truck traffic from the various Strom
18 businesses on that site. This is essentially an
19 adjunct to that, or an expansion of that type of
20 use that has historically existed in this area.

21 It's also based on the fact that
22 this application calls for all the truck traffic

00144

1 in and out of the proposed Greenwood facility
2 use Wilcox and not use any of the residential
3 side streets. I believe that's an important
4 factor in minimizing the affect on surrounding
5 property values.

6 I also based my opinions on these
7 and other studies I have conducted to address
8 what property values have actually done adjacent
9 to other pollution control facilities and these
10 studies provide significant evidence from the
11 market as opposed to just raw opinion but the
12 property values are pretty resilient and I
13 believe those factors all support this
14 conclusion that this facility is located so as
15 to minimize effect on property values.

16 MR. SARGIS: Thank you, Mr. McCann. I
17 have no further questions.

18 HEARING OFFICER ZEMAN: Ladies and
19 gentlemen, I note that we have run out of the
20 forms for questions for witnesses. You
21 certainly can use regular sheets of paper, but I
22 do need your name on it along with your address.

00145

1 We are having more made now. Please, do not
2 feel like you must use that form. You are
3 welcome to use regular paper.

4 We will use the similar format that
5 we used for Mr. Lannert. And, Mr. McCann, I
6 have a question for you. That is, let me get
7 the page number of the exhibit that you used.

8 EXAMINATION BY

9 HEARING OFFICER ZEMAN:

10 Q. I'm looking at what I believe is 27
11 where you have assessed appreciation rates for
12 the residences around the Melrose Park transfer
13 station?

14 A. That's correct. Yes.

15 Q. And you have shown that for sales
16 after development of a transfer station in those
17 4 transactions the appreciation rate increased
18 by 9.21 percent?

19 A. That was the average annual rate of
20 appreciation for those sales and resales, that's
21 correct.

22 Q. For comparable residential areas not

00146

1 located by a transfer station, do you have
2 information on what the annual average
3 appreciation rate might be and how it relates to
4 the 9.21 percent?

5 A. There's many different waste that
6 that's measured by realtors associations and so
7 forth. I didn't do it specifically in this
8 instance for a couple of reasons.

9 One is that there was the before
10 and after situation which existed in this
11 particular case study because of the
12 appreciation rates analysis that was available
13 preceding the transfer station operation.

14 Secondly, I have found that this is
15 a fairly unique type of setting and that the
16 realtors data for just residential overall
17 increases the median sales prices doesn't always
18 pick up the sales and resales of the same
19 properties, which in my view, is the best
20 measure of change in property values as opposed
21 to perhaps a change in market preferences.

22 For example, going into larger,

00147

1 more expensive homes can raise the median sale
2 price year by year without it really being an
3 indication that individual properties are
4 appreciated.

5 This study, I believe, addresses it
6 more specifically to that exact location and
7 those properties in question that are nearest
8 the transfer station.

9 Q. Is it ever a factor in your analysis
10 how long a piece of property remains on the
11 market before it is sold, and whether it's sold
12 at the price that the seller had posted it?

13 A. List price and percent list price
14 can be relevant if there's enough significant
15 data. Certainly not every property sells for
16 list price. In fact, most don't. Most sell for
17 95, 96, 97 percent of list price.

18 How long a property sits on the
19 market can have as much to do with how well it
20 was priced. For example, an overpriced property
21 might sit on the market for 300 days before it
22 finally finds a receptive buyer. But that

00148

1 information can be relevant on a larger scale
2 study. This particular one, again, focused more
3 to the rate of value change in that area nearest
4 the transfer station.

5 HEARING OFFICER ZEMAN: I have some
6 citizen questions that are related to your area
7 but let's go with the same system we already
8 established.

9 Mr. Walsh?

10 EXAMINATION BY

11 MR. WALSH:

12 Q. Relating to that slide No. 27 you
13 indicated that there was 4 transactions that
14 demonstrated an increase by 9.21 percent after
15 the transfer station came into existence; is
16 that correct?

17 A. That's correct.

18 Q. Is there any properties that
19 decreased in value after the transfer station?

20 A. Not in my study, no.

21 Q. Why is it that the four study areas
22 that you picked, why is that significant in

00149

1 terms of the relevance to a transfer station
2 being located in the Village of Maywood?
3 A. Well, the residential case study in
4 Melrose Park, as I tried to describe earlier,
5 was because of the age and the essential price
6 range, or basic price range of the homes,
7 quality of them, also being in Cook county and a
8 west suburb. That's why I believe that case
9 study is relevant.

10 The industrial case studies in
11 Alsip and Elk Grove, I believe are relevant
12 because there are some industrial properties
13 between the proposed transfer station and
14 residential properties. They are more
15 proximate. I haven't heard any questions about
16 industrial, concerns about industrial property
17 values, but it is something I studied because of
18 the proximity.

19 The Batavia case study, I believe,
20 was relevant because it shows that there is no
21 market aversion or avoidance of locations by
22 professionally run pollution control facilities.

00150

1 In large scale facilities such as that settler's
2 hill landfill in Batavia where there's demand
3 for development, where there's demand for
4 various type of product, whether it be
5 industrial, commercial or residential, that
6 demand can be met on properties such as that
7 Batavia case study without any loss in value or
8 market aversion to buying or developing the
9 properties.

10 Q. Have you been involved in transfer
11 siting hearings where you issued an opinion as
12 to whether or not the siting of a transfer
13 station would have a negative impact on
14 surrounding properties?

15 A. No, I haven't.

16 Q. When you indicated that you had
17 worked for a number of municipal governments
18 relating to siting issues, what was your
19 responsibilities in those cases?

20 A. A review of the real estate portion
21 of the application and providing opinions to a
22 consulting team or legal counsel for the

00151

1 municipality or municipalities as to whether or
2 not there was support for the applicants or in
3 another matter objector's evidence.

4 Q. So in every one of the cases that you
5 were involved in to date, you have indicated
6 that a transfer station would have no negative
7 impact on the surrounding community; is that
8 right?

9 A. Most of the transfer stations that I
10 have studied have been located in areas that are
11 immediately industrial in character and those
12 are compatible uses, so those have been my
13 conclusions most recently, yes.

14 Q. I understand it's most recently.

15 But have you ever testified that it
16 would have a negative impact?

17 A. Not specifically with a transfer
18 station. But I have reviewed a couple of
19 pollution control facility applications that I
20 have found to be deficient from a real estate
21 standpoint and upon letting the proposed or
22 would be applicant know that I couldn't support

00152

1 the real estate standard and, therefore,
2 wouldn't, well, I wasn't called to testify.

3 Q. Are there factors in the siting of
4 the transfer station that in your view would
5 impact from a negative standpoint the
6 surrounding property values?

7 A. Not the way it's being proposed.

8 Q. Not necessarily this particular case,
9 but is there -- can you imagine a situation
10 where there are certain factors that would have
11 a negative impact of a transfer station on the
12 surrounding property values?

13 A. I believe if the applicant was not
14 proposing to put the traffic on Wilcox and, for
15 example, was going to allow the truck traffic to
16 make use of all the residential side streets, I
17 believe that very well could have an impact on
18 the surrounding property values.

19 Q. So if the traffic wasn't specifically
20 being located on Wilcox Avenue, it would have,
21 in your view, a negative impact on the
22 surrounding community?

00153

1 A. I think it would definitely increase
2 the possibility of it, and frankly, I wouldn't
3 be here tonight testifying if that application
4 called for the traffic to be run through those
5 side streets.

6 Q. What other factors would have a
7 negative impact, in your opinion, on the
8 surrounding property values?

9 A. Again, potentially if it was a poorly
10 operated facility.

11 Q. What do you mean by that?

12 A. Could be many different things. But
13 if it was not run according to regulations, IEPA
14 regulations and their plan of operation, I
15 believe that would at least create the potential
16 for some adverse impacts.

17 Q. What parts of the operation would
18 have a negative impact if it wasn't done
19 according to the plan?

20 A. I don't have them specifically
21 enumerated. My analysis further assumes that
22 the facility will be operated according to the

00154

1 operation plan and IEPA regulations.

2 Q. Any other factors, in your opinion,
3 that would have a negative impact on the
4 surrounding property values?

5 A. No, sir.

6 Q. Have you, in your opinion, considered
7 noise as a potential impact on the surrounding
8 community?

9 A. I am aware that the noise can be an
10 issue.

11 Q. Have you taken that into
12 consideration with respect to your opinion about
13 this facility?

14 A. From a real estate standpoint, yes,
15 sir.

16 Q. What's your conclusion with respect
17 to that?

18 A. Well, that the type of noise that
19 comes from hauling trucks is the same whether
20 they are hauling dirt or hauling refuse. So I
21 don't believe that that's a different character
22 than what exists there previously for the last

00155

1 42 years or so.
2 I don't believe that the noise that
3 will be generated from that transfer station is
4 significantly different from other industrial
5 uses that are also permitted in M-1. So I don't
6 believe there's any impact on that issue from
7 real estate values.
8 Q. What about odors that are associated
9 with transfer stations?
10 Does that have a negative impact on
11 surrounding property values?
12 A. I could see in an uncontrolled
13 situation creating an area of concern. I have
14 not seen any evidence around transfer stations,
15 or for that matter, numerous landfills, the
16 property values have declined in the face of
17 occasional odor complaints and there have been
18 some from other facilities, namely landfills.
19 A transfer station though that
20 opportunity is minimized by transferring all the
21 waste within a completely enclosed building and
22 keeping the opportunity for any odors as minimal

00156

1 as possible.
2 Q. Are you aware that they are intending
3 to use a misting system in this facility?
4 A. That sounds familiar, yes.
5 Q. Has that had an impact on your
6 decision or your opinion with respect to this
7 facility?
8 A. I think that's an operations issue,
9 but certainly is consistent with a well-run
10 facility, it's trying to be a good neighbor and
11 use any reasonable means to be a good neighbor
12 to the surrounding property owners.
13 Q. When you came to the conclusion that
14 this facility will not have an impact on the
15 surrounding property values, did you take into
16 consideration the fact that there may be rats or
17 other types of vector associated with a transfer
18 facility?
19 A. I know that issue comes up with any
20 pollution control facility. So to the extent
21 that that's an issue with any of the case
22 studies, it hasn't translated into lost property

00157

1 values.

2 So I guess it's all in the soup, so
3 to speak, but the case studies picked up how the
4 markets reacts to that, the whole basket of
5 issues that goes with pollution control
6 facilities.

7 Q. With respect to litter materials
8 being in the surrounding area or around the
9 facility, have you taken that into
10 consideration, in your opinion, with respect to
11 whether or not this facility will have a
12 negative impact on the surrounding property
13 values?

14 A. I'm not exactly sure what you mean.
15 Are you talking about or asking about how they
16 intend to sweep the streets and maintain the
17 facility? Or are you talking about an
18 occasional piece of blowing litter that might be
19 confused with this site?

20 Q. Well, is it your experience that
21 litter is an issue that transfer facility
22 operators need to deal with?

00158

1 A. Certainly.

2 Q. How do they do that?

3 A. Tarping loads. Having employees
4 maintain and pick up any loose litter, anything
5 that might blow out of the building or fall off
6 the back of a truck or something like that, by
7 taking care of their operation and those types
8 of things.

9 Q. And what I'm asking you is in your
10 review of the application and your participation
11 in the application, have you taken the issue
12 relating to litter in your determination as to
13 whether or not a litter issue will have a
14 negative impact on property values in the
15 surrounding area?

16 A. Again, I believe that if left
17 uncontrolled and with poor regard and not
18 failing to follow their operation plans to some
19 serious degree, in other words, if litter was
20 allowed to escape this site and blow into the
21 neighborhood, I believe it could be an issue
22 that it may very well if left unattended have

00159

1 some adverse effect on the character of the
2 neighborhood and perhaps even the values.

3 Q. Is that also true with respect to the
4 issue of noise if that is not properly contained
5 pursuant to an operational plan, that that would
6 have a negative impact on surrounding property
7 values?

8 A. I have tried to pick up all the
9 issues that go, that are attended to transfer
10 stations in property value studies.

11 I guess as a real estate consultant
12 and appraiser, I don't know how I could really
13 separate the noise from trucks or operations on
14 the subject facility from the noise and so forth
15 along First Avenue, the Eisenhower expressway,
16 Madison Street and for that matter intervening
17 industrial uses. So I'm not really sure how I
18 can answer that question.

19 Q. Well, transfer stations generate
20 noise through activities of packer trucks,
21 scraping of the tipping floor, that sort of
22 thing; correct, as part of their operation?

00160

1 A. Yes, within the building.

2 Q. I guess that's what I'm asking. Is
3 the noises that are associated with transfer
4 stations, trucks backing up, for example, would
5 be one. But the operations primarily inside the
6 building create noise, and I'm wondering if
7 that's not controlled properly, would that have
8 a negative impact on the surrounding community?

9 A. I haven't seen any evidence that
10 would tell me that property values would be
11 different if there were a higher level of noise.

12 My experience tells me that
13 transfer station operations the noisiest parts
14 of them do occur within the enclosed buildings
15 and that mitigates and minimizes any outward
16 appearance of that or outward perception of that
17 as much as possible.

18 Q. Does that's excess noise have a
19 negative impact on property values, in your
20 opinion?

21 A. I can't say that it does or doesn't.
22 It depends on very specific circumstances.

00161

1 I could see it being an unpleasant
2 situation if there were uncontrolled loud
3 noises, and again, just disregard for the
4 neighborhood, but that's not how I understand
5 the facility to be run.

6 Q. If the facility is not run in
7 accordance with an operational plan that will
8 contain odors, would that have a negative impact
9 on the surrounding property values?

10 A. Again, if something was left in an
11 uncontrolled and prolonged situation, I think it
12 could have an affect on the character.

13 I believe an occasional odor -- let
14 me put it to you this way. I have not seen any
15 loss in property values in the sales and resales
16 studies that I have conducted on a great number
17 of facilities and even though I have heard on
18 occasion of odor complaints. That's an
19 occasional odor complaint I definitely
20 differentiate from something that's an
21 uncontrolled manner such as like an open dump,
22 for example. That's certainly not a pleasant

00162

1 situation.

2 Q. When you evaluated property values
3 for the other transfer stations, is it your
4 testimony that odor complaints were one of the
5 factors you considered in determining whether or
6 not it had a negative impact?

7 A. I don't recall testifying to that
8 affect.

9 Q. I'm asking you if that's your
10 testimony though?

11 THE WITNESS: Would you please repeat
12 your question?

13 MR. WALSH: Read back the question.

14 (From the record above, the
15 reporter read the following:

16 "Q. When you evaluated
17 property values for the other
18 transfer stations, is it your
19 testimony that odor
20 complaints were one of the
21 factors you considered in
22 determining whether or not it

00163

1 had a negative impact?")
2 A. I could tell you this. In the
3 locations I studied, to the extent that odors
4 were any kind of a concern or problem, it didn't
5 have any affect on the surrounding property
6 values.
7 MR. WALSH: I'm sorry. I didn't hear.
8 Read that back.
9 (From the record above, the
10 reporter read the following:
11 "A. I could tell you this.
12 In the locations I studied,
13 to the extent that odors were
14 any kind of a concern or
15 problem, it didn't have any
16 affect on the surrounding
17 property values.")
18 Q. Can we agree that uncontrolled odors
19 from a transfer station would have a negative
20 impact on surrounding property values?
21 A. I'm not going to disagree with that.
22 Certainly if something is left unattended or

00164

1 obnoxious, some prolonged situation that's not
2 consistent with how I understand this transfer
3 station to be proposed to be operated and I
4 would certainly reevaluate my opinions and
5 probably reevaluate the market around there
6 under those kind of circumstances.
7 Q. Is it your testimony tonight that, in
8 your opinion, the surrounding property values
9 will not be negatively impacted as a result of
10 the transfer station being located at this
11 location?
12 A. That is my opinion, yes.
13 Q. Is it also your opinion that those
14 properties are likely to appreciate in the
15 future?
16 A. To the extent that they would absent
17 the transfer station, absolutely.
18 Q. So are you saying that the transfer
19 station, in your professional opinion, will have
20 no negative impact on those property values?
21 A. That is my opinion, yes.
22 Q. I have a question with respect to the

00165
1 submittal in the application. It appears to be
2 page 600165 and it's a summary of your property
3 value impact study?

4 A. Yes.

5 Q. On the bottom there there is a
6 heading that says economic yield to the county.

7 Do you mean to the village there?
8 Is that a typo?

9 A. Well, the ordinance I believe says
10 economic yield to the county.

11 MR. WALSH: That's all I have.

12 HEARING OFFICER ZEMAN: At this point
13 in time it's when the citizens questions can be
14 posed. And one of them I have was filed with me
15 before this witness testified and asks the exact
16 same question that has already been asked about
17 will the market value increase or decrease with
18 the presence of a transfer station and I believe
19 you have answered that more than once. Thank
20 you.

21 Miss Brown Williams, are you
22 satisfied that that question has been asked and

00166
1 answered?

2 MS. BROWN WILLIAMS: Yes.

3 EXAMINATION BY

4 HEARING OFFICER ZEMAN:

5 Q. One of the questions asks about how
6 many neighborhoods you have been to with respect
7 to this transfer station.

8 When you have prepared your studies
9 about the Alsip, Melrose Park, Batavia, did you
10 actually investigate, go out to those transfer
11 stations and conduct your study by reviewing the
12 location and the residences themselves?

13 A. Yes. Whether it be industrial
14 properties or residences, I personally inspected
15 each and every property that is listed as a sale
16 or sale resale and the transfer stations. So,
17 yes.

18 Q. And so you actually go through the
19 neighborhoods as well as doing studies of the
20 sale value in the county courthouse or somewhere
21 else?

22 A. That's correct.

00167

1 Q. And then with respect to this
2 particular proposal, did you actually go around
3 to the various neighborhoods around the proposed
4 site?

5 A. Yes, within the boundaries of
6 Madison, First Avenue, Wilcox and the river,
7 certainly, I have been on each of those streets.

8 Q. Did you do that once, twice?

9 A. Well, since the first visits to
10 Mr. Strom's office, probably half a dozen, maybe
11 seven, eight times.

12 Q. And one of the questions asks if you
13 live in Maywood or near a transfer station?

14 A. I don't live in Maywood; I live in
15 the city of Chicago. And I don't think there's
16 a transfer station immediately nearby me but
17 there is one on the other side of the airport.

18 Q. With respect to the other locations
19 that you investigated, the Alsip, Batavia,
20 Melrose Park, do you know what the closest
21 residence is to each of those transfer stations?

22 A. Alsip was primarily industrial case

00168

1 study, but further east on 115th Street, about a
2 half a mile, there was a brand new subdivision
3 being started four years ago, I want to say.

4 When I stopped in that sales office
5 and I talked with the agent that was handling
6 the initial marketing, many of the units were
7 being sold preconstruction. So that would be
8 the nearest residential area to that.

9 Q. Can you convert one-half mile into
10 feet just for comparison purposes since we are
11 dealing with the issue about this one meeting
12 the 800 foot setback?

13 A. Probably about three times that
14 distance. About 2,600 feet.

15 Q. That's Alsip?

16 How about Melrose?

17 A. The exact distance, I think the site
18 itself is within 800 feet but the building, I
19 believe, is setback further. But again, doesn't
20 really have much screening except for that
21 chain-link slotted fence along Lake Street.

22 Q. And then with respect to Elk Grove?

00169

1 A. The nearest residences weren't
2 anywhere within worth mentioning because it's
3 almost entirely an industrial community there.

4 Q. This particular citizen questions how
5 the 800 foot limit was determined to have been
6 met? This particular citizen contends that the
7 station is 400 feet from the closest residence.

8 A. I'm not exactly sure I can answer
9 that question.

10 HEARING OFFICER ZEMAN: Is that another
11 witness, Mr. Sargis?

12 MR. SARGIS: I think what I can state
13 for the record, I think Mr. Lannert previously
14 referred to this and answered a question posed
15 by Mr. Walsh.

16 The statute for Cook county
17 specifies that a waste control facility cannot
18 be located closer than 800 feet to a property
19 zoned residential. And the evidence for the 800
20 foot setback is set forth in the application, I
21 believe, in appendix G discusses the residential
22 setback requirement.

00170

1 Appendix G has at page 896 a site
2 plan that shows the facility location and the
3 800-foot radius and shows all the residential
4 zoning designations around the property both
5 within and beyond the 800-foot radius.

6 So that diagram was not prepared by
7 this witness. There are other witnesses who can
8 authenticate that and it is part of the
9 application that has been accepted into
10 evidence.

11 One final comment is that I think
12 the Cook county requirement, as Mr. Lannert had
13 indicated, acknowledges the fact that immensely
14 populated areas like in Cook county there are
15 coexisting uses that, for example, houses zoned
16 manufacturing and they happen to be built there
17 and coexisting with industrial uses that are
18 also zoned in a manufacturing district.

19 So the county statute does specify
20 residential zoning as setback not residential
21 actual use and that's the distinction.

22 HEARING OFFICER ZEMAN: Thank you for

00171

1 the clarification.

2 Q. To follow-up with this citizen's
3 question, which I believe is the substance of
4 what she was asking.

5 Are any of the areas that you
6 studied with respect to your real estate values,
7 are any of the residences as close as the
8 residences are here to the proposed Greenwood
9 Transfer Facility?

10 A. I don't know by exact feet, but
11 certainly the Melrose Park location is a very
12 similar distance, very comparable situation and
13 setting with very little intervening between the
14 residential area and the transfer station other
15 than Lake Street and the traffic along Lake
16 Street. There are a couple smaller light
17 industrial uses fronting Lake Street on the
18 north side, and then the trailer park to the
19 east of that residential area. But this was the
20 most comparable setting situation I could find
21 and also being in Cook county.

22 HEARING OFFICER ZEMAN: Thank you.

00172

1 Any redirect?

2 MR. SARGIS: Just a couple
3 clarifications.

4 EXAMINATION BY

5 MR. SARGIS:

6 Q. Mr. McCann, you were asked about work
7 that you had performed on behalf of local
8 government in reviewing other people's
9 applications?

10 A. Yes.

11 Q. Can you tell me is the methodology
12 that you employ in your report submitted with
13 this application, is that methodology consistent
14 with the methodology that you reviewed and seen
15 approved in other applications for transfer
16 stations on waste projects?

17 A. Yes, it is.

18 Q. And you also were asked some
19 questions about individual factors like odor and
20 rats and vectors, that type of thing, and I
21 believe you used the phrase basket of factors.

22 From a real estate valuation

00173

1 perspective, is it impossible to isolate the
2 different individual factors when you were
3 giving an evaluation of possible impacts on
4 surrounding property?

5 A. Not to that level of specific detail
6 at least in my experience. What I have, what my
7 studies have done is isolated the difference or
8 lack of difference in values in the properties
9 adjacent to or nearby transfer stations and
10 that's really the factor not each of the sub
11 issues and the basket of issues if you will.

12 Q. So is it your testimony that the data
13 that you analyzed that compares target areas to
14 control areas before and after sales of
15 properties within or near a transfer station,
16 that that data tells the overall picture of
17 whether there's an impact on the real estate or
18 not?

19 A. That's correct. Yes.

20 Q. And you were asked a question about
21 do you live near a transfer station.

22 Given this proposed facility as

00174

1 proposed by Greenwood Transfer, would you have
2 any problem living in a home that was as
3 proximate, as close to the Greenwood Transfer
4 proposed facility as this one is?

5 A. If I chose to live in Maywood, no, it
6 won't bother me. In fact, before living in the
7 city, I lived in Westchester, maybe a third of a
8 mile from the landfill in Hillside that you
9 might be familiar with along the Congress
10 expressway right at Mannheim and Harrison. So I
11 had lived near a pollution control facility.

12 Q. You said you lived in Chicago. Are
13 you aware of transfer stations located in the
14 city of Chicago that are located close to
15 residential projects?

16 A. There's in fact residential being
17 built adjacent to existing transfer station on
18 the near north side and sales are going strong.

19 Q. One final question about the
20 residential aspect. You were talking about the
21 village of Alsip before. I think it was slide
22 No. 6 on the presentation, and you were talking

00175

1 about that as an industrial study area targeting
2 control area.

3 Are you aware of the proximity of
4 any residential developments, either new or
5 existing, close to that transfer station?

6 A. Yes. I believe at this corner in
7 that quadrant. (Indicating.)

8 Q. You are referring to the corner of?

9 A. I'm sorry, it's not at Cicero. It's
10 Central. More like right in here.
11 (Indicating.)

12 Q. What's that, the residential?

13 A. Yes, where the new residential
14 development was occurring.

15 Q. That residential development occurred
16 after the siting of the transfer station?

17 A. The transfer station had existed for
18 some 20 years. So, yes, the residential
19 followed well after it.

20 MR. SARGIS: I have no further
21 questions. Thank you.

22

00176

1 EXAMINATION BY

2 MR. WALSH:

3 Q. You indicated that you had worked
4 for a number of municipal governments and on
5 behalf of the municipal government as it relates
6 to transfer station applications?

7 A. And other pollution control
8 facilities, yes.

9 Q. With respect to transfer station
10 applications, what municipal governments did you
11 work for?

12 A. City of Batavia and Rochelle. And
13 actually that was a landfill proposal. That's
14 all that's coming to mind at the moment.

15 But I have also worked for McHenry
16 county board, the village of Bartlett, Middlesex
17 county utilities authority, city of Chicago and
18 a number of municipalities that had issues with
19 pollution control facility.

20 Q. With respect to Batavia, that was a
21 transfer facility, a waste transfer facility?

22

00177

1 A. That's correct.

2 Q. Similar to the one that's being
3 proposed today?

4 A. Yes.

5 Q. What were you asked to do by the city
6 of Batavia?

7 A. I was asked to review the real estate
8 part of the application that was prepared by
9 Mr. Poletti.

10 Q. And did you come to a conclusion?

11 A. I did.

12 Q. What was your conclusion?

13 A. That my advice to the village's
14 attorney was that he had largely satisfied
15 criterion three from a real estate perspective
16 and from an appraisal perspective.

17 Q. When you were working on behalf of
18 the municipal government on that siting
19 application, what factors did you look at when
20 you looked at the issue of whether the transfer
21 station would have a negative impact on the
22 surrounding property values?

00178

1 A. It was not a determination of the
2 impact, it was a review of that other

3 consultant's analysis and his support for his
4 opinions and whether or not at least in my
5 opinion he had satisfied his obligation on the
6 level of detail supporting criterion three.

7 Q. So you reviewed another consultant's
8 work?

9 A. That's correct.

10 Q. And with respect to the other
11 municipal governments, Bartlett I think was
12 another one you said?

13 A. Yes.

14 Q. What was the pollution control
15 facility in question there?

16 A. What I have dealt with Bartlett on is
17 a couple of different issues. The SWANCC site
18 and also a power plant that was proposed
19 adjacent to the SWANCC site.

20 Q. That's the Peaker facility power
21 plant?

22 A. No. It was actually the combined

00179

1 site of plants.

2 MR. SARGIS: For the record, what does
3 SWANCC stand for?

4 THE WITNESS: Solid Waste Agency of
5 Northern Cook County.

6 MR. WALSH: Q. Let's go back to the
7 city of Batavia and the application that was
8 submitted in that siting hearing.

9 You indicated that your job was to
10 review their expert's opinion as to whether or
11 not that facility would have a negative impact
12 on the surrounding community; correct?

13 A. Essentially, yes.

14 Q. What did you do to make a
15 determination as to whether or not that
16 criterion was met?

17 A. I didn't make a determination as to
18 whether or not that criterion was met but
19 whether or not the real estate consultant had
20 supported his opinion through sound appraisal
21 methodology, appropriate analysis techniques,
22 appropriate case studies and whether or not he

00180

1 had familiarity with the facility, which his
2 written report demonstrated that he did, as did
3 his testimony.

4 Q. And those are the issues that you
5 looked at with respect to this application;
6 correct?

7 A. Well, in this application was
8 actually pretty similar issues but actually
9 doing the study myself rather than reviewing
10 someone else's.

11 Q. Mr. Sargis had you clarify an issue
12 with respect to this bundle of items that would
13 have a negative impact, including things like
14 noise, odors, vectors, that sort of thing and
15 I'm not sure that I understand your testimony
16 with respect to that and how those issues have
17 an impact on surrounding property values.

18 Can you clarify that for me,
19 please?

20 A. I'll try. Any pollution control
21 facility typically raises areas of concern and
22 citizen concern, government concern, neighbors'

00181

1 concerns for the issues as we all have certainly
2 anybody involved in pollution control facility
3 siting, ranging from odors to truck traffic,
4 property values and so forth.

5 What my studies do is only
6 addresses the real estate component. And what
7 I'm attempting to do in each and every one of
8 these studies is find how the market is actually
9 reacting or behaving in the presence of these
10 facilities which all have similar issues at
11 least at some stage in their life cycle, you
12 know, typically in the application phase.

13 But what I have found is that the
14 concerns are not expressed in the form of
15 reduced property values or depreciation of
16 property values or homes that sit on the market
17 and can't sell in the vicinity of these types of
18 facilities.

19 So my studies are more empirical in
20 nature and showing what the market is actually
21 doing rather than playing to the concern or the
22 fear of what might happen.

00182

1 Q. When you looked at the four case
2 studies that was in your report, did you take
3 into consideration whether or not those
4 facilities were operating in compliance with
5 their operating plan and in compliance with the
6 law with respect to those issues such as odors,
7 noise, vermin, that sort of thing?

8 A. I didn't specifically review
9 operating plans and determine compliance as part
10 of my study, no.

11 Q. Did you make an assumption that those
12 facilities were in compliance with their
13 operating plans when you came to your
14 conclusion?

15 A. No. I made no such assumption.

16 Q. If those facilities were not in
17 compliance with operating plans and in
18 compliance with state law with respect to those
19 bundle of factors that you talked about -- and
20 you are familiar with what we are speaking of
21 here in terms odor, noise, pollution, litter,
22 vectors, that sort of thing, traffic -- if they

00183

1 were not operating within the confines of the
2 law or within the operational plan that they had
3 submitted and been approved, would they, in your
4 opinion, have a negative impact on the
5 surrounding property values in those situations?

6 A. Well, I again have not investigated
7 whether or not they were in compliance with each
8 and every one or any of those issues. But what
9 I have done is investigated what the market has
10 done in areas proximate to those facilities and
11 whatever their operational plan record is, for
12 me is a blind variable in those studies because
13 the property values is what I'm solving for,
14 what have they, the property values actually
15 been doing.

16 So if they were in compliance or
17 weren't in compliance, I really can't tell you
18 other than from an investigative standpoint.
19 Because what I was investigating was the
20 property values nearby and whatever the face of
21 their compliance status was.

22 Q. In your professional opinion, can you

00184

1 tell me whether or not in your opinion whether
2 or not the failure for a facility to meet the
3 operational plans and state laws with respect to
4 those issues would have a negative impact at
5 this facility on the surrounding community?

6 A. I would think that a gross violation
7 in an ongoing situation could certainly set the
8 stage for just that but property values don't
9 react on a dime. They don't turn that quickly.
10 It would take, in my view, a protracted worst
11 case scenario for it to actually have that
12 affect.

13 Q. What would be worst case scenario in
14 your mind?

15 A. I'm not sure I can define that. All
16 the issues you are describing I guess amplified
17 and ongoing.

18 Q. So if this facility met all the
19 requirements except they were overrun by rats
20 and rats ran throughout the entire neighborhood,
21 in your view they wouldn't have a negative
22 impact on the surrounding community?

00185

1 A. I think it would scare the hell out
2 of them, but I don't know it would necessarily
3 cause a loss of property values. No one would
4 want to see rats running anywhere.

5 Q. Okay. And if you had a situation
6 where odor was out of control in that facility
7 and permeated throughout the residential
8 community in close proximity to this proposed
9 site, would that in and of itself have a
10 negative impact on the property values in the
11 surrounding community?

12 A. Again, I believe a protracted
13 situation could very well set the stage for some
14 affect on property values.

15 Q. So is it fair to say that if those
16 individual factors if they are bad enough, in
17 and of themselves, would have a negative impact
18 on the surrounding property values?

19 A. Haven't run across those situations.
20 I think most transfer stations do at least a
21 pretty good job of complying with environmental
22 regulations. I know that Roy Strom and his

00186

1 company are committed to doing just that.

2 My opinions are based on running it
3 professionally and running it well. So I really
4 haven't evaluated the worst case scenario what
5 we are talking about now. But I will say that
6 if they are not operating in substantial
7 compliance with all their commitments and all
8 the environmental regulations and if they were
9 presenting quite the opposite and creating all
10 these worst case scenarios, then it could very
11 well set the stage for an adverse effect on the
12 neighborhood.

13 MR. WALSH: Thank you.

14 HEARING OFFICER ZEMAN: Mr. Sargis?

15 EXAMINATION BY

16 MR. SARGIS:

17 Q. Following up on that briefly.

18 On criterion three are you familiar
19 with the requirement under criterion three as it
20 affects your analysis?

21 A. I am, yes.

22 Q. Could you state the criterion, for

00187

1 the record, again?

2 A. The facility is located so as to
3 minimize the affect on surrounding property
4 values. It also describes compatibility but I'm
5 here addressing property values.

6 Q. Are you aware of other criterion that
7 talks more specifically about the operations
8 plan and health and safety?

9 A. Certainly within the other nine
10 criterion there's not even addressed these
11 issues.

12 Q. So when you refer to compliance
13 record as a blind factor, is it fair to say that
14 your analysis of appreciation in those study
15 areas that you looked at whether or not the
16 facilities were poorly run or not not deemed to
17 have an affect on the appreciation rate?

18 A. That is true, yes.

19 MR. SARGIS: No further questions.

20 HEARING OFFICER ZEMAN: Thank you, very
21 much, Mr. McCann.

22 MR. SARGIS: At this point, I'd like to

00188

1 offer into the record demonstrative Exhibit No.

2 10, which is the copy of the official
3 presentation on the power point slides by
4 Mr. McCann.

5 MR. WALSH: Is that a true and
6 accurate --

7 MR. SARGIS: Yes. Mr. McCann, is
8 Exhibit No. 10 a true and correct representation
9 of your power point slides?

10 THE WITNESS: Yes, it is.

11 MR. WALSH: Madam Hearing Officer, I
12 have reviewed it and have no objection.

13 HEARING OFFICER ZEMAN: Admitted as
14 demonstrative evidence.

15 MR. SARGIS: Madam Hearing Officer, at
16 this point, our next witness is going to be
17 addressing two criterion, both consistency with
18 the county solid waste plan and also needs.

19 The first of those criterion is
20 probably shorter than the needs analysis. I do
21 note that it's approximately 9:50 p.m. I will
22 leave it to the Hearing Officer's discretion of

00189

1 whether to proceed with one or both of those
2 criteria by the same witness or open up some
3 time for public comment for anyone who cannot
4 return tomorrow.

5 HEARING OFFICER ZEMAN: I definitely
6 have one witness form, excuse me, public comment
7 form where the individual has stated that he
8 would like 20 to 30 seconds to be able to speak
9 tonight.

10 But what I would recommend, and if
11 there's no objection from counsel for the
12 village, is to have the one individual make
13 public comment and then proceed to have your
14 next witness introduce himself, go through his
15 background and the consistency criterion.

16 Mr. Walsh, are you okay with that?

17 MR. WALSH: I'm perfectly fine with
18 that.

19 HEARING OFFICER ZEMAN: Before you call
20 your next witness, may I have John Nocita?

21 MR. NOCITA: Thank you for your time
22 and consideration. My name is John Nocita of

00190

1 218 North Jefferson in Chicago. I am an
2 attorney.

3 On behalf of myself and my client,
4 I want to enter an objection to the application.
5 I am not a surveyor, but I have reason to
6 believe that the proposed facility is located
7 too close to residentially zoned property,
8 therefore, the application should be denied.
9 Thank you.

10 HEARING OFFICER ZEMAN: In light of the
11 statement, which is based on a factual, arguably
12 a factual assertion, Mr. Sargis, do you want to
13 ask him any questions about that?

14 MR. SARGIS: I would actually just to
15 identify, if there's no objection, who you
16 represent if you are an attorney?

17 MR. NOCITA: I am an attorney. I'd
18 rather not at this time.

19 MR. SARGIS: In terms of your statement
20 about it being located too close to
21 residentially zoned property, could you identify
22 any facts or basis for your belief or statement

00191

1 that it would be contrary to that setback
2 requirement?

3 MR. NOCITA: I don't have any exact
4 facts in front of me or exact location.

5 MR. SARGIS: If there are any exact
6 facts or location that you can identify at this
7 time, is it something that if it does indeed
8 exist in your mind, or in your opinion, is it
9 something that you would be submitting into the
10 record at some point?

11 MR. NOCITA: That may be, yes.

12 MR. SARGIS: Now, in the application
13 itself, have you reviewed the application?

14 MR. NOCITA: No, I haven't.

15 MR. SARGIS: So you have not reviewed
16 appendix G, which was referred to earlier as the
17 residential setback documentation?

18 MR. NOCITA: No, I haven't.

19 MR. SARGIS: I have no further
20 questions.

21 HEARING OFFICER ZEMAN: Mr. Walsh?

22 MR. WALSH: I just have a couple

00192

1 questions.

2 Number one, are you planning on
3 submitting your statement in writing to make it
4 part of the record or are you prepared to stand
5 on an oral statement?

6 MR. NOCITA: Plan to stand on the oral
7 statement.

8 MR. WALSH: I understand that you are
9 not in a position to identify who your client
10 is.

11 Can you identify whether or not
12 your client is a resident of the Village of
13 Maywood?

14 MR. NOCITA: I am not absolutely
15 certain, so I could not.

16 MR. WALSH: That's all I have. Thank
17 you.

18 MR. SARGIS: One follow-up question.

19 Can you identify whether your
20 client is an individual or a business entity?

21 MR. NOCITA: I'd rather not at this
22 time.

00193

1 HEARING OFFICER ZEMAN: Thank you, very
2 much.

3 MR. SARGIS: At this time, I'd like to
4 begin our next witness and call Mr. Phillip
5 Kowalski to the stand.

6 PHILLIP KOWALSKI,
7 having been first duly sworn by the Notary,
8 deposeeth and saith as follows:

9 HEARING OFFICER ZEMAN: Before you get
10 started, Mr. Sargis, just for the people who are
11 present here, do you have an estimate of how
12 long his background and the consistency
13 criterion will take?

14 MR. SARGIS: I believe that should take
15 about 10, 12, 13 minutes.

16 HEARING OFFICER ZEMAN: Very good.
17 That's very brief.

18 MR. SARGIS: It's not a guarantee.

19 HEARING OFFICER ZEMAN: No problem.
20 Just so the people know that we may actually be
21 able to take more comment if there are those who
22 want to speak tonight rather than waiting until

00194

1 tomorrow.

2 Thank you, very much for the
3 interruption. Sorry about that.

4 EXAMINATION BY

5 MR. SARGIS:

6 Q. Would you please state your full name
7 and affiliation, for the record.

8 A. Yes. My name is Phillip Kowalski,
9 K-o-w-a-l-s-k-i. I am a solid waste planner
10 employed with Shaw EMCON.

11 Q. Shaw EMCON is the primary consultant
12 that prepared the local siting application for
13 Greenwood Transfer; is that correct?

14 A. That's correct.

15 Q. And Mr. Kowalski, could you briefly
16 describe your educational and work background as
17 it relates to the criterion that you are going
18 to be testifying about?

19 A. Yes. My educational credentials
20 include a bachelor's degree in physics from the
21 University of Chicago. I also have an MBA from
22 the University of Chicago with a concentration

00195

1 in finance.

2 I have worked on solid waste, needs
3 assessments and solid waste management plans for
4 approximately 16 years. I have worked on over
5 50 needs assessments in planning-type projects,
6 both for units of local government, as well as
7 private companies.

8 And my planning work has been
9 recognized with awards from the American
10 Planning Association, as well as the Consulting
11 Engineers Council.

12 Q. Mr. Kowalski, approximately, if you
13 can estimate, what percentage of your work on
14 solid waste planning have been for on behalf of
15 local governments or municipalities?

16 A. Probably a little over 50 percent on
17 the government side with the balance on the
18 private company side.

19 Q. And most of that work on the
20 government side, would that be fair to say that
21 that was in review of other consultants and
22 applicant's work?

00196

1 A. Actually, my work on the government
2 side consisted in preparing needs assessments
3 and solid waste management plans for counties
4 within the state of Illinois.

5 As I'll go into in my testimony,
6 each county in the state of Illinois has to
7 develop a 20-year comprehensive solid waste
8 management plan, as well as a needs assessment
9 report, and I have worked on plans and needs
10 assessments reports for probably in excess of 30
11 counties in the state of Illinois.

12 Q. And how many transfer station
13 projects have you worked on, if you could
14 estimate?

15 A. Probably on the order of ten or
16 twelve.

17 Q. Mr. Kowalski, is a copy of your
18 resume included within the application?

19 A. Yes, it is.

20 Q. Appendix A on page 529, starting at
21 page 529 if you could identify whether that's a
22 true and correct copy of your resume at the time

00197

1 this application was filed in March of this
2 year?

3 A. Yes, it is.

4 MR. SARGIS: At this time, I'd like to
5 offer Mr. Phillip Kowalski as an expert in the
6 area of solid waste planning.

7 HEARING OFFICER ZEMAN: Mr. Walsh, do
8 you have any questions or any objections to the
9 offer?

10 MR. WALSH: What page is his resume on?

11 MR. SARGIS: Starting on page 529 and
12 going until page 532.

13 MR. WALSH: No objection.

14 HEARING OFFICER ZEMAN: Accepted.

15 Thank you.

16 MR. SARGIS: Thank you.

17 Q. Mr. Kowalski, what were you retained
18 by Greenwood Transfer to do with respect to
19 criterion eight of the local siting law?

20 A. I was asked to evaluate whether the
21 proposed Greenwood Transfer station is
22 consistent with the Cook county solid waste

00198

1 management plan.

2 Q. Did you prepare a section of the
3 application with regard to that criterion?

4 A. Yes. It's contained under section 8
5 of the application.

6 Q. Is that section that starts on page
7 486 of the application, is that section 8 a true
8 and correct representation of the report that
9 you prepared?

10 A. Yes, it is.

11 Q. What information did you review to
12 conduct your work on this criterion?

13 A. I reviewed the solid waste management
14 plans for Cook county. Also the solid waste
15 management plan for the West Cook County Solid
16 Waste Agency, as well as the five year updates
17 to each of those plans.

18 Q. Could you summarize the dates of
19 these plans?

20 A. Certainly.

21 This first slide shows some of the
22 key dates in solid waste planning in Cook

00199

1 county. And actually the planning activities of
2 the West Cook County Solid Waste Agency actually
3 preceded the development of the Cook county
4 plan.

5 The West Cook County Solid Waste
6 Agency, and again Maywood is a member of that
7 agency, was formed in 1989. They adopted their
8 plan in September of 1992. That plan was
9 subsequently incorporated into the overall Cook
10 county plan, which was adopted in May of 1995.

11 And as I indicated before, under
12 Illinois planning statutes five year updates
13 have to be prepared for county plans. West Cook
14 county adopted a five-year plan update in May of
15 2000 and Cook county adopted one in October of
16 2000.

17 Q. Can you briefly summarize the solid
18 waste plan development for Cook county and how
19 it relates to the applicant's proposal?

20 A. Yes. As I indicated before, the West
21 Cook County Solid Waste Agency actually
22 commenced their planning work in advance of Cook

00200

1 county. There are a number of other planning
2 sub agencies within Cook county. The Solid
3 Waste Agency of Northern Cook County would be
4 one. The South Suburban Mayors and Managers
5 Association would be another.

6 Each of those entities had
7 commenced their planning efforts before the
8 overall county started their planning effort and
9 as a result, Cook county took those existing
10 plans and incorporated them into the overall
11 Cook county solid waste management plan.

12 Q. Could you summarize for us the trend
13 in managing waste within Cook county according
14 to their solid waste management plan including
15 the west Cook agency?

16 A. Yes. In developing its plan, Cook
17 county identified a number of trends, which are
18 summarized in this slide.

19 First of all, the county recognized
20 that landfilling was the principal means used to
21 dispose of waste from the county and will
22 continue to be the principal disposal technology

00201

1 utilized in the future.

2 The county also recognized that due
3 to landfills reaching capacity, the metro area
4 was running out of local landfill capacity and
5 the county recognized that because of the high
6 level of development within Cook county,
7 development of replacement landfills would be
8 challenging.

9 As a result, waste was going to
10 have to be transported to more distant landfills
11 and in order to make that economically feasible,
12 transfer stations would have to be developed.

13 The county recognized that the private sector
14 would be responsible for developing the transfer
15 station network.

16 Q. Specifically with respect to transfer
17 stations, does the Cook county plan identify any
18 specific goals or benefits for transfer stations
19 in the county?

20 A. Yes. The plan identifies both a
21 number of goals, which I think transfer stations
22 fulfill and articulate some of the benefits of

00202

1 transfer stations. And what this slide shows is
2 a couple of quotes from the Cook county plan.

3 The first goal is to maintain
4 adequate cost effective long-term waste
5 processing and disposal options to cover current
6 and projected capacity shortfalls of internal
7 county facilities. And as I indicated on the
8 previous slide, many of the landfills within
9 Cook county and the Chicago metro area were
10 closing.

11 The second goal of the plan is to
12 minimize the long-term cost of solid waste
13 management to residents and businesses without
14 sacrificing the quality of the environment.

15 And the third quote is what the
16 county plan recognized as the benefits of
17 transfer stations consistent with those two
18 earlier goals. And that quote reads, as
19 disposal sites become more distant from
20 collection areas, use of transfer stations can
21 improve efficiency of the overall waste
22 management system by minimizing fuel and labor

00203

1 costs and saving vehicle wear.

2 Q. Mr. Kowalski, you mentioned that the
3 West Cook Solid Waste Agency was one component
4 in the overall Cook county plan and incorporated
5 in the county-wide plan; is that correct?

6 A. That is correct.

7 Q. Can you identify any specific goals
8 or other points that the west Cook county agency
9 specifically recognized with respect to transfer
10 stations?

11 A. Yes. I think the west Cook County
12 Solid Waste Agency recognized many of the trends
13 that would later be incorporated into the Cook
14 county plan, namely that local landfills were
15 closing.

16 The west Cook plan in particular
17 states that the western Cook counties comprising
18 the agency is landlocked with very few large
19 parcels of land that could be developed as a
20 replacement landfill, and therefore, more
21 distant landfills would have to be utilized and
22 transfer stations would be necessary to make

00204

1 that feasible from an economic standpoint.

2 Q. Mr. Kowalski, do you have an opinion
3 on whether the facility, Greenwood Transfer
4 Facility, is located to be in a county that is
5 consistent with the planning requirements of the
6 local Solid Waste Disposal Act and the Solid
7 Waste Planning Recycling Act?

8 A. Yes.

9 Q. What is your opinion?

10 A. My opinion is that the proposed
11 facility is consistent with the Cook county
12 solid waste management plan.

13 Q. What is the basis for your opinion in
14 that regard?

15 A. Again, Cook county indicated that
16 landfilling would be the principal means to
17 dispose of waste but that local landfills were
18 reaching capacity and because of space
19 constraints new landfills would not be able to
20 be developed locally and as a result, transfer
21 stations would be utilized to access more
22 distant landfills and those transfer stations

00205

1 would be developed by the private sector.

2 Q. Mr. Kowalski, were you present in the
3 audience when Mr. Donald Storino, who is the
4 executive director of the West Cook County Solid
5 Waste Agency made a public comment?

6 A. Yes.

7 Q. And did you agree or disagree with
8 any of the comments that he made concerning the
9 facility?

10 A. I would agree with his comments.

11 Q. Is it your view that his comment was
12 consistent with your view of the facility being
13 consistent with the West Cook County Solid Waste
14 Agency plan as well as the overall Cook county
15 plan?

16 A. I don't think he spoke specifically
17 to the Cook county plan, but insofar as he spoke
18 to the west Cook county plan, yes.

19 MR. SARGIS: Thank you. I was just
20 testing you on that one. As soon as I said
21 that, I realized he hadn't commented on the
22 county-wide plan. Thank you for clarifying

00206

1 that.

2 At this point, the presentation on
3 criterion eight is completed and I would open it
4 up for any questions.

5 EXAMINATION BY

6 HEARING OFFICER ZEMAN:

7 Q. I just have a couple questions with
8 respect to organization, and particularly as it
9 pertains to the West Cook County Solid Waste
10 Agency versus Cook county.

11 As you know, the criterion says the
12 facility must be consistent with a plan in a
13 county which is consistent with its planning
14 requirements of the Local Solid Waste Disposal
15 Act or the Solid Waste Planning and Recycling
16 Act.

17 The West Cook County Solid Waste
18 Agency that developed the west Cook county solid
19 waste plan and five year update, that is not
20 adopted by the county board, is it?

21 A. No. And that's why my analysis
22 focused primarily on consistency with the Cook

00207

1 county plan. However, as I documented in my
2 report, Cook county actually relied very heavily
3 on the planning activities of the west Cook
4 county solid waste agency and, in fact,
5 delegated many of the implementation
6 responsibilities to the agency. So the west
7 Cook county plan is incorporated into the larger
8 Cook county overall plan.

9 Q. Did you assess whether the county
10 plan, Cook county's plan, is consistent with the
11 planning requirements of the Local Solid Waste
12 Disposal Act or the Solid Waste Planning and
13 Recycling Act?

14 A. Generally, yes, in that the plan was
15 accepted by the Illinois Environmental
16 Protection Agency, which reviewed and commented
17 on the plan.

18 HEARING OFFICER ZEMAN: I don't have
19 any further questions. Thank you, very much.

20 Mr. Walsh?

21 MR. WALSH: No questions of this
22 witness.

00208

1 HEARING OFFICER ZEMAN: I didn't get
2 any citizen questions on this topic.

3 So do you have anything further?

4 Any further redirect?

5 MR. SARGIS: No further redirect.

6 Thank you.

7 HEARING OFFICER ZEMAN: Is there any
8 citizen present tonight that wants to make a
9 public comment that is interested in doing so
10 tonight before the conclusion of all of the
11 evidence as opposed to tomorrow night, or
12 possibly Wednesday, if it goes into Wednesday?

13 (No response.)

14 Hearing none.

15 MR. SARGIS: We can proceed with the
16 remainder of Mr. Kowalski's testimony if it's
17 acceptable.

18 HEARING OFFICER ZEMAN: I'm fine with
19 that. Just for planning purposes, how long?

20 MR. SARGIS: I think Mr. Kowalski
21 indicated that it might be 15, 20 minutes.

22 MR. WALSH: What's he going to testify

00209

1 to?

2 HEARING OFFICER ZEMAN: Need.

3 MR. WALSH: I have no objection to
4 finishing their case. I'd like to start cross
5 examination tomorrow on that issue.

6 MR. SARGIS: That would be fine.

7 Mr. Kowalski will be here for the duration of
8 the hearing. So if there are questions by
9 Mr. Walsh or obviously from the audience that
10 come tomorrow, we can make him available for
11 those questions.

12 HEARING OFFICER ZEMAN: Very good.

13 Proceed.

14 MR. SARGIS: Q. Mr. Kowalski, were
15 you also asked to address criterion one of the
16 local siting law?

17 A. Yes, I was.

18 Q. What did you do in that regard?

19 What were you asked to do?

20 A. I was asked to assess whether the
21 proposed facility is necessary to accommodate
22 waste needs of the area it's intended to serve.

00210

1 Q. Did you prepare a section of the
2 siting application in connection with your work
3 on that criterion?

4 A. Yes, I did.

5 Q. And is the section No. 1 on need that
6 starts on page 21 and concludes on page 52, is
7 that a true and correct copy of the section of
8 the application that you prepared?

9 A. Yes, it is.

10 Q. And can you tell me what information
11 you reviewed in connection with your work to
12 determine compliance with criterion one?

13 A. Yes. We looked at fairly extensive
14 amounts of information. We looked at statistics
15 on demographics, population, households,
16 employment.

17 We also conducted a study on waste
18 disposal quantities where we consulted
19 publications of the Illinois Environmental
20 Protection Agency, which document quantities of
21 waste disposed.

22 We also looked at similar

00211
1 information from regulatory agencies in
2 neighboring states including Wisconsin, Indiana
3 and Michigan.

4 Q. Would you summarize for us the
5 methodology analysis that you performed for this
6 work?

7 A. Yes. My presentation will address
8 five principal points. First, the definition of
9 our service area. Second, trends and disposal
10 within our service area. Third, the amount of
11 waste disposed by the service area. Fourth, the
12 disposal capacity available to the service area.
13 And then finally I'll address some economic
14 factors relating to need.

15 MR. WALSH: Could we get a copy of the
16 power point presentation on this issue, please?

17 MR. SARGIS: Q. You gave us an
18 overview of what your analysis went into.

19 Can you start with the service
20 area, describe that for us?

21 A. Yes. Our service area consists of 12
22 townships. Eight townships are located in

00212
1 western Cook county, four townships are located
2 in eastern DuPage county.

3 The service area was provided by
4 Greenwood Transfer Facility. It's based
5 principally on their existing customer base,
6 future business plans, as well as the location
7 of this facility to their existing hauling yard.

8 Q. And under the local siting law, did
9 the applicant define the service area?

10 A. That's correct. It's the prerogative
11 of the applicant to define service area.

12 This map just shows the outline of
13 our service area. That's shown in this light
14 blue line here, and again, consists of 12
15 townships, 8 in western Cook county and 4 in
16 DuPage county.

17 Q. And the irregularly shaped line on
18 the east and on the south, can you explain why
19 those are irregularly shaped?

20 A. It's somewhat irregularly shaped on
21 the eastern edge boundary of our service area
22 because the service area follows civil township

00213

1 boundaries.

2 Q. And then how did you take the service
3 area and apply it to the needs criterion?

4 A. Well, the first thing we looked at
5 were trends in how waste is being managed within
6 the service area, in particular how waste is
7 being disposed.

8 As I indicated during my testimony
9 on the plan, landfills in the Chicago metro area
10 within the service area and immediately
11 neighboring the service area have been closing.

12 Landfill capacity in northeastern
13 Illinois, including the Chicago metro area as a
14 whole, has been declining in the amount of waste
15 disposed in the Chicago metro area has been
16 declining.

17 What has happened instead is that
18 waste is being transported further out to
19 landfill facilities in rural Illinois, or in
20 some cases to other states, Wisconsin, Indiana
21 and Michigan. This particular map just
22 highlights some of these trends. These red

00214

1 squares indicate the six landfills.

2 Q. For the record, could you identify
3 what this slide is showing?

4 Tell them the title of the slide?

5 A. The title of the slide is landfills
6 in Cook and DuPage county. And it shows the
7 landfills which have most recently operated near
8 to the service area and most of these facilities
9 have closed or will close very shortly.

10 Q. When you say very shortly, what is
11 the estimate of closure dates for the landfills
12 that are still open, and can you identify those
13 on the map?

14 A. Yes. I will go through those one by
15 one. This first facility was the Mallard lake
16 landfill. That particular facility closed in
17 1999.

18 The second landfill is the Green
19 valley landfill. That closed in 1996.

20 Third facility is the Hillside
21 landfill, also known as the Congress development
22 landfill. Based on the amount of capacity that

00215

1 More recent information submitted
2 to the Illinois Environmental Protection Agency
3 suggests that they may be able to extend the
4 life of that facility by a year or two but only
5 by significantly decreasing the amount of waste
6 that is going into it.

7 Nos. 4 and 5 are dual facilities.
8 They are all CID No. 3 and CID No. 4. Again,
9 based on the information we had at the time the
10 report was prepared, those facilities were
11 projected to close in 2004.

12 It's my understanding that the CID
13 No. 3 facility has subsequently closed, which
14 leaves No. 6, which is the river bend Prairie
15 landfill. That facility has probably in excess
16 of ten years of capacity based on its most
17 recent through put, but I think you can see from
18 the location of that facility is relative to our
19 service area, it's not directly accessible to
20 collection vehicles in our service area but

21
22

00216

1 would in fact require a transfer station in
2 order for waste from our service area to be
3 economically hauled to that facility.

4 Q. Is it your intention to explain why
5 that's the case in your presentation?

6 A. Yes.

7 Continuing on, this graph shows a
8 historical representation of the amount of waste
9 disposed in northeastern Illinois, which is
10 shown in the blue area here and consists
11 principally of the Chicago metro area.

12 The vertical scale shows the amount
13 of waste land filled. And the horizontal scale
14 shows years starting in 1989 and ending in 2002.
15 I think what this graph shows is that the amount
16 of waste actually disposed in the metro area has
17 decreased significantly. That's not because we
18 are throwing less away. It's simply a function
19 of the fact that landfills are being located in
20 these white areas.

21 That's what this particular diagram
22 shows. This shows a map of landfill facilities,

00217

1 permitted landfill facilities, within the state
2 of Illinois and it really shows three types of
3 facilities. Landfills with five years or less
4 of remaining life are shown in red dots. The
5 blue triangles show intermediate term landfills
6 with five to nine years of capacity. And
7 finally, the yellow stars represent facilities
8 with ten or more years capacity.

9 And what I think you can see from
10 this map is that within the metro area, or 50
11 miles of the metro area, there's a lot of red
12 dots and to get to the longer life facilities,
13 which are represented by the yellow stars, you
14 really have to get into the downstate areas,
15 which would be in this span between 50 or 100
16 miles or even a greater distance.

17 The next step of our analysis, and
18 an important component of a needs analysis we do
19 a supply and demand capacity, supply and demand
20 analysis where the demand consists of how much
21 waste is disposed by the service area and the
22 capacity side of the equation is how much -- in

00218

1 this particular case, how much transfer capacity
2 is available to our service area.

3 So I'd like to start out with the
4 demand side of the equation. And in computing
5 how much waste is disposed by the service area,
6 we looked at first of all demographic trends.
7 And this graph summarizes those trends.

8 The blue line represents population
9 within our service area starting in 1980 and
10 going through 2020. The red line represents
11 households. And the green line represents
12 employment. I think you can see all three of
13 those demographic variables are projected to
14 increase in the future.

15 Perhaps most notably, between 2000
16 and 2020, the service area is projected to have
17 a 17 percent increase in employment. So
18 employment will actually be growing faster than
19 population and households and that, in my
20 opinion, will actually lead to greater waste
21 generation, which I will touch on in a minute.

22 Q. Just note, for the record, that the

00219

1 graph that Mr. Kowalski has referred to was for
2 demographic informational, though it's slide No.
3 18 that he's referring to is not labeled as such
4 but it is demographic information.

5 A. To compute the amount of waste
6 disposed by the service area, we took our
7 projections of population and multiplied it by
8 per capita disposal rates.

9 To calculate the per capita
10 disposal rates, we did an extensive study of how
11 much waste actually gets disposed in landfills
12 serving the metro area. We also did a similar
13 analysis for the state of Illinois as a whole.

14 We looked at landfill data for
15 historical period stretching from 1996 to 2002
16 and found that on a per capita basis we are
17 actually disposing of more waste over time. Per
18 capita disposal rates grew from approximately 7
19 pounds in 1996 to 7.5 pounds per person, per day
20 in the year 2002.

21 Our projections, as you can see on
22 this chart, were based on 7.7 pounds per person,

00220

1 per day and that was the value that we observed
2 for 2001 and that's the appropriate value to
3 utilize in this type of analysis because we have
4 to plan for peak annual periods of waste
5 disposal. But the overall trend is for
6 increasing per capita amounts of disposal.

7 I have summarized here how much
8 waste therefore is disposed within those 12
9 townships. In 2005, we are projecting
10 approximately 5,100 tons per day of waste
11 disposed, which would grow to almost 5,300 tons
12 per day in the year 2025. Now that is based
13 solely on growth in population and is therefore
14 a very conservative assumption.

15 In other words, that documented
16 growth in per capita disposal rates that we
17 observed between 1996 and 2002 were not factored
18 into those calculations and again, that
19 conservatively underestimates the future amount
20 of waste to be disposed.

21 We also wanted to take into account
22 the fact that there are seasonal variations in

00221

1 waste disposal. Typically quantities of waste
2 disposed are highest beginning in April and
3 going through October, and somewhat lower during
4 the winter months. But during those peak
5 periods, waste can be actually about 15 to 20
6 percent higher than the average annual daily
7 value and therefore, that significantly
8 increases the amount of waste over annual daily
9 averages. And that's what these later values
10 summarize.

11 So just for instance in 2005, I
12 indicated that the average daily annual quantity
13 would be slightly over 5,100 tons per day.
14 Taking into account 15 to 20 percent seasonal
15 variation that could increase during peak months
16 to 5,900 tons per day to 6,100 tons per day.

17 Q. I'm sorry, Mr. Kowalski, did you say
18 approximately what the months of that seasonal
19 peak period would be?

20 A. Yes. Generally the seasonal peaks
21 occur from April through about October.

22 Q. The peak waste disposal numbers that

00222

1 you have described on the bottom of that slide
2 No. 19, again, does that include or not include
3 the trend of increasing per capita waste
4 disposal?

5 A. Those do not include increased per
6 capita waste disposal.

7 Q. In your view is it more conservative
8 or less conservative to not include that
9 increasing trend for per capita waste disposal?

10 A. Not including that trend
11 conservatively underestimates the amount of
12 waste that's disposed.

13 We also looked at capacity
14 available to the service area. This is the
15 supply side of the equation. First we looked at
16 landfills in or near the service area. And as I
17 indicated previously, those facilities have
18 either closed or will be closing in the next
19 year or two. So there's not a lot of local
20 landfill capacity available to the service area.

21 So we looked at transfer stations
22 that could potentially provide capacity to this

00223

1 service area and found that there's both an
2 immediate and a future capacity deficit.

3 In looking at transfer stations
4 available to our service area, we located
5 facilities that are either located within our
6 service area or reasonably close to our service
7 area based on economic considerations.

8 Basically what we did to allocate
9 capacity from each of these facilities, these
10 competing facilities, to our service area was to
11 consider the overlap in service area of the
12 competing facility with our service area. And
13 through that process we identified 19 transfer
14 stations which would provide capacity of 4,577
15 tons per day of capacity. That's on an average
16 annual basis.

17 This chart just summarizes the
18 equation subtracting the amount of capacity
19 available to our service area from the amount of
20 waste disposed in the service area. We will see
21 that in 2025 there's an immediate capacity
22 deficit of 539 tons that would grow to 714 tons

00224

1 by the year 2025. Again, this does not assume
2 any growth in per capita waste disposal rates,
3 which as I indicated, is a very conservative
4 assumption.

5 HEARING OFFICER ZEMAN: Before we go to
6 the capacity deficit, could you take a break for
7 the court reporter, please.

8 Go ahead, Mr. Kowalski. Thank you.

9 THE WITNESS: As I noted before,
10 seasonal variation during peak months would
11 increase. Disposal quantities and therefore the
12 deficit, just by way of example in 2005 taking
13 into account seasonal variation rates, the
14 deficit and capacity would range from slightly
15 over 1,300 tons per day to almost 1,600 tons per
16 day.

17 Finally we looked at economic
18 factors. Economics plays a very important part
19 of the need of transfer stations, which I think
20 will be apparent after these slides.

21 There's a number of economic
22 factors that we looked at. The first one are

00225

1 percent over prior contracts. And in some
2 cases, individual towns experience cost
3 increases of as much as 50 percent.

4 I think everyone is aware that in
5 the fall of last year there was a hauler's
6 strike and the outcome of that strike was a
7 renegotiated contract for hauler personnel.
8 That new contract will provide for an increase
9 of 30 percent in wage and benefit costs over the
10 next five years.

11 I'd also point out that fuel costs,
12 as everyone is aware, have been increasing.
13 Fuel and labor are two very large components of
14 the cost of providing solid waste collection

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1 services. And these cost increases that are
2 borne by the hauling companies will ultimately
3 be passed on to consumers.

4 The proposed facility will actually
5 provide an opportunity to mitigate some of those
6 increases from a new labor contract. From the
7 increased fuel costs it will provide a more
8 efficient waste system.

9 Our facility is located
10 approximately nine miles from the population
11 center of our service area. And I'll
12 distinguish the population center from the
13 geographic center of our service area.

14 The population center takes into
15 account the fact that there is different
16 population densities going from east to west in
17 our service area. Basically the eastern
18 portions of our service area are a little more
19 densely populated than the western portions. So
20 we measure from the population centers as
21 opposed to the geographic center.

22 Those 19 other facilities that we

00227

1 percent greater haul distance to utilize those
2 other facilities.

3 Taking into account that most
4 collection vehicles typically make two runs per
5 day, that is they start their day, pick up waste
6 from a route, take it to a transfer station and
7 then they go out on a second route and pick up
8 waste and then again return to the transfer
9 station. That difference, that savings in
10 transportation distance from our proposed
11 facilities will result in an overall increase in
12 efficiency of about eight percent. Again, that
13 is going to be important for the service area to
14 contend with these increased labor costs and
15 increased fuel costs.

16 Another factor is this facility, as
17 been noted before, will be owned by an
18 independent waste company, a family-owned
19 company. It's operated for 40 years. Will
20
21
22

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1 provide an important source of competition for
2 Maywood and other communities as these hauling
3 contracts come up for renewal.

4 The trend that we are seeing is
5 that many planning entities are indicating that
6 maintaining competition is an important
7 component of their overall solid waste
8 management plan.

9 Finally, I wanted to summarize some
10 of the other economic aspects of this facility.
11 Greenwood Transfer has executed a host agreement
12 with the Village of Maywood which provides for
13 the payment of host fees for each ton of waste
14 that comes into the facility. It's on a tiered
15 schedule. The first 300 tons the host fee will
16 be 35 cents a ton. The next 600 tons the host
17 fee will be 55 cents a ton. And then for 900
18 tons or more the host fee will be a dollar per
19 ton. And these fees will be escalated annually
20 based on the overall rate of inflation so that
21 the village will continue to get the full
22 purchasing power of those host fees over time.

00229

1 They won't lose anything due to inflation.

2 We provided guaranteed minimum
3 payments in years one and two that will amount
4 to \$20,000 per year. For years three and
5 thereafter, it will amount to \$30,000 per year.

6 So I did two calculations. One
7 based on just the minimum payments to the
8 Village of Maywood over 20 years. That would
9 amount to approximately \$580,000. But if our
10 facility is successful as we hope and we are
11 closer to the thousand ton per day mark, total
12 payments over that 20-year period would be over
13 \$3 million.

14 Other important benefits that will
15 be provided to the village. Under the host
16 agreement, Greenwood Transfer will accept
17 residential waste from the village at its lowest
18 customer charge for any other customers. So
19 that provides some important price protection
20 for the village.

21 The transfer station will also
22 accept up to 200 tons per year of street

00230

1 sweepings from the village's public works
2 department at no cost.

3 At our affiliated landscape waste
4 transfer station, we will take the village's
5 leaves at our cost to transfer and process the
6 leaves so there would be no markup for overhead
7 or profit. It will be our bare cost. Again,
8 that the represent significant savings for the
9 village.

10 Finally, we have also agreed to
11 provide two roll-off recycling drop boxes to be
12 located at mutually agreed areas within the city
13 that will help Maywood further its recycling
14 program. And we have also committed to provide
15 the component parts to a prefabricated metal
16 building, salt structure building that Strom has
17 that will be essentially donated to the village.

18 Q. Mr. Kowalski, those additional
19 benefits, beside the host agreement itself, the
20 additional benefits are listed in the
21 application at appendix B; is that correct?

22 A. Correct.

00231

1 Q. Those additional benefits, is it your
2 understanding that those came as a result of
3 discussions with the village and staff over time
4 prior to the filing of this application?

5 A. That's correct.

6 Q. Finally, Mr. Kowalski, do you have an
7 opinion on whether the proposed facility meets
8 the waste needs of the area it intends to serve?

9 A. Yes.

10 Q. What is your opinion?

11 A. My opinion is that the proposed
12 facility is necessary to accommodate the waste
13 needs of the proposed service area.

14 Q. And what is the basis for your
15 opinion?

16 A. It's based on the factors that I
17 outlined in my testimony: Population,
18 households, employment are projected to increase
19 within our service area, which will result in
20 greater quantities of waste to be disposed.

21 Based on our analysis of quantities
22 of waste actually entering landfills, we

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1 documented that per capita waste disposal rates
2 are in fact increasing.

3 Based on our analysis of transfer
4 capacity available to the service area, there is
5 both an immediate and a future deficit in
6 transfer capacity for our service area. And the
7 facility will provide economic benefits in the
8 form of host fees as well as increased
9 competition for solid waste facilities within
10 the proposed service area.

11 MR. SARGIS: Thank you, Mr. Kowalski.
12 I have no further questions.

13 HEARING OFFICER ZEMAN: As we started
14 this witness, we had agreed that any cross
15 examination would be reserved until tomorrow. I
16 do have some citizens questions to follow-up,
17 but I think they would be better put with the
18 rest of cross examination if there's no problem
19 from the citizens.

20 6:00 o'clock tomorrow Mr. Kowalski
21 will return at that time for cross and any
22 redirect and we will proceed including the

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1 exhibits. We can reserve that until tomorrow as
2 well. 6:00 p.m. tomorrow with the expectation
3 that we will go again like this as long as we
4 need to for a good situation to wind the night
5 up later.

6 MR. SARGIS: We anticipate that the
7 applicant's case, including questions, should be
8 completed by tomorrow evening. We don't know
9 how many citizen comments there will be, so we
10 don't have control over that, but we appreciate
11 your indulgence to go a little bit beyond
12 o'clock this evening to move the hearing
13 forward. Thank you.

14 HEARING OFFICER ZEMAN: See you
15 tomorrow night at 6:00 o'clock.

16 (WHEREUPON, said hearing was
17 continued to June 29, 2004
18 at 6:00 p.m.)
19
20
21
22

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1 STATE OF ILLINOIS)
2)
3 COUNTY OF DU PAGE)
4 I, KATHLEEN BONO, Certified
5 Shorthand Reporter, Notary Public in and for the
6 County DuPage, State of Illinois, do hereby
7 certify that previous to the commencement of the
8 examination and testimony of the various
9 witnesses herein, they were duly sworn by me to
10 testify the truth in relation to the matters
11 pertaining hereto; that the testimony given by
12 said witnesses was reduced to writing by means
13 of shorthand and thereafter transcribed into
14 typewritten form; and that the foregoing is a
15 true, correct and complete transcript of my
16 shorthand notes so taken aforesaid.

17 IN TESTIMONY WHEREOF I have
18 hereunto set my hand and affixed my notarial
19 seal this ____ day of July, A.D. 2004.

20 _____
21 KATHLEEN BONO,
22 C.S.R. No. 84-1423,
Notary Public, DuPage County
237 South Wisconsin Avenue,
Addison, IL 60101-3837