

BEFORE THE CITY COUNCIL OF THE CITY OF  
MOLINE SITTING AS A POLLUTION  
CONTROL SITING AUTHORITY

IN THE MATTER OF: )  
 )  
APPLICATION FOR LOCAL SITING )  
APPROVAL FOR LAKESHORE )  
RECYCLING RECYCLING SYSTEMS, )  
LLC, FOR THE MOLINE )  
RECYCLING AND TRANSFER )  
STATION, MOLINE, ILLINOIS. )

REPORT OF PROCEEDINGS had and testimony  
taken at the hearing of the above-entitled  
matter, at 619 16th Street, Moline, Illinois, on  
the 27th day of June, A.D. 2023, at the hour of  
6:00 p.m.

PRESENT:

- MR. DENNIS WALSH, Hearing Officer;
- MR. DAVID SILVERMAN, City Council Attorney;
- MS. ANN ZWICK, Attorney for City Staff;
- MR. BRETT MARSHALL, Attorney for Group 0;
- MR. KEVIN KOTECKI, Representative for  
Group 0;
- MR. GEORGE MUELLER, Attorney for Lakeshore  
Recycling Systems, LLC;
- MR. K.J. LOEROP, Representative for  
Lakeshore Recycling Systems.

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4

1 LLC, filed an application for local siting

2 approval for the proposed Moline Transfer

3 Station. The transfer station is proposed to be

4 located on, approximately, 10 acres of property

5 within the corporate limits of the City of

6 Moline on the west side of 47th Street, just

7 north of 78th Avenue.

8 A transfer station is a pollution

9 control facility, as defined by the

10 Environmental Protection Act; and whether a

11 pollution control facility can be sited and

12 operated is determined by the process set forth

13 in Section 39.2 of that act. The process

14 involves notice to various parties, the filing

15 of the application with the city, an examination

16 period, and then this hearing on the

17 application, followed by public comment.

18 Once all of that is completed, then

19 the city council must determine if the proposed

20 facility meets the State of Illinois criteria as

21 set forth in the Environmental Protection Act.

22 It is the nine criteria set forth in

3

1 HEARING OFFICER WALSH: Good evening.

2 As Steve pointed out, it's 6:00 o'clock. So I'm

3 going to call order on the hearing application

4 local siting approval for the waste transfer

5 station in the City of Moline.

6 My name is Dennis Walsh. I have

7 been appointed by the mayor and city council as

8 the hearing officer for purposes of this

9 hearing, which involve the siting process of a

10 pollution control facility, which, in this case,

11 is the transfer station.

12 I'm a local governmental attorney

13 and environmental attorney, and I'll be serving

14 as the hearing officer for the hearing on the

15 application filed by Lakeshore Recycling

16 Systems, LLC. To my right and behind me is the

17 court reporter, who will be taking down

18 everything said at this hearing. At the tables

19 in front of me are people who are registered as

20 parties. I'll introduce them in a minute.

21 First, some background. On

22 March 3rd, 2023, Lakeshore Recycling Systems,

5

1 Section 39.29(a) of the act that local

2 governmental authorities, such as the City of

3 Moline, must consider in determining whether to

4 grant siting approval and it's those nine

5 criteria we will focus on during the course of

6 this public hearing.

7 The nine criteria are as follows,

8 but not all of them maybe applicable to this

9 site and it is not uncommon for the applicant,

10 in presenting its case, to jump from one to the

11 other, depending on timing and witness

12 availability. We do not necessarily have to go

13 in the order of Criterion 1 to 9 during this

14 hearing, and I don't expect we will.

15 The nine criteria are as follows:

16 No. 1, the facility is necessary to

17 accommodate the waste needs of the area it is

18 intended to serve;

19 No. 2, the facility is so designed,

20 located, and proposed to be operated that the

21 public health, safety, and welfare will be

22 protected;

6

1 No. 3, the facility is located so  
 2 as to minimize incompatibility with the  
 3 character of the surrounding area and to  
 4 minimize the effect and the value of the  
 5 surrounding property;  
 6 No. 4, the facility is located  
 7 outside the boundary of the 100-year floodplain;  
 8 No. 5, the plan of operation of the  
 9 facility is designed to minimize the danger to  
 10 surrounding area from fire, spills, and other  
 11 operational accidents;  
 12 No. 6, the traffic patterns to and  
 13 from the facility are so designed as to minimize  
 14 impact on existing traffic flows;  
 15 No. 7, if the facility will be  
 16 treating, storing, or disposing of hazardous  
 17 waste, an emergency response plan exists with  
 18 the facility, which includes notification,  
 19 containment, and excavation procedures to be  
 20 used in the case of accidental release;  
 21 No. 8, if the facility is to be  
 22 located in the county where the county board has

7

1 adopted a solid waste management plan consistent  
 2 with the planning requirements of the local  
 3 Solid Waste Disposal Act or the Solid Waste  
 4 Planning and Recycling Act, the facility is  
 5 consistent with that plan;  
 6 No. 9, if the facility is located  
 7 within a regulated recharge area, any applicable  
 8 requirement specified by the pollution control  
 9 board for such areas has been met.  
 10 Those are the nine criteria.  
 11 Section 39(a) of the act also provides that the  
 12 city may consider as evidence the previous  
 13 operating experience and past record of  
 14 convictions or admissions of violations by the  
 15 applicant and any subsidiary or parent  
 16 corporation in the field of solid waste  
 17 management in considering Criteria 2 and  
 18 Criteria 5.  
 19 The law provides that the local  
 20 siting approval must be granted by the city if  
 21 the proposed transfer station meets all the  
 22 criteria that are applicable to it; and it must

8

1 be denied if the proposed facility fails to meet  
 2 all of the criteria that are applicable to it.  
 3 In this case, the applicant,  
 4 through its application, requested approval to  
 5 site and operate a transfer station. They will  
 6 process up to 520 tons of nonhazardous material  
 7 per day, which includes up to 400 tons of  
 8 municipal solid waste, 80 tons of  
 9 hydro-excavation waste, 25 tons of  
 10 source-separated recyclables, and 15 tons of  
 11 landscape waste.  
 12 The proposed primary building has  
 13 been designed to include, approximately, a  
 14 1,500-square-foot transfer station, a  
 15 7,580-square-foot maintenance facility,  
 16 2,505-square-foot office, and a  
 17 2,894-square-foot parts/storage room.  
 18 The facility will also receive,  
 19 solidify, and transfer up to 80 tons of  
 20 hydro-excavation waste through the proposed  
 21 hydro-excavation waste solidification building.  
 22 The proposed development also

9

1 includes ancillary facilities, including a  
 2 facility scale, a citizen's convenience area,  
 3 and the construction of storm water management  
 4 system, including a detention basin. The  
 5 application was submitted pursuant to the  
 6 requirements of Section 39.2 of the  
 7 Environmental Protection Act and the City of  
 8 Moline siting ordinance concerning pollution  
 9 control facility siting. If local siting is  
 10 obtained, the facility will be developed only as  
 11 approved by the Illinois Environmental  
 12 Protection Agency and is authorized by  
 13 applicable statute, regulations, and ordinances.  
 14 The applicant has paid the filing  
 15 deposit of \$75,000, which will be used by the  
 16 city to defray the reasonable and necessary  
 17 costs of this process. The applicant provided  
 18 pre-filing notice of the application and the  
 19 notice of this public hearing.  
 20 In accordance with the procedures  
 21 and other terms and provisions of the  
 22 Environmental Protection Act and the city siting

1 ordinance, I have reviewed the application and  
 2 the initial filings. The parties participating  
 3 in this hearing are: The applicant represented  
 4 by George Mueller to my left; Group O  
 5 represented by Brett Marshall in the middle; the  
 6 City of Moline staff represented by Ann Zwick on  
 7 my right; and the City of Moline corporate  
 8 authorities, which is the city council,  
 9 represented by David Silverman, who is sitting  
 10 next to city staff.

06:07:36PM

11 These parties have a right to make  
 12 statements, present witnesses, cross-examine  
 13 witnesses, and present evidence during this  
 14 hearing. Full participation by those parties  
 15 will be in accordance with the rules of  
 16 fundamental fairness and procedure but the rules  
 17 of evidence will not be strictly applied.

18 At the end of the presentation of  
 19 all evidence, I will allow for anyone who wants  
 20 to provide public comment during the course of  
 21 this hearing to do so. If you are interested in  
 22 making public comment, please register at the

06:07:57PM

1 outside table and you will be given that  
 2 opportunity.

3 That leads to the timing. We are  
 4 scheduled to be here tonight until 10:00 p.m.,  
 5 tomorrow, Thursday and, if needed, Friday, the  
 6 30th, from 9:00 to 5:00 p.m. -- 9:00 a.m. to  
 7 5:00 p.m. I intend to have all oral comment  
 8 heard at the conclusion of the evidence. That  
 9 could be on Thursday or it could be on Friday.

06:08:29PM

10 The hearing is being live-streamed  
 11 by the city. So if you intend to present oral  
 12 public comment, you will need to follow at the  
 13 time of the conclusion of evidence. I will  
 14 attempt to state a day ahead of time that public  
 15 comment will be given the following day. Oral  
 16 public comment will be generally limited to five  
 17 minutes per person. With respect to written  
 18 public comment, everyone has the right to  
 19 submit, to the city clerk's office, written  
 20 public comment prior to the commencement of the  
 21 hearing, during this hearing, and within 30 days  
 22 after the date of the public hearing. Those

06:08:56PM

1 written comments will be made part of the record  
 2 and the city council will consider any such  
 3 timely written comments in its final  
 4 determination concerning the applicant's  
 5 request.

6 Public comment, which is not sworn  
 7 and which is not subject to cross-examination or  
 8 testimony, is given less weight than sworn  
 9 testimony and the evidence in the record but it  
 10 is, nevertheless, important and will be  
 11 considered by the city council.

06:09:24PM

12 That brings us to an important  
 13 procedural aspect in this case. The city  
 14 council is, essentially, acting as a jury but  
 15 they don't actually have to be physically  
 16 present at this hearing. The elected officials  
 17 can watch the live stream, they can read the  
 18 transcript, they can review the record. They  
 19 don't actually have to be here for us to proceed  
 20 and go forward.

06:09:48PM

21 The mayor and the aldermen are  
 22 represented by their attorney, Mr. Silverman,

1 who is down here at this table to my right. You  
 2 may see elected officials come from time to time  
 3 and confer with him. He may ask questions on  
 4 their behalf. While the city council members  
 5 are acting like a jury, it means they are not  
 6 allowed to talk to you about this matter. You  
 7 may be used to talking with the mayor or your  
 8 aldermen on matters of importance in public  
 9 spaces, but you can't do it in this case. They  
 10 are not allowed to talk to you because they are  
 11 acting as a jury. Please understand they are  
 12 not being rude. They are simply following the  
 13 law and doing their job to have a fundamentally  
 14 fair process.

06:10:18PM

15 If you would like to provide your  
 16 opinion on this matter to your city council  
 17 members, please do so by the use of the public  
 18 comment process. Your voice can still be heard.  
 19 It just needs to be done using the proper  
 20 procedures.

06:10:42PM

21 Thank you on behalf of the city  
 22 council for your understanding of this.

1 So back to the public hearing. The  
2 order of things at this hearing will, first, be  
3 the applicant will put on its case one criteria  
4 at a time by one witness at a time. The other  
5 parties will then have an opportunity to  
6 cross-examine the witness and ask questions. If  
7 Mr. Mueller feels he needs to follow up with the  
8 witnesses, he will do so.

06:11:09PM

9 Then there will be a second round  
10 and any further questions and, when that is  
11 complete, we will move on to the next part of  
12 the case that the applicant wants to put in.

13 Once the applicant has concluded  
14 presenting its case, then the city staff can  
15 call witnesses that they wish, then Group O will  
16 have an opportunity to call witnesses, all of  
17 which can be cross-examined by the other  
18 parties.

06:11:31PM

19 In every instance, the city council  
20 will have the opportunity to ask questions after  
21 everybody else has gone in each round so that  
22 they can get what they need to make the decision

1 that they need to make.  
2 That brings us to the pre-testimony  
3 administrative filings. The application was  
4 filed on March 3rd. I have seen it, I reviewed  
5 it, I have accepted it into evidence as  
6 Exhibit 1. It's on file with the city clerk's  
7 office. It's also available on the city's  
8 website. So that's Exhibit 1.

06:12:01PM

9 Mr. Mueller, with that, is there  
10 any pre-testimony matters you wish to present?

11 MR. MUELLER: There are some other  
12 preliminary matters, Mr. Hearing officer.

13 We would ask that the affidavit of  
14 compliance with the prehearing notice  
15 requirements, also filed last week, be marked  
16 and identified as Applicant's Exhibit 2.

06:12:40PM

17 HEARING OFFICER WALSH: So admitted.

18 MR. MUELLER: We would also ask that  
19 the PowerPoints, which were filed last week, be  
20 identified and marked as Applicant's Exhibit 3.

21 HEARING OFFICER WALSH: So admitted.

22 MR. MUELLER: We would, lastly, ask

1 that the CVs of the five witnesses, which  
2 Lakeshore intends to call, be marked and  
3 identified as Applicant's Exhibit 4.

4 HEARING OFFICER WALSH: So admitted.

5 MR. MUELLER: With that, we're ready  
6 for opening statements, unless there are other  
7 matters from other counsel.

8 (Applicant's Exhibit Nos. 1  
9 through 4 marked and admitted  
10 for identification.)

06:13:19PM

11 HEARING OFFICER WALSH: Does the city  
12 staff have any preliminary matters?

13 MS. ZWICK: No.

14 HEARING OFFICER WALSH: Group O?

15 MR. MARSHALL: No.

16 HEARING OFFICER WALSH: Please go  
17 ahead.

18

19 OPENING STATEMENT ON BEHALF OF THE APPLICANT

06:13:27PM

20  
21 MR. MUELLER: Mr. Walsh, thank you. I  
22 will endeavor to be brief. This is a unique

1 hearing in that there are multiple levels of  
2 regulation which govern to this process. The  
3 level that we're at now is, actually, the first  
4 one, which is controlled by Section 39.2 of the  
5 Environmental Protection Act.

6 If we pass this first test, there  
7 are further levels of regulation, namely two  
8 levels of permitting from the Illinois pollution  
9 control -- the Illinois Environmental Protection  
10 Agency. So this application and the evidence  
11 are going to be reviewed by multiple agencies  
12 and entities with the old making sure that the  
13 correct decision is reached.

14 Now, there's been plenty of  
15 litigation about how a Section 39.2 hearing  
16 should operate. And what's relevant is that the  
17 city council is not quite functioning in a  
18 judicial manner and certainly not functioning in  
19 a legislative matter.

06:14:09PM

20 Mr. Walsh, when you indicated that  
21 they are the jury in the case, that's absolutely  
22 true. As the jury, they are required by both

06:14:48PM

1 statute and case law to base their decision  
2 exclusively on the facts in evidence, not on  
3 recommendations, not on opinions, not on outside  
4 information, but just on the facts that are  
5 admitted into evidence.

6 The reason I bring that up is  
7 because an exhibit was filed last week by the  
8 Rock Island County Waste Management Agency --  
9 we'll call them RICWMA -- I think everybody else  
10 does -- which contained a finding by that agency  
11 that there was no need for this facility and  
12 that the application was not consistent with the  
13 county solid waste management plan. Both of  
14 those are substantive criteria on which we will  
15 present evidence during this hearing.

16 What's important to know at this  
17 time is that RICWMA's finding is not actually a  
18 finding and their resolution acknowledges that  
19 fact by indicating that it is merely a  
20 recommendation to the Moline City Council.

21 Now, the city council is not  
22 obligated to abide by that recommendation and,

06:15:33PM

06:16:16PM

1 that if you look at the actual evidence, a  
2 different finding would result.

3 For that reason, I just wanted to  
4 make the city council aware at the outset that  
5 we don't put any stock, nor should they, in the  
6 RICWMA finding and resolution because it's  
7 unsupported by the evidence and it also would  
8 ask the city council to abrogate its own  
9 statutory responsibility to make this decision  
10 based on the evidence.

11 We're going to call five witnesses  
12 throughout this hearing. They will testify as  
13 to all of the substantive criteria. Our  
14 witnesses -- and we hope to get done with both  
15 of them tonight. Tonight would be Phillip  
16 Kowalski, who will testify to the need criteria,  
17 which is, actually, Statutory Criterion 1; and  
18 planned consistency, which is Statutory  
19 Criterion 9 -- or maybe it's 8. It is 8.

20 Excuse me.

21 Then that testimony is going to be  
22 followed by the testimony of Devin Moose, who

06:18:29PM

06:19:05PM

1 in fact, the evidence and the law are clear,  
2 that that recommendation needs to be rejected.  
3 The reasons being, first of all, that it's not  
4 RICWMA's call as to whether or not the criteria  
5 had been satisfied. Their opinion is no  
6 different or better than the opinion of any  
7 other person who doesn't choose to come in and  
8 testify with testimony supported by actual  
9 facts.

10 Secondly, the resolution that they  
11 filed last week does not reference any facts.  
12 They are all simple conclusions without  
13 reference to or support by underlying facts.  
14 That's another reason to reject any such  
15 recommendation.

16 Lastly, and most importantly,  
17 however, you're going to hear evidence starting  
18 with the testimony of Phillip Kowalski, who is a  
19 planner with 35 years of experience in the area  
20 of need evaluation and plan consistency who is  
21 going to tell you that RICWMA's supposed or  
22 purported finding is substantively incorrect;

06:17:00PM

06:17:39PM

1 is, without dispute, the most experienced and  
2 qualified engineer in the State of Illinois with  
3 regard to pollution control facility siting  
4 hearings. He has done dozens of these. He has  
5 designed transfer stations, he has had them  
6 permitted and, as a result, he is going to  
7 testify about Criteria 2, 4, 5, 7, and 9.

8 With the hearing officer's leave,  
9 we'd like to have him be able to do that in one  
10 sitting because the testimony on all but  
11 Criterion 2 is, really, quite brief.

12 That's all I have by way of an  
13 opening statement. I appreciate everyone's  
14 attention.

15 I probably should introduce the  
16 Lakeshore Recycling Systems representatives who  
17 are with me hear today. To my immediate left is  
18 K.J. Loerop, who is Lakeshore's vice president  
19 of mergers and acquisitions; and to his left is  
20 Beau Harp, who is Lakeshore's vice president of  
21 environmental compliance. We think with those  
22 two individuals we have the people from the

06:19:54PM

06:20:29PM

1 applicant who are qualified to be here and  
2 observe and participate in these proceedings.  
3 To my right are the representatives from APTIM  
4 Engineering, which comprise our witnesses, and  
5 they will be introduced as the night goes on.

6 That's all I have. Thank you.

7 HEARING OFFICER WALSH: Thank you.

8 Mr. Mueller.

9 Ms. Zwick, do you have an opening

06:21:03PM 10 statement?

11 MS. ZWICK: No.

12 HEARING OFFICER WALSH: Mr. Marshall,  
13 any opening statement?

14

15 OPENING STATEMENT ON BEHALF OF GROUP O

16

17 MR. MARSHALL: Brett Marshall on behalf  
18 of Group O. I'm here with Group O's CEO Kevin  
19 Kotecki. I appreciate Mr. Mueller's opening  
20 statement. I think he hit on some important  
21 points and I'd like to focus on just a couple of  
22 them.

06:21:15PM

1 airport air park, that they are going to be the  
2 anchor tenant of this supposed new development  
3 employing 30 people and that putting a garbage  
4 facility there is going to attract all of this  
5 new development that the City of Moline and Rock  
6 Island County has been waiting for for all of  
7 these years.

8 Well, let's use our common sense.

9 Group O has been there since 1974. They employ

06:23:00PM 10 1,200 people. They have been listed by the

11 Hispanic Chamber of Commerce as one of the top

12 five Latino-owned businesses in the country. As

13 I said, they employ 1,200 people, many of them

14 in the City of Moline. If they haven't been

15 able to attract more business there since 1974,

16 I don't know what Lakeshore thinks putting a

17 garbage facility there is going to do to attract

18 more business. That's just one example of

19 claims that are made that are purported to be

06:23:30PM 20 fact that the city council can ask: Does that

21 make common sense?

22 As we go throughout this process,

1 First, on the role of the city  
2 council and their role as a juror. I think what  
3 Mr. Mueller says is exactly right, is that the  
4 city council needs to focus on the facts of this  
5 case. In doing so, one of the things jurors can  
6 do with the facts is use their common sense.  
7 When something is presented as a fact, it's not  
8 always black and white, and jurors aren't  
9 required to throw out their common sense in  
10 evaluating the evidence. And encourage the city  
11 council members as they look at the evidence, as  
12 they consider the so-called facts that are  
13 presented, whether it makes common sense of what  
14 they are being told with regard to the facts.

15 One example, so you're going to  
16 hear one of the benefits of this transfer  
17 station -- waste transfer station, and I think  
18 we can be honest about it. Waste is the kind  
19 word, right? This is a garbage facility.

20 One of the things you're going to  
21 hear is by having this garbage facility come  
22 over to the industrial center over there at the

06:21:49PM

06:22:23PM

1 as you hear the witnesses testify and the  
2 evidence that's presented, we encourage the city  
3 council to consider -- to use your common sense  
4 to ask whether or not that makes sense,  
5 practical sense, with what you will hear from  
6 Mr. Kotecki or another representative from  
7 Group O later in the hearing. And that's all I  
8 have.

9 HEARING OFFICER WALSH: Thank you,  
10 Mr. Marshall.

11 Mr. Mueller, are you ready to  
12 present your first witness?

13 MR. MUELLER: We are, Mr. Walsh. We'll  
14 call Phillip Kowalski.

15 HEARING OFFICER WALSH: Would you swear  
16 him in.

17 Please keep your voice up.

18 (Witness sworn.)

19 MR. MUELLER: Mr. Walsh, I would ask

06:24:16PM 20 leave to distribute the PowerPoints at this

21 time, so everyone has the benefit of those, and

22 also ask leave to proceed with narrative-style

1 testimony, rather than straight question and  
2 answer.

3 HEARING OFFICER WALSH: That's  
4 acceptable. Is the PowerPoint that's being  
5 submitted what you propose to be Exhibit 3?

6 MR. FALLON: There's nothing in there  
7 that's different than what was submitted.

8 MR. MUELLER: While Marty is handing  
9 those out, Mr. Walsh, I think we have identified  
10 all of the PowerPoint as Group Exhibit 3.

06:25:02PM

11 WHEREUPON:

12 PHILLIP KOWALSKI,  
13 called as a witness herein, having been first  
14 duly sworn, was examined and testified as  
15 follows:

16 DIRECT EXAMINATION

17 BY MR. MUELLER:

18 MR. KOWALSKI: Good evening, Members of  
19 the Council, Mr. Walsh, members of the public,  
20 for your participation and attention today. My  
21 name is Phillip Kowalski. I'm the senior  
22 planner with APTIM Environmental Infrastructure.

06:25:46PM

1 By education I have a bachelor's degree in  
2 physics, I have a master's in business  
3 administration, and a concentration in finance  
4 from the University of Chicago. I do have  
5 35 years of solid waste experience. I have  
6 worked for both private companies like  
7 Lakeshore, as well as units of local government  
8 on solid waste needs assessments and solid waste  
9 management plans. I have participated in needs  
10 assessments for, approximately, 40 solid waste  
11 facilities and I have worked on, approximately,  
12 50 solid waste management plans, principally in  
13 Illinois but throughout the country.

06:26:30PM

14 Today I'm going to be presenting  
15 evidence on Criterion 1, which is need; and  
16 Criterion 8, which is consistency with the solid  
17 waste plan.

18 Criterion 1, as everyone has  
19 indicated, is whether the facility is necessary  
20 to accommodate the waste needs of the area it is  
21 intended to serve.

06:27:06PM

22 To give a brief overview of my

1 presentation, I'm going to address each of these  
2 points and give a brief description of the  
3 overall facility, the proposed service area that  
4 will be served by this transfer station,  
5 quantities of waste generated in the service  
6 area, the service area solid waste facility and  
7 their capacity, I'll talk about transfer station  
8 economics and efficiencies that this facility  
9 will provide. I'll talk about competition and  
10 how this facility will enhance competition for  
11 solid waste services. I'll talk about the  
12 economic development and offer my opinion. All  
13 of these factors combined factor into my overall  
14 analysis and conclusions.

06:27:51PM

15 So I'll be brief on the facility  
16 description. This 10-acre site will be  
17 developed for a solid waste transfer station and  
18 a collection vehicle hauling yard. The transfer  
19 station will handle up to 520 tons per day of  
20 material, including 400 tons per day of solid  
21 waste, 25 tons per day of source-separated  
22 recyclables, 15 tons per day of landscape waste,

06:28:29PM

1 and 80 tons per day of hydro-excavation waste.  
2 The service area for the transfer  
3 station includes a 15-mile radius around the  
4 transfer station property, plus all of Rock  
5 Island County. So on this slide, which is Slide  
6 No. 6 to my presentation, the service area is  
7 indicated by the green line, and the location of  
8 the transfer station is shown by the green dot.

06:29:17PM

9 This service area generally  
10 encompasses the Quad Cities metropolitan area.  
11 In addition to Rock Island County, the service  
12 area includes portions of Henry County and  
13 Mercer County in Illinois and portions of  
14 Muscatine County and Scott County in Iowa.

15 MR. MUELLER: Mr. Walsh, we're  
16 wondering if it's possible to put the slides on  
17 the live stream?

18 THE VIDEOGRAPHER: Not at the same  
19 time. They can be added later but can't be  
20 simultaneously displayed.

06:30:12PM

21 MR. FALLON: Can they hear the voice  
22 over the slides if we were to show the slides?



1 THE VIDEOGRAPHER: Yes. I would have  
2 to stop the stream and restart the stream from  
3 the slide computer. It's a different -- They  
4 are two separate systems. One runs the  
5 audio-visual in the room, the other runs the  
6 live stream.

7 MR. MUELLER: We'll proceed. I presume  
8 the city council will get copies of the --  
9 hardcopies of the slides that we see on the TVs  
10 here.

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11 HEARING OFFICER WALSH: They will and  
12 we will add them to the live stream after,  
13 correct?

14 THE VIDEOGRAPHER: Yes.

15 HEARING OFFICER WALSH: It will be  
16 available for the public on the live stream  
17 after. It will just be added on.

18 MR. MUELLER: Thank you, Mr. Walsh.

19 MR. KOWALSKI: So the next part of my  
20 analysis was to compute the waste -- the amount  
21 of waste that is disposed by the service area.  
22 To do this, I looked at historic data both in

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1 the State of Illinois and the State of Iowa. In  
2 both states, landfills are required to report to  
3 state environmental agencies, either the  
4 Environmental Protection Agency or the Iowa  
5 Department of Natural Resources, how much waste  
6 each landfill accepts on an annual basis.

7 So what this graph shows is the  
8 trends over the past 25 years and the amount of  
9 waste disposed by Illinois downstate or rural  
10 counties, so everything outside of the  
11 six-county Chicago metropolitan area. That is  
12 the line shown in blue. The line shown in  
13 orange is similar amount -- similar information  
14 on the quantity of waste disposed by Iowa  
15 counties.

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16 This information has two benefits  
17 to my analysis. First, it allows long-term  
18 historical trends in waste quantities. I think  
19 you can generally see from this graph that over  
20 time quantities of waste disposed both by  
21 Illinois rural counties or downstate counties,  
22 as well as Iowa counties, have generally

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1 increased.

2 Between 1996 and about 2006, for  
3 instance, in Illinois waste quantities grew  
4 fairly rapidly. Then with the onset of the  
5 housing crisis and the ensuing great recession,  
6 it was a fairly steep drop off in quantities of  
7 waste disposed.

8 But after the end of the great  
9 recession, disposal quantities have since  
10 resumed increasing. In fact, the amount of  
11 waste disposed has, actually, been growing  
12 faster than population. What that means is on a  
13 per capita basis the amount of waste that each  
14 person disposes on a daily basis has been going  
15 up.

06:33:24PM

16 Really, it's the economic factors  
17 that are even more important than what's  
18 happening with population in other demographic  
19 areas. Even if you have a situation where  
20 population is flat or even declining because of  
21 those economic factors, you can still see  
22 increases, which is what we do see, in the

06:34:00PM

1 amount of waste disposed of.

2 After evaluating this historical  
3 data, the service area disposed of 358,000 tons  
4 of waste in the year 2021. And over the 50-year  
5 term of the lease for this transfer station  
6 facility, the service area will dispose of  
7 23,784,000 tons of waste. So the amount of  
8 waste disposed represents the demand side of the  
9 equation.

10 I also looked at the location of  
11 solid waste facilities and their capacities.  
12 This represents the existing supply, if you  
13 will, of capacity to meet the demands of the  
14 service area. I think it's important to note at  
15 the outset that transfer stations such as this  
16 proposed facility do not provide final disposal  
17 capacity by the landfill. They are an  
18 intermediate facility. Their purpose is to  
19 permit more efficient and effective transport of  
20 waste to a disposal facility, such as a  
21 landfill.

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22 Within Rock Island County there are

1 two existing landfills, the Upper Rock Island  
 2 County Landfill in the City of East Moline and  
 3 then the Millennium Quad Cities Landfill.  
 4 Historically, back in the '80s and the '90s,  
 5 Rock Island County, actually, had three  
 6 landfills. So the development of this transfer  
 7 station is, actually, a return to where things  
 8 used to be where there were three solid waste  
 9 facilities serving Rock Island County.

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10 The two landfills in Rock Island  
 11 County on a combined basis have, approximately,  
 12 23 years of capacity. That may sound like a lot  
 13 initially but it's important to note that the  
 14 capacity is not equally distributed between the  
 15 two landfills. In fact, Upper Rock Island  
 16 Landfill has only about 11 years of capacity.  
 17 That's not a lot of capacity, given the fact  
 18 that it takes, on average, about nine years in  
 19 the State of Illinois to develop new or  
 20 replacement landfill capacity.

06:36:53PM

21 It's nine years if you're  
 22 successful in getting the approval, as

1 Mr. Mueller said, for local siting approval and  
 2 a permit. So Upper Rock, relative to the time  
 3 to develop new landfill capacity, is starting to  
 4 run short on capacity. So without this proposed  
 5 transfer station, Rock Island County could find  
 6 itself down to one solid waste facility and  
 7 landfill.

06:37:56PM

8 This next slide looks beyond the  
 9 service area and looks at regional waste loads  
 10 and capacity. So the little map of Illinois --  
 11 I'm on Slide 9 now in my presentation. The map  
 12 shows different regions designated by the  
 13 Illinois Environmental Protection Agency. The  
 14 Chicago metropolitan area shown in orange, IEPA  
 15 Region 2; Northwest Illinois shown in blue, IEPA  
 16 Region 1; in green is IEPA Region 3, that  
 17 includes Rock Island County; and then, finally,  
 18 in yellow is IEPA Region 4.

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19 What this graph shows is that over  
 20 time the amount of waste disposed in the Chicago  
 21 metropolitan area has increased dramatically and  
 22 that waste is increasingly being shipped to IEPA

1 Regions 1, 3, and 4.

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2 What's important to note -- and I'm  
 3 going to come back to this point -- is that the  
 4 solid waste plan for Rock Island County allows  
 5 for waste to be imported into the county and, in  
 6 fact, this happens. The three service area  
 7 landfills, so the two in Rock Island County,  
 8 plus the landfill in Scott County, Iowa,  
 9 actually imported 449,000 tons of waste from  
 10 outside the service area in 2021, which is more  
 11 than the 358,000 tons that the service area  
 12 disposes of. So the three existing facilities  
 13 are, actually, importing more waste from outside  
 14 the service area than this facility's  
 15 five-service area is.

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16 To continue with the regional  
 17 analysis -- And this is also included in my  
 18 report in the application. As I indicated on  
 19 the prior slide, the Chicago metropolitan area  
 20 exports all of its waste outside the Chicago  
 21 metropolitan area, or majority of it. So what  
 22 this map shows, and it's included in the

1 application, is all of the landfills that are  
 2 used to manage waste from the Chicago  
 3 metropolitan area. As you can see, there's a  
 4 lot more landfills in this regional analysis.  
 5 There are facilities in Wisconsin, facilities in  
 6 Indiana, facilities in Michigan, as well as  
 7 Illinois that handle the waste from the  
 8 Chicagoland metropolitan area. On a combined  
 9 basis, even though this is a much larger number  
 10 of landfills, there's only 12 years remaining  
 11 capacity in this entire regional set of  
 12 landfills. Moreover, they handle  
 13 19,554,000 tons of waste, which is more than 24  
 14 times the amount of waste handled by the three  
 15 service areas. This is an important  
 16 consideration.

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17 I have looked at local capacity.  
 18 Upper Rock Island County Landfill was running  
 19 out of capacity. It has about 11 years. The  
 20 entire regional -- This entire regional  
 21 multistate group of landfills, only 12 years of  
 22 capacity. So there's a large volume of waste

1 generally originating in the Chicago  
 2 metropolitan area that's being spread out into  
 3 other regions.  
 4 HEARING OFFICER WALSH: Excuse me for  
 5 interrupting. I don't want to tell you how to  
 6 do your testimony but the court reporter is  
 7 having difficulty hearing you because your back  
 8 is faced to her. Is it possible for you to  
 9 stand closer to her?  
 10 MR. KOWALSKI: I'll try it here. Maybe  
 11 this will work better.  
 12 So as a solid waste planner, I have  
 13 worked with local governments for 35 years on  
 14 solid waste planning issues. I would say that  
 15 it's proof of solid waste planning whereas if  
 16 you look at local and regional factors, the  
 17 Upper Rock Island County Landfill has 11 years  
 18 of capacity, regional landfills have 12 years of  
 19 capacity, and this proposed transfer station,  
 20 while not providing final disposal capacity,  
 21 will provide cost effective and convenient  
 22 access to landfills.

06:43:14PM

1 Mr. Mueller indicated a resolution  
 2 that was passed by RICWMA. I want to spend two  
 3 slides talking about that now.  
 4 RICWMA convened a meeting on  
 5 April 26th of 2023. It was an advisory meeting  
 6 to consider this application. There was not  
 7 testimony given during that presentation;  
 8 however, the City of East Moline, the day  
 9 before, submitted a letter to RICWMA. Although  
 10 it was not its intent, I think this letter,  
 11 actually, supports the need for the Moline  
 12 Transfer Station.  
 13 MS. ZWICK: Is this letter part of the  
 14 record? Do we have a copy of the letter?  
 15 HEARING OFFICER WALSH: Yes. The  
 16 letter was submitted to the city clerk's office.  
 17 I sent it off to all of the parties.  
 18 MS. ZWICK: This letter here from East  
 19 Moline?  
 20 MR. KOWALSKI: I have copies to  
 21 distribute, Mr. Walsh.  
 22 MS. ZWICK: I do have the RICWMA one.

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06:44:41PM

1 HEARING OFFICER WALSH: Can you  
 2 circulate the letter you're referring to here to  
 3 the parties, please?  
 4 MR. KOWALSKI: Yes.  
 5 HEARING OFFICER WALSH: Thank you.  
 6 MR. KOWALSKI: I might add, Mr. Walsh,  
 7 the letter is part of the PowerPoint  
 8 presentations, which were filed last week.  
 9 HEARING OFFICER WALSH: Thank you.  
 10 MR. KOWALSKI: When RICWMA got their  
 11 advisory recommendation saying that the transfer  
 12 station is not consistent with the county plan,  
 13 they based that recommendation on there being  
 14 sufficient capacity.  
 15 In my professional opinion, based  
 16 on my previous testimony on local and regional  
 17 capacity, I believe there is a need for  
 18 additional capacity and a transfer station.  
 19 The City of East Moline's letter,  
 20 in pertinent part, states, However, when  
 21 considering the expansion capacity at the Upper  
 22 Rock Island County Landfill and the adjacent

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1 dormant landfill owned by the City of East  
 2 Moline, numerous disposal capacity expands to  
 3 85 years or the year 2108.  
 4 So there's three things I want to  
 5 mention about this RICWMA. First, Upper Rock  
 6 Island County Landfill and the City of Moline  
 7 are contemplating an expansion of that landfill.  
 8 Second, the siting application for that  
 9 expansion is not even being -- has not even been  
 10 filed and, therefore, that capacity cannot be  
 11 counted because it hasn't even been sited yet.  
 12 It's speculative. Third, both East Moline and  
 13 the landfill contemplating an expansion means  
 14 that there is a need -- they perceive a need, as  
 15 well as I do, for additional capacity to serve  
 16 the service area; otherwise, they wouldn't be  
 17 expanding the landfill.  
 18 I will submit to you that the facts  
 19 that I'm presenting to you today are not going  
 20 to change if Upper Rock Island County Landfill  
 21 files for an expansion. The demographics are  
 22 not going to change, the number of existing

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06:48:31PM

1 solid waste facilities is not going to change,  
2 the amount of waste generated by the service  
3 area is not going to change. So all the facts  
4 that I am presenting to you today are going to  
5 be the same facts that the Upper Rock Island  
6 County Landfill, if they actually file a siting  
7 application, are going to cite to prove their  
8 case because they have to prove a need for their  
9 landfill expansion.

06:49:12PM

10 You can't have it both ways. You  
11 can't say there isn't a need for the transfer  
12 station and then come back on the same factual  
13 information and say there is need for an  
14 expansion.

15 So RICWMA adopted a resolution on  
16 April 26th stating that the proposed Moline  
17 Transfer Station is not consistent with the Rock  
18 Island County Solid Waste Plan. They sited  
19 their rationale, and I'll state it verbatim:

06:49:53PM

20 Therefore, be it resolved by this board of the  
21 Rock Island County Solid Waste Management Agency  
22 that the proposed transfer station is not

1 consistent with the plan's requirement of a need  
2 for Rock Island County due to sufficient  
3 existing landfill capacity.

4 So here, again, the City of East  
5 Moline and the Upper Rock Island County Landfill  
6 are contemplating an expansion of that facility.

7 So you can't say that there's plenty of existing  
8 landfill capacity at the same time that you're  
9 proposing to expand. I think that both the

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10 Upper Rock Island County Landfill and the City  
11 of East Moline do believe there is a need for  
12 additional capacity.

13 Furthermore, as I indicated, I  
14 think RICWMA's resolution is inconsistent with  
15 my testimony and the analysis that I had  
16 presented in the application. And as  
17 Mr. Mueller indicated, the RICWMA resolution is  
18 only advisory and only a recommendation. The  
19 City of Moline has siting jurisdiction and makes  
20 a determination on need.

06:51:19PM

21 I'm going to move from waste  
22 quantities and capacity issues to efficiencies

1 now, and benefits of the transfer station.  
2 First, I will start by saying that both the  
3 United States Environmental Protection Agency  
4 and the American Academy of Environmental  
5 Engineers have identified numerous benefits to  
6 transfer stations. They provide -- They reduce  
7 the cost of transporting waste to a final  
8 disposal facility. They reduce wear and tear on  
9 collection vehicles. The reason they reduce  
10 wear and tear on collection vehicles is  
11 collection vehicles hit a transfer station, tip  
12 on a paved, concrete surface and don't have to  
13 travel over gravel haul roads such as exist at  
14 landfills.

06:52:19PM

15 There are other benefits. It  
16 allows collection vehicles to spend more time  
17 collecting waste from residents and businesses  
18 and less time transporting that waste to a  
19 tipping point. They provide greater flexibility  
20 for communities to select final disposal sites.

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21 Recycling opportunities can be  
22 incorporated into the transfer station design.

1 For this proposed facility it will be a  
2 citizen's convenience center for residents to  
3 drop off their recyclables. It's my  
4 understanding that the recycling drop-off  
5 facilities are very valued by this community.  
6 So a large number of efficiency and  
7 environmental benefits to transfer stations.

8 To quantify some of these  
9 efficiencies, I included an analysis in my  
10 report in the siting application and quantified  
11 three principal benefits that this transfer  
12 station will provide.

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13 Local haul savings. So, on  
14 average, the transfer station will reduce the  
15 distance that waste has to be transported from  
16 communities as compared to the two existing  
17 landfills. There's also going to be savings in  
18 vehicle processing time. Transfer stations  
19 allow vehicles to come in and out and empty  
20 their loads quicker than they can at a landfill.

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21 Finally, the transfer station will  
22 provide access to lower cost disposal. Those

1 cost savings have to be balanced against the  
 2 cost to construct and operate the transfer  
 3 station. What this table shows, which is  
 4 included in the application -- this is Slide 14  
 5 of my presentation -- is the net savings that  
 6 the transfer station will provide to Lakeshore  
 7 and other similarly situated private owners.  
 8 Those savings will range from \$16.74 per ton to  
 9 \$17.60 per ton. Those savings will vary,  
 10 depending upon the customer. This transfer  
 11 station will provide an important cost savings  
 12 to haulers such as Lakeshore.

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13 There are other efficiencies.  
 14 Because collection vehicles spend more time  
 15 collecting waste from residences and businesses  
 16 and less time transporting waste to more distant  
 17 landfill facilities, it, actually, means  
 18 haulers, like Lakeshore, can run a smaller  
 19 collection fleet to collect the same amount of  
 20 waste.

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21 As part of this application and the  
 22 hauling proposed at this site, Lakeshore intends

1 to develop a fleet of only 15 trucks. Without  
 2 the transfer station, they would need 18  
 3 trucks -- 20 percent more trucks -- to collect  
 4 the same amount of waste. What's the benefit of  
 5 this? It means fewer trucks are passing down  
 6 local streets, past houses, or past businesses.

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7 As I mentioned at the outset, back  
 8 in the '80s and '90s, Rock Island County had  
 9 three landfills. They are now down to two and  
 10 could be down to one in as little as 11 years.

11 So one of the benefits of the  
 12 transfer station will be to provide a third  
 13 facility for handling waste, which is going to  
 14 enhance competition. One way of measuring  
 15 market concentration for the amount of  
 16 competition in the market is through an equation  
 17 called the Herfindahl-Hirschman Index or HHI,  
 18 for short. This is the method that the U.S.  
 19 Department of Justice uses to evaluate mergers  
 20 and acquisitions. Lower values of the HHI  
 21 indicate there is more competition. So adding  
 22 the Moline Transfer Station will reduce the HHI

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1 for the service area by 656 points and will  
 2 reduce the HHI for Rock Island County by 1,309.  
 3 Again, lower values in the index indicate more  
 4 competition.

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5 So the Moline Transfer Station,  
 6 because these reductions in the HHI are large,  
 7 will represent a significant improvement in the  
 8 overall market.

9 By the way, I have been focusing on  
 10 the transfer station because that is what the  
 11 need criteria applies to, but Lakeshore will  
 12 also be developing a hauling yard at this  
 13 facility. So, really, there will be two  
 14 enhancements to competition in the service area  
 15 for transfer and the disposal services and then  
 16 for collection services.

06:59:22PM

17 The next slide indicates why  
 18 competition is a good thing. Every year the  
 19 Environmental Research and Education Foundation  
 20 develops a nationwide survey of landfill tipping  
 21 waste. What this graph shows is tipping fees  
 22 for different regions of the country. What I'm

1 focused on here today is the tipping fee trends  
 2 in the Midwest region.

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3 According to this most recent  
 4 survey, landfill tipping fees in the Midwest  
 5 have increased by 7.7 percent annually from 2016  
 6 to 2022. During the same period, even with the  
 7 recent state of inflation, overall the CPI,  
 8 consumer price index, and overall inflation has  
 9 increased by 3 percent. Landfill tipping fees,  
 10 as documented in the survey, have been growing  
 11 at more than twice the rate of normal inflation.

12 Last thing I want to talk to you  
 13 about is economic development. Included in the  
 14 application is a host agreement, a contractual  
 15 agreement between the applicant and the City of  
 16 Moline. Pursuant to this host agreement,  
 17 Lakeshore will pay \$2.54 per ton to the City of  
 18 Moline for each ton of waste processed through  
 19 the transfer station and each ton of  
 20 hydro-excavation waste processed through that  
 21 component of the facility. At capacity, this  
 22 will provide new revenue to the city of \$349,000

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1 per year.  
 2 By the way, that host fee will  
 3 escalate based on the change in CPI on an annual  
 4 basis 2 to 3 percent per year. The escalation  
 5 of that host fee will actually provide inflation  
 6 protection to the City of Moline as it pertains  
 7 to that source of revenue.

8 The facility will also pay \$0.15  
 9 per ton to the Airport Authority, amounting to  
 10 \$21,000 per year, although that will not  
 11 escalate. Over 50 years, host fees could amount  
 12 to over \$18 million to the City of Moline in  
 13 non-inflation adjusted terms. At 3 percent  
 14 escalation, the host fees could amount to over  
 15 \$40 million in revenue over the 50-year-lease  
 16 term with the city.

17 I want to mention that the \$349,000  
 18 in annual host fee payments to the City of  
 19 Moline would pay the cost the city currently  
 20 incurs to dispose of your trash. And, in fact,  
 21 not only would it cover the full cost of your  
 22 trash disposal, about half that amount would be

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1 be high-paying jobs. I think that's a benefit  
 2 to the community.

3 So based on my 35 years of  
 4 experience, the analysis that I included in my  
 5 report and the application and my testimony  
 6 today, it is my opinion that the facility is  
 7 necessary to accommodate the waste needs of the  
 8 area it is intended to serve. Again, the basis  
 9 of my opinion is that the service area disposes  
 10 of large quantities of waste. Disposal  
 11 quantities have been increasing at a faster rate  
 12 than population. The transfer station will  
 13 ensure the city, county, and entire service area  
 14 have access to additional landfills to manage  
 15 their waste in the future.

16 The transfer station will provide  
 17 solid waste collection efficiencies that can  
 18 reduce the number of collection vehicles  
 19 traveling on local streets. This proposed  
 20 transfer station will enhance competition for  
 21 solid waste transfer and disposal services, and  
 22 a hauling yard will enhance competition for

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1 left for the city to put towards recycling  
 2 programs or other general public purposes.

3 In addition to host fees, as I  
 4 mentioned before, a recycling drop off will be  
 5 included at the transfer station. It's my  
 6 understanding that the solid waste agency used  
 7 to have multiple drop-off sites and in many, if  
 8 not all, those were cut due to funding issues,  
 9 so this facility will actually bring back a  
 10 recycling drop-off facility for residents.

11 Lakeshore will also make the site  
 12 available for one-day collection events should  
 13 the city want to host a household hazardous  
 14 waste collection event or a collection event for  
 15 electronic waste.

16 They will be a tenant for the  
 17 business park. I will concede that Group O  
 18 employs more people than this transfer station,  
 19 but I will note that the transfer station and  
 20 hauling yard will provide 31 new jobs and  
 21 through local purchases and recirculation, wages  
 22 will support an additional 33 jobs. These will

07:03:33PM

07:04:08PM

1 solid waste collection services.

2 The facility will generate  
 3 significant host fee revenue for the City of  
 4 Moline, a new source of revenue, it will have  
 5 recycling drop-off opportunities for residents,  
 6 and can serve as a site to host special one-day  
 7 collection events. And it will support economic  
 8 development activity in the city, including jobs  
 9 and providing a tenant in the industrial park.

10 MR. MUELLER: Mr. Walsh, we can move  
 11 right into the witness' testimony on Criterion 8  
 12 or stop here for cross-examination on this  
 13 criterion? Whatever your pleasure is, sir.

14 HEARING OFFICER WALSH: Let's address  
 15 each criterion singly. Are you finished with  
 16 the questioning of this witness?

17 MR. MUELLER: We are.

18 HEARING OFFICER WALSH: Ms. Zwick, do  
 19 you have any questions for this witness on  
 20 Criterion 1?

21 MS. ZWICK: We have no questions.

22 HEARING OFFICER WALSH: Mr. Marshall,

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1 do you have any questions on Criterion 1 for  
 2 this witness?  
 3 MR. MARSHALL: We do. I would ask we  
 4 have a brief recess, so I could have a chance to  
 5 confer.  
 6 HEARING OFFICER WALSH: We'll recess  
 7 for five minutes. Is that enough?  
 8 MR. MARSHALL: Perfect.  
 9 HEARING OFFICER WALSH: We'll reconvene  
 10 at 7:10.  
 11 (A short break was had.)  
 12 HEARING OFFICER WALSH: Back on the  
 13 record.  
 14 Mr. Marshall.  
 15 CROSS-EXAMINATION  
 16 BY MR. MARSHALL:  
 17 Q. Mr. Kowalski, how are you?  
 18 A. Good.  
 19 Q. Just a few questions for you.  
 20 Obviously, you're paid for your services for  
 21 doing this by Lakeshore; is that right?  
 22 A. Yes.

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07:13:33PM

1 A. Once.  
 2 Q. One time?  
 3 A. Yes.  
 4 Q. So in all of the 35 years that you  
 5 have been doing this, only once have you ever  
 6 found that the criteria were not satisfied by  
 7 the applicant?  
 8 A. Yes.  
 9 Q. I want to talk a little bit about your  
 10 data. So when you talk about the trash or the  
 11 waste that is produced within the service area,  
 12 I think you said that you used historical data  
 13 for the State of Illinois and the State of Iowa;  
 14 is that right?  
 15 A. Yes.  
 16 Q. Why wouldn't you use the actual data  
 17 from the service area to calculate what those --  
 18 A. Because there's no current information  
 19 available from the service area.  
 20 Q. There's no information available from  
 21 the service area?  
 22 A. In terms of disposal quantities, that

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1 Q. How many times have you represented  
 2 Lakeshore in a siting application?  
 3 A. This is the first.  
 4 Q. The first time. And you represent  
 5 both private individuals and public entities in  
 6 siting applications; for example, in this  
 7 instance, you might represent Lakeshore but in  
 8 another instance you may represent the city, for  
 9 example?  
 10 A. That is correct.  
 11 Q. About what percentage do you think  
 12 your representation is the entity that's filing  
 13 the application versus, for example, the siting  
 14 for it?  
 15 A. I would say 80 percent on behalf of  
 16 the applicant.  
 17 Q. On behalf of the applicant. What  
 18 percentage -- I don't recall how many siting  
 19 applications that you said you've participated  
 20 in. But what percentage of those siting  
 21 applications would you say that you have found  
 22 that the criteria have not been met?

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1 is correct.  
 2 Q. How does somebody, for example -- Like  
 3 RICWMA, how do they plan for the future in terms  
 4 of what their capacity is going to be if they  
 5 don't have any data to support what the  
 6 production is?  
 7 A. They should hire me.  
 8 Q. Where do you get the data? You said  
 9 it's not available.  
 10 A. No. RICWMA does not update their  
 11 information on generation rate or service rates.  
 12 We're kind of getting -- I was  
 13 going to address this a little bit in my next  
 14 criterion. Rock Island County, along with six  
 15 other counties, developed an initial solid waste  
 16 management plan in 1991. They got a grant from  
 17 the state to do that. In that initial 1991  
 18 report, there was development of waste  
 19 generation rates and waste disposal rates. In  
 20 this particular jurisdiction, even though the  
 21 plan gets updated every five years --  
 22 THE COURT REPORTER: I'm sorry. You

07:16:21PM

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1 have to speak up. I'm really struggling.  
 2 BY THE WITNESS:  
 3 A. (Continuing.) -- it has made a  
 4 research effort to update those quantities,  
 5 which is why I did the analysis that I did. The  
 6 benefits of my analysis, which I consider  
 7 superior, is that it draws on 25 years worth of  
 8 data. It's accurate data because the landfills  
 9 are 14 tons. Landfills aren't actually taxed in  
 10 both states, so that reporting of tonnage data  
 11 actually tends to be accurate. So I think that  
 12 is -- And I think that dataset has been accepted  
 13 by siting jurisdictions for the past 20 years,  
 14 so I think it's a standard valid way of  
 15 estimating disposal rates for this particular  
 16 service area or other jurisdictions.  
 17 Q. I appreciate that explanation. But  
 18 the bottom line is you have no idea how much the  
 19 service area generates?  
 20 A. No, that's incorrect.  
 21 Q. Well, we just -- You just testified  
 22 that the data that you receive are estimates

07:17:54PM

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1 from statewide data for both Illinois and Iowa?  
 2 A. Yes.  
 3 Q. Not from the service area. So you're  
 4 speculating as to the amount of waste that the  
 5 service area produces; isn't that right?  
 6 A. No, I'm not speculating.  
 7 Q. Well, you don't have the data?  
 8 A. The data is on a statewide basis. In  
 9 my professional opinion, it's accurate data.  
 10 It's used for solid waste planning purposes.  
 11 It's used for siting applications like this.  
 12 That 25 years of data is one of the most  
 13 extensive databases of historical disposal  
 14 information anywhere.  
 15 Q. You would agree with me that if we had  
 16 accurate data from the service area, that that  
 17 would be more beneficial?  
 18 A. This is accurate data and it applies  
 19 to the service area.  
 20 Q. You talked about historically the  
 21 number of landfills within Rock Island County.  
 22 Can you tell me why three is better

07:19:03PM

07:19:31PM

1 than two?  
 2 A. It promotes more competition. Again,  
 3 we're getting -- I was going to address this in  
 4 the plan consistency component, but the plan for  
 5 Rock Island County calls for a laissez-faire  
 6 system of solid waste facility development. And  
 7 it encourages the private sector to bring forth  
 8 applications, such as for this transfer station,  
 9 to provide service within Rock Island County and  
 10 the service area.  
 11 Q. I take it, then, that you would  
 12 believe that landfills -- more landfills are  
 13 better than fewer landfills; is that your  
 14 position?  
 15 A. As a general standpoint, I would say  
 16 more landfills promotes more competition, it  
 17 helps cities like Moline keep the costs of the  
 18 disposal down. So I would say, to that extent,  
 19 more landfills is beneficial. It's not the only  
 20 factor that I considered in coming to my  
 21 conclusion on need, which brings in all of the  
 22 other factors, which I will provide in my

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1 testimony.  
 2 Q. You also discussed RICWMA and their  
 3 proposal when you referred to it as their  
 4 proposal. Are you aware that they actually  
 5 passed those resolutions in a formal board  
 6 meeting?  
 7 A. The resolution was passed at a  
 8 meeting. It's advisory. I was at that meeting.  
 9 There was no discussion of the merits of this  
 10 application at all. In fact, I was the first to  
 11 get up and speak and ask if anyone had any  
 12 questions from members of the agency. There  
 13 were no questions.  
 14 Q. Mr. Kowalski, I have here the minutes  
 15 of the meeting of the Rock Island County Waste  
 16 Management Agency from Wednesday, April 26th,  
 17 2023. Is that the date that they held their  
 18 board meeting regarding this?  
 19 A. It sounds, approximately, correct. I  
 20 know it was at the end of April. I thought it  
 21 was the 26th; but if it says 23rd, that may be.  
 22 Q. It is the 26th, 2023.

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1 MR. MARSHALL: And these were obtained  
2 through RICWMA's website, Mr. Walsh. I would  
3 move to mark this as Group O Exhibit 4 and enter  
4 it into evidence.

5 HEARING OFFICER WALSH: This would be  
6 Group O's Exhibit 1?

7 MR. MARSHALL: No. This is a separate  
8 exhibit as rebuttal evidence.

9 HEARING OFFICER WALSH: Do you have  
10 copies?

11 MR. MARSHALL: I do.

12 MR. MUELLER: Mr. Hearing Officer,  
13 Mr. Marshall said this was rebuttal evidence.

14 It's clearly not rebuttal, but it is so closely  
15 related to what they previously provided, that  
16 we're going to not object.

17 (Group O Exhibit No. 4 marked  
18 for identification.)

19 BY MR. MARSHALL:

20 Q. So, Mr. Kowalski, is it your testimony  
21 that nobody spoke at this hearing or offered any  
22 evidence? Is that your testimony?

07:23:51PM

07:24:23PM

1 concluded that there was no problem with  
2 capacity.

3 Mr. Remmes of Waste Connections  
4 indicated there are three existing landfills in  
5 the Quad Cities metropolitan market, that it's a  
6 small market compared to Chicago, and that  
7 there's no need for a transfer station.

8 Mr. Pivot from Republic Services  
9 reiterated that the landfill life of the Upper  
10 Rock Island County Landfill is 11 years but

11 there is up to 85 years of life with an  
12 expansion within property --

13 MR. MUELLER: Is this a question or  
14 testimony?

15 BY MR. MARSHALL:

16 Q. You indicated -- You indicated that  
17 they weren't to take into account the 85 years  
18 of additional property development.

19 What is -- What rule says that they  
20 can't take that into consideration to determine  
21 what their capacity is?

22 A. First of all, the resolution says

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1 A. No. My testimony was that there  
2 wasn't extensive discussion of the facts  
3 contained in the application.

4 Q. Okay. As I look here at the minutes,  
5 it indicates that Mr. Maxeiner -- I'm not sure  
6 if that's how you pronounce it -- East Moline  
7 City Distributor distributed a letter to the  
8 board, touched on its content. He noted RICWMA

9 was formed to take a regional approach to waste  
10 management in Rock Island County, while the

11 former chair of RICWMA was representing the City  
12 of Moline during the most recent plan update  
13 completed in the summer of 2022. There was no

14 mention of a need for a transfer station during  
15 the update process. He also noted that the life  
16 expectancy for the Upper Rock Island County

17 Landfill is reported to be 11 years -- reported  
18 by the applicant to be 11 years, but that the  
19 capacity was up to 85 years. I think you said

20 that in your testimony. You pointed to that as  
21 well. But also that the Millennium Landfill has  
22 36 years of life; and, based on that, he

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1 "existing capacity," not expansion capacity, so  
2 that is the matter at hand. That is what the  
3 resolution passed by the agency that you  
4 referenced says, "existing capacity."

5 Can we bring that slide up, Marty?  
6 It's the second bullet point on

7 Slide 12 of my presentation. Therefore, be it  
8 resolved by this board of the Rock Island County  
9 Solid Waste Management Agency that the proposed  
10 transfer station is not consistent with the  
11 plan's requirement of the need for Rock Island  
12 County due to sufficient existing landfill  
13 capacity.

14 Q. And their existing landfill capacity  
15 that they specified in their minutes they deem  
16 to be 11 years, plus 85 years. That's what they  
17 refer to as the existing landfill capacity?

18 A. No. Well, that's not existing  
19 capacity.

20 Q. According to who?

21 A. According to me. I'll let Mr. Mueller  
22 opine on the case law; but they have not sited

07:27:18PM

07:27:44PM

1 that capacity, it's not permitted, they haven't  
2 even filed a siting application. It's  
3 speculative.

4 Q. Mr. Kowalski, who do you think the  
5 people should trust more --

6 MR. MUELLER: I'm going to object.  
7 That's argumentative.

8 HEARING OFFICER WALSH: That's  
9 sustained.

07:28:08PM 10 BY MR. MARSHALL:

11 Q. Mr. Kowalski, do you think that  
12 RICWMA, as a public body, has an interest in  
13 making sure that their residents are adequately  
14 taken care of with regard to waste management?

15 MR. MUELLER: Calls for him to  
16 speculate.

17 HEARING OFFICER WALSH: Can you answer  
18 the question?

19 BY THE WITNESS:

07:28:35PM 20 A. Their responsibility is to develop the  
21 solid waste management plan to provide for the  
22 residents and businesses of Rock Island County.

1 Q. So their job is to optimize their  
2 waste management plan for the benefit of the  
3 citizens of Rock Island County?

4 A. I'm not sure what "optimize" means.  
5 What the plan says, and we're getting ahead of  
6 ourselves a little bit -- and, hopefully, I can  
7 clarify some of this for you when I talk about  
8 Criterion 8 -- is for decades this county has  
9 said it's a laissez-faire system and anyone can  
10 propose a solid waste facility in this county.

07:29:14PM 11 That's what this applicant is doing and we're  
12 talking about Criterion 1 is need.

13 The fact that either East Moline or  
14 Upper Rock Island County Landfill want to expand  
15 that landfill plainly indicates they agree  
16 there's a need for additional capacity.

17 Q. Mr. Kowalski, maybe I missed it.  
18 Where did they say that they planned the  
19 expansion?

07:29:53PM 20 A. Can we bring up the -- So we can agree  
21 on one thing, meaning you, me, and Upper Rock  
22 Island County Landfill, that they have 11 years

1 of existing capacity sited and permitted. The  
2 85 years would be an expansion, which they don't  
3 have siting approval for or permitting for.

4 They haven't even filed a siting application.  
5 There are no parameters that I can even evaluate  
6 whether they will have 85 years.

7 But let's take it at face value.

8 Clearly, East Moline and Upper Rock, if I take  
9 this at face value, would want to bring in 85

07:30:43PM 10 years of additional landfill capacity in this  
11 county. That supports the need for the Moline  
12 Transfer Station.

13 Q. Doesn't the fact that they haven't  
14 done it yet indicate they don't see a need for  
15 it?

16 A. No.

17 Q. Well, if they saw a need for an  
18 expansion, why wouldn't they do it?

19 A. I think they are running out of time

07:31:09PM 20 because it takes nine years to do this. What  
21 the particular reasons are for not having the  
22 siting application as of this date, I can't

1 speak to that. Clearly, they would like to  
2 expand the landfill, potentially, by 85 years.

3 Q. You talked a little bit about  
4 importing waste. And according to your numbers,  
5 I think you said a little more than 50 percent  
6 of the waste that's disposed of at the  
7 landfills -- the two landfills in Rock Island  
8 County was imported. Was that -- Did I hear  
9 it --

07:31:52PM 10 A. I wouldn't characterize it as a little  
11 more than 50 percent. It's greater than  
12 50 percent.

13 Q. Greater than 50 percent is imported?

14 A. Yes.

15 Q. Doesn't that indicate that there's  
16 excess capacity?

17 A. No.

18 Q. Well, if there was plenty of -- If  
19 there wasn't enough capacity to cover the needs  
20 of the service area, why would they import more

07:32:14PM 21 than 50 percent from other places if they  
22 were -- if they were strapped for capacity?

1 **A.** A couple of reasons. One, they  
 2 operate as a business. Landfills usually serve  
 3 more than one county. I think the Quad Cities  
 4 serves 20 counties. That's the nature of  
 5 landfill developments.  
 6 The fact that they serve multiple  
 7 counties is just a matter of them wanting to  
 8 operate their business and provide their service  
 9 to as many people as possible. So, again, going  
 10 back to my analysis, the Chicago metro area has  
 11 only 12 years of capacity. So irrespective of  
 12 which facility imports from out of county or  
 13 which does not, overall, it's 12 years of  
 14 capacity.  
 15 It's not dissimilar from Upper Rock  
 16 having 11 years of capacity. So whether we look  
 17 at Upper Rock, in particular for regional  
 18 landfills, we're coming up around 11 or 12 years  
 19 of capacity.  
 20 **Q.** So, Mr. Kowalski, couldn't RICWMA  
 21 prohibit importation as part of its -- couldn't  
 22 it amend its master plan to bring in

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1 BY MR. MARSHALL:  
 2 **Q.** I would like him to answer the  
 3 question. So if they did change it, would that  
 4 increase the existing capacity?  
 5 **A.** No. The existing capacity is fixed by  
 6 the design of those two landfills.  
 7 **Q.** Okay. So how would adding a transfer  
 8 station exist -- increase landfill capacity?  
 9 **A.** I testified that transfer stations do  
 10 not provide final disposal capacity. So adding  
 11 a transfer station will enhance competition but  
 12 the waste processed through the waste transfer  
 13 station will go to a landfill.  
 14 **Q.** Just to be clear, there's no  
 15 additional capacity with the transfer station?  
 16 **A.** The transfer station provides access  
 17 to a greater range of landfill facilities and,  
 18 therefore, a greater amount of landfill  
 19 capacity.  
 20 **Q.** You mentioned, as part of your needs  
 21 analysis, this idea of economic development, for  
 22 example, a host agreement. Is it your opinion

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1 importation?  
 2 **MR. MUELLER:** Object. That calls for a  
 3 legal conclusion.  
 4 **HEARING OFFICER WALSH:** Sustained.  
 5 BY MR. MARSHALL:  
 6 **Q.** If RICWMA amended their master plan to  
 7 restrict importation, wouldn't that increase the  
 8 capacity of -- the existing capacity of the  
 9 landfills?  
 10 **MR. MUELLER:** Objection; assumes a fact  
 11 not in evidence.  
 12 **HEARING OFFICER WALSH:** I'm going to  
 13 let him answer that one.  
 14 BY THE WITNESS:  
 15 **A.** As my presentation on Criterion 8 is  
 16 going to show, the plan for Rock Island County,  
 17 for decades now, specifically allows for  
 18 importation of waste.  
 19 **Q.** But they could change that?  
 20 **A.** I think --  
 21 **MR. MUELLER:** Calls for speculation.  
 22 **HEARING OFFICER WALSH:** Sustained.

07:34:14PM

07:34:40PM

1 that a benefit, in terms of a monetary payment  
 2 to the City of Moline and to the Airport  
 3 Authority, constitutes a need?  
 4 **A.** Yes. In the following sense: Because  
 5 those host fee revenues can be used to deprave  
 6 the cost of the city's managing their waste. It  
 7 can -- Host fees are very important for  
 8 promoting recycling programs. A lot of  
 9 government jurisdictions rely on host fees to  
 10 support their recycling programs. So on that  
 11 basis, yes, I think the host fees do contribute  
 12 to the need for this facility.  
 13 **Q.** They can use that money for whatever  
 14 they wanted to, right? They wouldn't have to  
 15 use it to pay for their waste disposal or to set  
 16 up recycling things. They could use it for  
 17 building a new park if they wanted to, couldn't  
 18 they?  
 19 **A.** Yes.  
 20 **Q.** Any commitment from the City of Moline  
 21 and the Airport Authority that they are going to  
 22 actually use that money for purpose -- for the

07:36:23PM

07:36:49PM

1 waste disposal and management purposes that you  
2 have indicated?

3 A. No. It's at their discretion on how  
4 they use that revenue.

5 Q. So the citizens of the City of Moline  
6 have no guarantee the city is actually going to  
7 use those funds to make waste management within  
8 the city better?

07:37:22PM

9 A. I think it would -- Recycling is  
10 expensive. I think one of the -- Look, I agree,  
11 the city can use it for whatever general  
12 government purposes they want. Lots of  
13 jurisdictions, in my experience, use host fee  
14 revenue to support their recycling programs; in  
15 other words, management programs.

16 Q. But, again, they don't have to?

17 A. Correct.

18 Q. Can you tell us how much an individual  
19 citizen in the City of Moline will save on their

07:37:49PM

20 waste disposal expenses as a result of this  
21 transfer station if it goes in?

22 A. Can we go back to the cost slide?

1 So it could be 16 or \$17 per year.

2 Q. 16 or \$17 per year?

3 A. Yes.

4 Q. A little over a dollar a month. How  
5 do you arrive at that calculation?

6 A. Residential households typically  
7 dispose of about one ton per year of waste.

8 Q. So this is -- That number is, again,  
9 based on your estimates?

07:38:52PM

10 A. It's based on 25 years of actual  
11 tonnage data for landfills in rural areas in  
12 Illinois, as well as the city.

13 Q. I understand you're confident in your  
14 data, but it's an estimate.

15 A. It's the most accurate estimate that  
16 exists in the State of Illinois.

17 Q. Fair enough. You talked about -- a  
18 little bit about cost savings and comparative

07:40:01PM

19 process claims. And in your report -- This  
20 wasn't in your slides, but this was in the  
21 application that was submitted.

22 In your report, you indicate that

1 in order to evaluate comparative process times  
2 at landfills and transfer stations, you observed  
3 or Lakeshore personnel observed a field study of  
4 vehicle processing times at two landfills,  
5 Countryside Landfill and Zion Landfill in Lake  
6 County, Illinois. Then you compared that versus  
7 Lakeshore's data providing two months of scale  
8 records for its California Avenue Transfer  
9 Station in the City of Chicago.

07:40:41PM

10 Based on that comparison, you were  
11 able to determine that there was a processing  
12 time savings; is that accurate?

13 A. Yes.

14 HEARING OFFICER WALSH: Mr. Marshall,  
15 what part of the report are you --

16 MR. MARSHALL: This is on Page 1.0-15.

17 HEARING OFFICER WALSH: Thank you.

18 BY MR. MARSHALL:

19 Q. The California Avenue Transfer

07:41:01PM

20 Station, which you compared to the landfill  
21 processing times, is that a fully-enclosed  
22 facility?

1 A. I don't know. I know that it operates  
2 at substantially higher throughput than this  
3 proposed facility will operate in.

4 Q. Well, that would be important to know,  
5 right, if it was a fully-enclosed facility, if

6 you're using it to compare to what the  
7 transfer -- comparative processing times would

8 be? Wouldn't it be important to know if it was  
9 a closed facility or -- fully-enclosed facility

07:41:43PM

10 or not?

11 A. I think the overall operation would be  
12 similar where trucks back into a tipping bay and  
13 empty their loads out.

14 Q. Well, in a fully-enclosed facility, at  
15 least what's been presented in your report here,

16 is that the doors have to open first, the trucks  
17 have to drive in, the doors have to close, and

18 then the garbage can be unloaded. And then,  
19 once the garbage is unloaded and the trucks are

07:42:12PM

20 sprayed down, so there's no leakage or garbage  
21 litter attached to them, they have to wait for  
22 the doors to open back up again, and for the

1 trucks to exit. That's for a fully-enclosed  
 2 facility because it's next to an airport.  
 3 If the California Avenue Transfer  
 4 Station isn't a fully-enclosed facility, trucks  
 5 go in, the door is always open, they dump their  
 6 stuff on the ground and they leave. It would be  
 7 a substantially quicker processing time at a  
 8 non-fully-enclosed facility than it would be in  
 9 a fully-enclosed facility, wouldn't it?

07:42:47PM

10 A. The difference would be the time it  
 11 takes for the doors to open and then close,  
 12 which is going to be on the order of seconds  
 13 compared to an overall process time for that  
 14 vehicle on the order of ten minutes. I grant  
 15 you it would be marginally higher to use a  
 16 fully-enclosed facility where the doors are  
 17 closed during the tipping operation, but it's  
 18 not going to dramatically change the ten-minute  
 19 processing number.

07:43:18PM

20 Q. So, on this facility, I think the site  
 21 plan -- I just think it's important for  
 22 everybody to be clear on exactly how this thing

1 functions.  
 2 So this is, I think, in the  
 3 appendix to your application. It doesn't have a  
 4 page number on it. It looks like this is in  
 5 Section 6.

6 MR. MARSHALL: I'm sorry, Mr. Walsh.  
 7 There's no page number on here.

8 HEARING OFFICER WALSH: Is it part of  
 9 the appendix or is it part of Section 6?

07:44:14PM

10 MR. MARSHALL: It's in Section 6. It's  
 11 the site plan in Section 6.

12 HEARING OFFICER WALSH: What's the  
 13 closest page to it?

14 MR. MARSHALL: KLOA Page 28 is the  
 15 closest page to it. Then if you go -- one, two,  
 16 three, four, five, six -- seven pages after  
 17 that.

18 HEARING OFFICER WALSH: Is this --  
 19 What's the figure number?

07:45:26PM

20 MR. MARSHALL: D5.

21 MR. MUELLER: Mr. Walsh, this is in the  
 22 traffic report. It's not in Mr. Kowalski's

1 report.

2 MR. MARSHALL: Correct.

3 HEARING OFFICER WALSH: Okay.

4 MR. MARSHALL: Got it.

5 BY MR. MARSHALL:

6 Q. Mr Kowalski, if you don't know, it's  
 7 fine.

8 This site plan indicates that there  
 9 will be, it looks like, three waste collection  
 10 vehicles processed simultaneously.

07:46:01PM

11 Is that your -- Do you know how the  
 12 process is going to work at this facility?

13 I guess I'll ask you this question.

14 Maybe we don't have to get into this.

15 A. From a general standpoint, yes.

16 Q. Okay. So how big are those overhead  
 17 doors that are going to be opening and closing  
 18 automatically?

19 A. You mean the height of the doors?

07:46:21PM

20 Q. Yes. Do you know?

21 A. I don't know specifically.

22 Q. Okay. Again, assuming, as we have

1 already talked about, that this is a  
 2 fully-enclosed facility, which means trucks have  
 3 to be all the way in, doors have to be down  
 4 before they are unloaded, et cetera, that the  
 5 processing -- the waste collection vehicles  
 6 would have to come down, all three of them would  
 7 have to line up at the same time, all three  
 8 doors would open, all three of them would drive  
 9 in at the same time, the doors would close, they  
 10 would be unloaded and sprayed off, the doors  
 11 would open, they would all back out, and then  
 12 the next three would come in, right?

07:46:57PM

13 A. No.

14 Q. No?

15 A. No.

16 Q. But a fully-enclosed facility means  
 17 that the doors are closed when the trucks are  
 18 unloaded, so you can't have --

19 A. The transfer station can handle one  
 20 truck at a time.

07:47:19PM

21 Q. Oh, granted it could be one. Would  
 22 that further increase any of the processing

1 times or decrease the processing times if they  
2 only allowed one truck in there at a time?  
3 A. I think the differential is the time  
4 for the door to go up and the door to come down.

5 MR. MUELLER: Mr. Walsh, we're going to  
6 present a witness that will answer these  
7 questions in detail and it might be the more  
8 appropriate person to take cross on this.

9 HEARING OFFICER WALSH: This feels --  
10 The line of questioning right now deals with the  
11 operation, which is not in the needs analysis.

12 MR. MARSHALL: Mr. Walsh, I believe it  
13 is because he has testified that there is a cost  
14 saving in processing times.

15 HEARING OFFICER WALSH: He said the  
16 difference is minimal is what I heard. Let's  
17 move on from this line of questioning, please.

18 BY MR. MARSHALL:

19 Q. So you focused a lot on your testimony  
20 on the competition part of the analysis -- as  
21 part of the needs analysis. Is the idea here  
22 that -- that you come in or Lakeshore comes in,

07:47:49PM

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1 disposal -- transfer and disposal side.  
2 Q. I assume landfills, just like any  
3 other business, have costs, overhead costs and  
4 things they have to pay for, right, that's why  
5 they charge for their services, so they can pay  
6 those things?

7 A. Yes, I'm sure landfills have overhead,  
8 among other costs. Yes.

9 Q. Isn't it possible that one of the  
10 results -- you say this may increase  
11 competition. Isn't it possible that one of the  
12 results of bringing a transfer station in is  
13 that one of the competing landfills won't be  
14 able to lower its prices sufficient to cover its  
15 costs and it might cause it to go out of  
16 business?

17 MR. MUELLER: That calls for  
18 speculation.

19 BY THE WITNESS:

20 A. That's not my testimony.

21 HEARING OFFICER WALSH: What was your  
22 answer?

07:50:14PM

07:50:35PM

1 they build this transfer station and that allows  
2 them to accept waste within the service area and  
3 then to transport it to landfills outside of the  
4 service area, the idea being that then that will  
5 force the other landfills to lower their gate  
6 and tipping fees in order to compete? Is that  
7 the idea of competition?

8 A. I think as a -- I think that is one  
9 element of competition, yes.

10 Q. What are -- Aside from forcing the  
11 competitors to -- to lower their gate and  
12 tipping fees, what are some other areas of  
13 competition you're trying to take advantage of  
14 here?

15 A. This particular facility, although it  
16 doesn't come into the need criterion, is also  
17 going to be close to a collection vehicle yard,  
18 15 trucks. So these are the trucks that would  
19 pass by homes or businesses to collect the  
20 waste. So this overall facility will also  
21 enhance competition for the collection aspect of  
22 solid waste management, as well as the

07:49:08PM

07:49:38PM

1 THE WITNESS: That is not my testimony.  
2 BY MR. MARSHALL:

3 Q. I didn't ask if that was your  
4 testimony. I asked you a question.

5 MR. MUELLER: My objection is it asked  
6 for him to speculate.

7 HEARING OFFICER WALSH: No facts in the  
8 records indicate there's a basis for it or a  
9 foundation for the question.

10 The objection is sustained.

11 BY MR. MARSHALL:

12 Q. Is it possible that as a result of  
13 bringing a transfer station in -- let me --  
14 Strike and rephrase.

15 If a transfer station comes in,  
16 most likely, that will reduce the volume of  
17 waste to process at the other landfills; would  
18 that be fair to say?

19 A. I would say it's possible. It is not  
20 a certainty. The answer to your question is  
21 that the three landfills -- Let me get the  
22 number so I can be accurate. It's one of the

07:50:55PM

07:51:33PM

1 benefits of looking at 25 years of data for all  
2 of the landfills in Iowa and Illinois, that you  
3 can really look at trends. So the --

4 HEARING OFFICER WALSH: Are you looking  
5 at something in the application? Or what are  
6 you referring to?

7 THE WITNESS: No. I am looking at my  
8 notes. But the source information is contained  
9 in the application.

07:52:48PM 10 HEARING OFFICER WALSH: I see.

11 BY MR. MARSHALL:

12 Q. Is there a page we can refer to?

13 A. Yes. So the page I am referring to is  
14 in Appendix G.3, and it's identified as Table  
15 G.3-1 Regional Landfill Data.

16 Q. Okay.

17 A. So if you look at the first portion of  
18 that table, which is titled "Landfills Located  
19 in Service Area," and you go over to the right,

07:55:29PM 20 you will see that in 2021, the three landfills  
21 disposed of 807,000 tons of waste. You're on  
22 the wrong table.

1 Q. I'm on the wrong table. Which table,  
2 G.1.1?

3 A. No. I'm sorry. G.3-1.

4 Q. Okay. Gotcha.

5 A. So the first top half of that table  
6 entitled "Landfills Located in the Service  
7 Area," if you go to the right, you will see  
8 throughput for the year 2021, and the total tons  
9 accepted after three landfills in a service area  
10 is just over 807,000 tons. Okay.

07:57:01PM 11 That amount can vary from year to  
12 year. It can vary by as much as 100 or 200,000  
13 tons per year. Throughput of trash at the  
14 Moline Transfer Station will be something on the  
15 order of 110,000 tons per year. So that falls  
16 within the range of natural variation in any  
17 given year from the throughput of the three  
18 existing landfills. Going back to your  
19 question -- Why do the landfills import? That  
07:57:41PM 20 means they are bringing in substantial  
21 quantities of waste, more than half of their  
22 throughput, from outside the service area.

1 So you are correct, this facility  
2 will compete with the three landfills for trash  
3 generated in the service area. Is that going to  
4 dramatically impact the operation of those  
5 landfills? I don't think so, because they are  
6 importing so much from outside the service area  
7 to begin with.

8 MR. MARSHALL: I don't think I have  
9 anything else, Mr. Walsh.

07:58:29PM 10 HEARING OFFICER WALSH: Mr. Silverman,  
11 anything?

12 MR. SILVERMAN: Yes.

13 CROSS-EXAMINATION

14 BY MR. SILVERMAN:

15 Q. Mr. Kowalski, can you contextualize  
16 the HHI's numbers you cited on Slide 16? In  
17 other words, is the proposed waste transfer  
18 facility service area HHI indicative of a highly  
19 concentrated waste management and disposal  
20 system, or can it be characterized some other  
21 way?

07:58:50PM 22 A. Under current conditions, absent the

1 transfer station, it will be moderately  
2 concentrated. I think under the guidelines  
3 established by the Department of Justice, it  
4 would still be considered a moderately  
5 concentrated market, only less so.

6 Q. Thank you. When assessing need, what  
7 is the appropriate consideration of business  
8 environment, specifically maintaining monopoly  
9 versus introducing competition?

07:59:33PM 10 A. From my perspective, competition is a  
11 factor that supports the need for the facility.

12 Q. Then along those lines, consideration  
13 of secondary purposes and benefits of the  
14 facility, for instance, electronic waste  
15 recycling, public recycling drop-off facilities,  
16 how should that factor into the consideration  
17 for need?

18 A. I think those are capabilities that  
19 this facility will provide. I know historically  
08:00:14PM 20 the solid waste management agency sponsored  
21 drop-off facilities for recycling and due to  
22 funding challenges for not needing to support

1 those operations anymore.  
 2 So this particular facility will  
 3 provide a drop-off location for recycling. I  
 4 think the residents of the county, for sure,  
 5 value that type of service. To the extent that  
 6 RICWMA, the county, or the City of Moline wanted  
 7 to sponsor a one-day collection event for  
 8 household hazardous waste or collection of  
 9 electronics, the applicant will make this site  
 10 available for that purpose. Again, those are  
 11 programs that residents tend to highly value.  
 12 Q. Thank you. One more question.  
 13 How much weight should the city  
 14 give to the anticipated economic development  
 15 benefits of the project in its needs assessment?  
 16 A. Well, that would matter to me but I  
 17 suppose that's in the city council's discretion.  
 18 That is not the only factor I considered, but it  
 19 is an important factor. Managing waste, I know  
 20 the city operates through their public works  
 21 department a collection fleet. Those trucks are  
 22 expensive. The transfer station will reduce

08:00:58PM

08:01:32PM

1 redirect?  
 2 MR. MUELLER: Just a couple.  
 3 REDIRECT EXAMINATION  
 4 BY MR. MUELLER:  
 5 Q. Mr. Kowalski, if you could put up the  
 6 waste quantities slide again. That one.  
 7 You were asked a number of  
 8 questions about possibly not knowing how much  
 9 waste was generated and disposed of in the  
 10 service area, correct?  
 11 A. Yeah. I think I have accurately  
 12 characterized how much is generated and disposed  
 13 of in the service area.  
 14 Q. I want to follow up on that a little  
 15 bit. The per capita disposal rates for Iowa and  
 16 Illinois are well-known numbers, correct?  
 17 A. I don't know how well-known they are.  
 18 That's the point of my research, is to develop  
 19 those numbers.  
 20 Q. They are numbers that people in the  
 21 industry use and rely on to make mere business  
 22 decisions; isn't that true?

08:03:08PM

08:03:48PM

1 wear and tear on those trucks. The host fee  
 2 revenues earned by this can help defray disposal  
 3 costs and recycling costs.  
 4 MR. SILVERMAN: Thank you very much.  
 5 Mr. Walsh, I have one more question, but I'm not  
 6 sure Mr. Kowalski is the right person to address  
 7 it. I think it should go to staff. And I think  
 8 it should go to the city administrator, Bob  
 9 Vitas. Is that appropriate?  
 10 HEARING OFFICER WALSH: That's fine.  
 11 MR. SILVERMAN: The question is this:  
 12 Does revenue of any kind, Bob, regardless of the  
 13 source, have the practical effect of decreasing  
 14 costs to residents more generally; in other  
 15 words, if you're increasing revenues from  
 16 multiple sources, you can thereby lower costs in  
 17 indices to the residents that might otherwise be  
 18 covered in direct taxation of them through  
 19 property tax or sales tax?  
 20 MR. VITAS: I would agree with that,  
 21 yes.  
 22 HEARING OFFICER WALSH: Mr. Mueller,

08:02:05PM

08:02:31PM

1 A. I'm sure that's true.  
 2 Q. Okay. The population in the service  
 3 area is also known, correct?  
 4 A. Yes.  
 5 Q. So figuring out the disposal in the  
 6 service area is not much more -- I don't mean to  
 7 denigrate the difficulty of what you do, but  
 8 it's, in this case, not much more complicated  
 9 than multiplying population by known per capita  
 10 disposal rates, right?  
 11 A. I go the other way. I derive the per  
 12 capita disposal rates and then multiply by  
 13 population.  
 14 Q. Okay. Now --  
 15 A. Just to get these numbers in the  
 16 record. So, for instance, for 2021, the per  
 17 capita disposal rate for the Illinois side of  
 18 our service area was 6.8 pounds per person per  
 19 day.  
 20 On the Iowa side, it's a little  
 21 less, it's 5.3 pounds per person per day. The  
 22 State of Illinois, through the Environmental

08:04:27PM

08:04:52PM



1 Protection Agency, four or five years ago did a  
2 statewide study of waste quantities, and they  
3 came up with a statewide disposal rate of about  
4 7 pounds, which is close to what I came up with.

5 So this is a valid accepted way to  
6 calculate disposal rates and disposal  
7 quantities. Not just for me, but for -- for  
8 regulatory agencies and other studies that have  
9 been performed.

08:05:31PM

10 Q. Now, you were at the RICWMA meeting on  
11 April 26th, correct?

12 A. Yes.

13 Q. Counsel was kind enough to give you a  
14 copy of the minutes from that meeting?

15 A. He was not so kind.

16 Q. He was not that kind?

17 A. I don't have a copy of the minutes.

18 Q. All right. Well, he was kind enough  
19 to give me a copy, and that makes him a good guy

08:06:00PM

20 in my book.

21 In any event --

22 MR. MUELLER: I should ask you,

1 Counsel, is this Exhibit 2?

2 MR. MARSHALL: It's Exhibit 4.

3 MR. MUELLER: It's Exhibit 4?

4 MR. MARSHALL: Yes.

5 MR. MUELLER: Okay. That helps me.

6 BY MR. MUELLER:

7 Q. Now, Mr. Kowalski, when you were  
8 there, there were two representatives from other  
9 waste companies that, apparently, addressed the  
10 audience, correct, or the -- I should say the  
11 board?

08:06:24PM

12 A. Correct.

13 Q. One of them was a representative of  
14 Waste Connections?

15 A. Correct.

16 Q. Waste Connections is a significant  
17 competitor of Lakeshore, isn't it?

18 A. Yes.

19 Q. And the other representative was from  
20 Republic Services?

08:06:45PM

21 A. Yes.

22 Q. And they are also a significant

1 competitor of Lakeshore; isn't that correct?

2 A. Yes.

3 Q. In fact, Waste Connections and  
4 Republic are the second and third largest waste  
5 companies in the United States, aren't they?

6 A. Correct. Not in the order you gave,  
7 though.

8 Q. All right. But, between them, they  
9 are second and third?

08:07:13PM

10 A. Yes.

11 Q. And Lakeshore is considerably smaller?

12 A. Yes.

13 Q. All right. Now, both of those  
14 individuals opined that there was no need for  
15 this transfer station; isn't that right?

16 A. Yes.

17 Q. Does it surprise you that a  
18 competitor -- that two competitors of Lakeshore  
19 would appear and opine that there's no need for

08:07:49PM

20 this?

21 A. Does it surprise me?

22 Q. Yes.

1 A. No. I think they are trying to  
2 protect their current interests in market  
3 positions in the service area.

4 MR. MUELLER: Thank you, Mr. Kowalski.  
5 That's all I have.

6 HEARING OFFICER WALSH: A housekeeping  
7 matter. This is Exhibit 5, the rebuttal  
8 document. The first one is the application, 2  
9 is the affidavits and notice of hearing, 3 is  
10 the PowerPoint, 4 is the CV to the experts, and  
11 this is No. 5.

08:08:16PM

12 Ms. Zwick, do you have anything for  
13 this witness?

14 MR. MUELLER: Mr. Walsh, are you  
15 numbering all of the exhibits sequentially,  
16 regardless of who submits them?

17 HEARING OFFICER WALSH: I was.

18 MR. MUELLER: Okay. Then this is  
19 Exhibit 5.

08:08:41PM

20 MR. MARSHALL: We have to change that.

21 MR. MUELLER: I don't have any other  
22 questions for Phil.

1 MS. ZWICK: City staff has no  
 2 questions.  
 3 HEARING OFFICER WALSH: Mr. Marshall?  
 4 MR. MARSHALL: Just one more follow-up.  
 5 RECROSS-EXAMINATION  
 6 BY MR. MARSHALL:  
 7 Q. You said you weren't surprised that  
 8 some of your competitors showed up and objected  
 9 to the transfer station, and you speculate  
 10 that's because they are trying to protect their  
 11 service area.  
 12 What do you think RICWMA's  
 13 motivation is in saying that there's no need for  
 14 a transfer station?  
 15 MR. MUELLER: Calls for him to guess as  
 16 to the mindset of another entity.  
 17 MR. MARSHALL: Mr. Walsh, he speculated  
 18 what the motive is behind the competitors'  
 19 motives showing up there. I think he can  
 20 speculate what RICWMA's motives were in  
 21 rejecting the need for a transfer station.  
 22 HEARING OFFICER WALSH: Agreed.

08:09:03PM

08:09:27PM

1 Landfill. As I said before, you're not going to  
 2 change demographics, you're not going to change  
 3 waste quantities, you're not going to change  
 4 where landfills are located. So they are going  
 5 to -- When they come forward at some point, if  
 6 they come forward, they are going to point to  
 7 the same factors that I have pointed to and say,  
 8 oh, there's a need for our landfill.  
 9 I don't think there's any  
 10 disagreement from at least one city, meaning the  
 11 City of East Moline, that there's a need for  
 12 additional disposal.  
 13 Q. Mr. Kowalski, couldn't it be that they  
 14 said it's not needed because they just disagree  
 15 with you?  
 16 A. They can disagree with me.  
 17 MR. MARSHALL: Fair. That's all I  
 18 have.  
 19 HEARING OFFICER WALSH: Mr. Silverman?  
 20 MR. SILVERMAN: No.  
 21 MR. MUELLER: Nothing else.  
 22 HEARING OFFICER WALSH: Okay. Thank

08:11:03PM

08:11:32PM

1 You can answer the question.  
 2 BY THE WITNESS:  
 3 A. I think they were misinformed and  
 4 didn't give due consideration to the  
 5 application. I was at that meeting. I asked if  
 6 anyone had questions on the analysis contained  
 7 therein. There were none.  
 8 I would suspect that the  
 9 application wasn't read, unlike the city council  
 10 here would do. That's not speculation because  
 11 the representative from Rock Island County said,  
 12 well, we all know this -- Rock Island County is  
 13 losing population. So I know he didn't read my  
 14 application because I addressed this in my  
 15 testimony and, specifically, included in my  
 16 application that disposal rates have been  
 17 increased, notwithstanding decreases in  
 18 population.  
 19 What I think is most telling is  
 20 that the City of East Moline, who voted against  
 21 the need for this facility, apparently would  
 22 like to expand the Upper Rock Island County

08:09:54PM

08:10:27PM

1 you.  
 2 Are you prepared to go with  
 3 Criterion 8?  
 4 MR. MUELLER: I'm checking to see if  
 5 the court reporter needs a break.  
 6 HEARING OFFICER WALSH: She's okay.  
 7 MR. MUELLER: Criterion 8 will be  
 8 quick.  
 9 REDIRECT EXAMINATION  
 10 BY MR. MUELLER:  
 11 Q. Mr. Kowalski, if you can get your  
 12 Criterion 8 PowerPoints up, and proceed with  
 13 that portion of your presentation.  
 14 HEARING OFFICER WALSH: Before we do  
 15 that, do any of the parties need a break?  
 16 (All no.)  
 17 Okay. Thank you.  
 18 MR. KOWALSKI: This one will go faster.  
 19 So Criterion 8 is if the facility were to be  
 20 located in a county where the county board has  
 21 adopted a solid waste management plan consistent  
 22 with the planning requirements of the Local

08:11:55PM

08:12:19PM

1 Solid Waste Disposal Act or the Solid Waste  
 2 Planning and Recycling Act. The facility is  
 3 consistent with that plan.  
 4 I'm going to go through real quick  
 5 just a summary of the process that was used to  
 6 develop the plan, then I'm going to summarize  
 7 the specific relevant components of the plan and  
 8 how this application is consistent with the  
 9 plan, and then offer my opinion.

08:13:01PM

10 So the Solid Waste Planning and  
 11 Recycling Act requires every county in the State  
 12 of Illinois to adopt a 20-year plan for managing  
 13 its waste and to update the plan on a five-year  
 14 basis.

08:13:39PM

15 As I indicated, inially Rock Island  
 16 County first adopted the plan in February 1991.  
 17 Rock Island County was working with six other  
 18 counties. Collectively the seven counties were  
 19 the Bi-State Regional Commission. Pursuant to  
 20 that initial plan in 1991, the county -- Rock  
 21 Island County and 11 municipalities within Rock  
 22 Island County formed the Rock Island County

1 prepared for 1996, which this slide refers to as  
 2 the 1996 plan update, that RICWMA discussed the  
 3 potential siting of a transfer station in Rock  
 4 Island County.

08:16:06PM

5 That 1996 plan update established  
 6 four basic policies as it pertains to disposal  
 7 of waste, which I'm going to get to momentarily.  
 8 Insofar as the 1996 plan update contemplated  
 9 development of transfer stations, the Moline  
 10 Transfer Station is consistent, also, with the  
 11 recommendation -- the disposal recommendations  
 12 contained in the 1996 plan update.

08:16:45PM

13 So the first recommendation in the  
 14 1996 plan update states, It is recommended the  
 15 disposal system in Rock Island County remain a  
 16 laissez-faire system, any interested party shall  
 17 have the opportunity to apply for siting of a  
 18 regional pollution control facility. Within  
 19 Rock Island County there's always been a  
 20 reliance on the private sector to develop needed  
 21 solid waste handling infrastructure.  
 22 Since the Moline Transfer Station

1 Solid Waste Management Agency or RICWMA. And  
 2 RICWMA was charged with preparing the five-year  
 3 updates to the initial 1991 plan and prepared  
 4 updates in 1996, 2001, 2006, 2011, 2017 and,  
 5 most recently, in 2022.

08:14:38PM

6 I guess now is an appropriate time  
 7 to mention that the five-year plan updates  
 8 generally didn't change any policy  
 9 recommendations over that entire 25-year period.

08:15:16PM

10 So the 1991 plan, the first plan,  
 11 included a needs assessment and an evaluation of  
 12 different processes or technologies to manage  
 13 waste, so there was a source-reduction  
 14 component, a recycling component, landscape  
 15 waste composting, mixed municipal waste  
 16 processing, mixed municipal waste composting,  
 17 transfer stations incineration.

18 Subsequent to 1991, which was  
 19 developed as a regional effort to each of the  
 20 seven counties, after that point, have kind of  
 21 pursued planning and implementation on an  
 22 individual basis. So as the five-year update

1 will be developed by Lakeshore Recycling  
 2 Systems, a private company, this proposed  
 3 transfer station is consistent with the policy  
 4 guidance for a laissez-faire system.

08:17:35PM

5 Okay. Back to need for a little  
 6 bit. The second policy option in the 1996 plan  
 7 update reads as follows: "All applicants  
 8 requesting new or expanded regional pollution  
 9 control facilities, as defined in Chapter 415  
 10 Section 5/39 of the Illinois Revised Statutes  
 11 must prove that the facility is necessary to  
 12 accommodate the solid waste needs of Rock Island  
 13 County. Accommodation of the solid waste needs  
 14 of any other area is not precluded, but a  
 15 facility must demonstrate service to the solid  
 16 waste needs of Rock Island County."

08:18:04PM

17 So as I indicated in my earlier  
 18 testimony, the service area for the Moline  
 19 Transfer Station includes all of Rock Island  
 20 County, plus some portions of four other  
 21 counties within a 15-mile radius of the transfer  
 22 station. As I testified during my Criterion 1

1 presentation and is supported by my analysis  
 2 included in the application, a transfer station  
 3 is necessary to meet the needs of both the  
 4 service area and Rock Island County as a central  
 5 portion of that service area. So we are  
 6 consistent or the transfer station is consistent  
 7 with this policy recommendation of the plan.  
 8 Okay. I will attempt to summarize  
 9 this. The third policy recommendation is  
 10 titled, "The Role of RICWMA in the Siting of  
 11 Region Pollution Control Facilities in Rock  
 12 Island County." This provision in the plan  
 13 requires applicants for a regional pollution  
 14 control facility to submit copies of the  
 15 application to the member communities of RICWMA,  
 16 in addition to the local siting jurisdiction, in  
 17 this case, the City of Moline. The applicant  
 18 did this.  
 19 This provision also says the RICWMA  
 20 board will meet to consider a recommendation  
 21 concerning consistency with the plan no later  
 22 than 30 days before the scheduled siting hearing

08:19:55PM

08:19:27PM

1 by the appropriate siting body. So this goes  
 2 back to the resolution from RICWMA saying that  
 3 there wasn't a need for this facility that we  
 4 discussed extensively during the meeting.  
 5 I will point out that under  
 6 Illinois law, it's the siting jurisdiction that  
 7 determines whether a criteria has been passed.  
 8 So it is the City of Moline that, ultimately,  
 9 renders judgment about whether there is a need  
 10 for this transfer station and whether it is  
 11 consistent with the solid waste management plan.  
 12 I'll only add on to that response  
 13 that RICWMA's resolution is advisory and a  
 14 recommendation to the City of Moline only. They  
 15 never said that they were determining need on  
 16 behalf of the City of Moline. That is the City  
 17 of Moline's responsibility.  
 18 This third provision also said  
 19 that -- I will paraphrase here -- when financial  
 20 arrangements, meaning host agreements or host  
 21 fees, are discussed for pollution control  
 22 facilities, RICWMA should be included as a party

08:20:11PM

08:21:02PM

1 in the discussion of such financial  
 2 arrangements.  
 3 So a meeting was held on July 20th,  
 4 2022, between the applicant and representatives  
 5 of the City of Moline. And the purpose of this  
 6 meeting was to discuss the host agreement and  
 7 payment of host fees. The chairman of RICWMA  
 8 was in attendance at that meeting and the  
 9 subject of sharing host fee revenues between the  
 10 city and RICWMA was discussed at that meeting.  
 11 This is all reflected in the host agreement,  
 12 which is included as an appendix in the  
 13 application, executed by the applicant and the  
 14 City of Moline, which provides that the  
 15 applicant has assigned the right to the city, if  
 16 the city chooses, to negotiate any revenue  
 17 sharing agreement with RICWMA. So we have met  
 18 this provision -- The transfer station has met  
 19 this provision of the plan.  
 20 The fourth policy recommendation  
 21 concerns receipt of out-of-county waste and  
 22 out-of-state waste at regional pollution control

08:21:43PM

08:22:24PM

1 facilities in Rock Island County. This  
 2 provision states -- and this is from the plan --  
 3 Currently, the receipt of out-of-county waste  
 4 and out-of-state waste adequately complements  
 5 the solid waste management situation in Rock  
 6 Island County; therefore, no prohibition on the  
 7 receipt of out-of-county and out-of-state waste  
 8 at regional pollution control facilities is  
 9 recommended.  
 10 This came up in cross-examination  
 11 on need about whether RICWMA could implement a  
 12 restriction on out-of-county or out-of-state  
 13 waste. In my view, that would be a dramatic  
 14 shift from decades of solid waste planning and  
 15 policies in this county. So we will accept some  
 16 amount of waste from outside Rock Island County.  
 17 As I indicated in my earlier testimony, our  
 18 service area includes portions of Mercer County  
 19 and Henry County in Illinois and Muscatine and  
 20 Scott County in Iowa.  
 21 Finally, based on the foregoing, as  
 22 well as my report contained in Section 8 in the

08:23:02PM

08:23:50PM

1 application, it is my professional opinion,  
2 based on 35 years of experience, including  
3 helping jurisdictions to develop solid waste  
4 management plans, that the proposed Moline  
5 Transfer Station is consistent with the solid  
6 waste management plan adopted, first, by Rock  
7 Island County and as subsequently updated by  
8 RICWMA.

9 MR. MUELLER: No further questions.

08:24:35PM 10 HEARING OFFICER WALSH: Ms. Zwick, do  
11 you have any questions for this witness on  
12 Criterion 8?

13 MS. ZWICK: No questions.

14 HEARING OFFICER WALSH: Mr. Marshall,  
15 do you have any questions of this witness on  
16 Criterion 8?

17 MR. MARSHALL: I do.

18 RE-CROSS-EXAMINATION

19 BY MR. MARSHALL:

08:24:48PM 20 Q. Mr. Kowalski, I just want to  
21 understand your interpretation of the waste  
22 management plan -- RICWMA's waste management

1 plan. Is it your position and testimony that  
2 the plan recommends pursuit of a transfer  
3 station while siting a transfer station in the  
4 service area?

5 A. It's certainly contemplated as a  
6 possibility and it's a -- using the county's --  
7 or the plan's words, this is a laissez-faire  
8 system. So this county, for decades now, has  
9 relied on private sector companies to propose  
10 disposal and/or transfer infrastructure.

08:25:29PM 11 Q. But there's nothing in the plan,  
12 whether in the initial plan that's adopted or  
13 the 1996 update or even the 2022 update, that  
14 suggests or one of the recommendations is that  
15 they pursue the siting of a transfer station;  
16 that's not in the plan, is it?

17 A. I don't think that's specifically in.  
18 But neither do I think the county would have put  
19 such wording into their plan. It's a  
08:26:02PM 20 laissez-faire system. They are relying on the  
21 private sector to propose the infrastructure  
22 that an applicant believes is necessary to serve

1 the county and, more generally, the service  
2 area.

3 Q. As a member of RICWMA, would it be  
4 fair to say that all of the counties that are  
5 participants of RICWMA or members of RICWMA,  
6 that they believe that the recommendation from  
7 RICWMA should be entitled to some weight in  
8 determining whether or not an application is  
9 consistent with the plan?

08:26:43PM 10 A. I'm not -- It's an advisory role that  
11 they have, so they submit a recommendation.

12 Q. Well, it may be advisory, but doesn't  
13 the plan from the beginning all the way through  
14 the 2022 update -- isn't one of the  
15 recommendations that or requirements is that if  
16 there's a siting application for a waste control  
17 facility, that that has to be submitted to  
18 RICWMA for determination of whether it complies  
19 with the waste management plan? That's a  
20 requirement, isn't it?

08:27:16PM 21 A. It's a requirement that the  
22 application be submitted to the member

1 communities of RICWMA.

2 Q. To determine whether it's consistent  
3 with the waste management plan?

4 A. I don't believe that's technically  
5 correct but I would have --  
6 Could we bring up that slide,  
7 Marty?

8 Q. So what I'm referring to is that first  
9 paragraph, which says, RICWMA shall review each  
10 siting application for consistency with the  
08:27:54PM 11 Regional Bi-State Solid Waste Management Plan.  
12 So as a member -- All of these counties that are  
13 members of RICWMA --

14 A. Cities.

15 Q. Excuse me.

16 (Continuing.) -- cities that are  
17 members of RICWMA, they voted to adopt this  
18 requirement, which indicates to me, and I think  
19 it would indicate to you, that they believed  
08:28:17PM 20 that RICWMA, as an organization, should be  
21 entitled to some weight at least -- what weight  
22 we want to give to that is up to the city

1 council, but should be entitled to some weight  
2 in determining whether it's consistent with the  
3 waste management plan; wouldn't you agree?

4 A. They have an advisory role. They  
5 actually have -- According to this provision,  
6 they submit a recommendation to the siting  
7 authority. So I -- Yes, that is correct.

8 Q. And your position is that the reason  
9 that they voted or passed a resolution that it's  
10 inconsistent with the waste management plan is  
11 because they didn't read your report; and if  
12 they just read your report, they would change  
13 their mind. Is that your testimony?

14 A. I think it's certainly information  
15 that they should have considered, yes.

16 Q. How do you know they didn't consider  
17 it?

18 A. I gave you an example. A  
19 representative from Rock Island County noted  
20 during his comments during the April 26th  
21 meeting that -- I'm paraphrasing his words -- we  
22 all know this county loses population and,

08:29:58PM

08:29:20PM

1 located in the City of East Moline is expressly  
2 contrary to their vote that there is not a need  
3 for this transfer station. It's -- It's so at  
4 odds with the vote saying that there's not a  
5 need for this transfer station when they wanted  
6 to expand their own landfill. Yeah, I don't  
7 think it's a reasonable decision or any  
8 reasonable decision underlying the RICWMA's  
9 vote. That's my opinion.

10 MR. MARSHALL: I don't have anything  
11 further, Mr. Walsh.

12 HEARING OFFICER WALSH: Mr. Silverman,  
13 anything?

14 MR. SILVERMAN: No.

15 HEARING OFFICER WALSH: Any redirect,  
16 Mr. Mueller?

17 MR. MUELLER: Nothing. Thank you.

18 HEARING OFFICER WALSH: Okay. Thank  
19 you. It's now 8:30. Are you prepared to go  
20 into the next criteria?

21 MR. MUELLER: I am.

22 HEARING OFFICER WALSH: We'll take a

08:30:55PM

08:31:12PM

1 therefore, there is not a need for this  
2 facility. That's factually incorrect based on  
3 the analysis in my report.

4 HEARING OFFICER WALSH: Keep your voice  
5 up, please.

6 BY MR. MARSHALL:

7 Q. So if they read your report, they  
8 would agree with you is your position? There  
9 isn't any possibility they would disagree with  
10 your analysis in your report?

11 MR. MUELLER: That's argumentative.

12 HEARING OFFICER WALSH: It's close, but  
13 answer the question.

14 BY THE WITNESS:

15 A. I think I already testified to this.  
16 They can disagree. I don't think they  
17 benefitted from what will now be multiple days  
18 of testimony and evidence on any other aspects  
19 of this transfer station. I think that is  
20 extremely relevant. I think the letter that  
21 East Moline submitted saying there wasn't a need  
22 and contemplating the expansion of the landfill

08:29:50PM

08:30:11PM

1 ten-minute break.

(A short break was had.)

3 MR. MUELLER: We will call Devin Moose.  
4 And in follow up to a subject that we visited  
5 briefly at the beginning of the recess, I have  
6 talked to counsel, who has no objection to  
7 Mr. Moose going through his entire presentation  
8 on Criteria 2, 4, 5, 7, and 9 without  
9 interruption. The reason being that 2 and 5 are  
10 linked and 4, 7, and 9, there's nothing to say  
11 other than they don't apply.

12 HEARING OFFICER WALSH: Any objection  
13 from the city staff?

14 MS. ZWICK: No objection.

15 HEARING OFFICER WALSH: Okay. That's  
16 going to be acceptable.

17 Swear him in, please.

(Witness sworn.)

08:43:44PM

1 WHEREUPON:  
 2 DEVIN MOOSE, PE, DEE  
 3 called as a witness herein, having been first  
 4 duly sworn, was examined and testified as  
 5 follows:  
 6 DIRECT EXAMINATION  
 7 BY MR. MUELLER:  
 8 Q. State your name, please.  
 9 A. Devin Moose.  
 10 Q. Devin, what is your profession?  
 11 A. I'm an environmental engineer.  
 12 Q. Did you prepare a presentation today?  
 13 A. Yes.  
 14 Q. Is that presentation a summary of the  
 15 contents on the relevant criteria in the siting  
 16 application?  
 17 A. Yes.  
 18 Q. And were you primarily responsible for  
 19 the preparation of the sections of the siting  
 20 application or supervising their preparation?  
 21 A. Yes.  
 22 Q. With that, I just would ask you to

08:44:11PM

08:44:40PM

1 later.  
 2 If we're successful here, we'll,  
 3 then, go to the IEPA where the experts at IEPA  
 4 focus more on the transfer station health,  
 5 safety, and welfare issues and the internal  
 6 workings of a transfer station. They are less  
 7 concerned about property values and all of that.  
 8 That issue is really handled at the local level.  
 9 If we're -- If we obtain our permit  
 10 from the IEPA, we still have to go through all  
 11 of the building permit issues, as any other  
 12 industrial building would have to do. That's  
 13 where fire is assessed, structural engineering,  
 14 architectural engineering, handicap exits, all  
 15 of that type of stuff that's normally associated  
 16 with a building like this.  
 17 Construction would then be  
 18 implemented, the city, through its process,  
 19 would work on its occupancy of permit once the  
 20 building is completed. The IEPA comes back  
 21 again before operation, after the construction  
 22 is complete, to assure themselves that the

08:46:20PM

08:46:48PM

1 proceed with your presentation.  
 2 A. A little bit about me. I'm national  
 3 director of solid waste engineering for APTIM  
 4 Environmental and Infrastructure. My office is  
 5 located in St. Charles, Illinois. I have a  
 6 civil engineering degree from the University of  
 7 Missouri Rolla. I'm a registered professional  
 8 engineer in Illinois and numerous other states.  
 9 I'm a diplomat by the American Academy of  
 10 Environmental Engineers. I have about 40 years  
 11 of experience. I have been the lead engineer  
 12 for over 20 transfer station proceedings for  
 13 both the public and private sector, and I have  
 14 permitted over 20 transfer stations in the State  
 15 of Illinois.  
 16 George discussed this briefly.  
 17 This is the beginning of a long process of  
 18 transfer stations because pollution control  
 19 facilities have more scrutiny than your typical  
 20 industrial building. It starts with the siting  
 21 approval, which we all know have the nine  
 22 criteria which we'll talk about a little bit

08:45:15PM

08:45:50PM

1 facility is constructed in accordance with the  
 2 IEPA permit, which are the health-and-safety  
 3 related issues. So many levels of scrutiny by a  
 4 lot of different people with a lot of different  
 5 expertise.  
 6 I don't want to beat this to death.  
 7 We know we have nine criteria. We have talked  
 8 about that.  
 9 I'm going to be testifying on  
 10 Criterion 2, the facility is designed, located,  
 11 and proposed to be operated to protect the  
 12 public health, safety, and welfare;  
 13 Criterion 4, the facility is  
 14 located outside the boundary of the 100-year  
 15 floodplain;  
 16 Criterion 5, plan of operations for  
 17 the facility is designed to minimize danger to  
 18 the surrounding area from fire, spills, and  
 19 other operational accidents;  
 20 Criterion 7, the facility will not  
 21 be treating, storing or disposing of hazardous  
 22 waste;

08:47:24PM

08:47:48PM

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1 And Criterion 9, the facility will  
2 not be located within a regulated recharge area.  
3 Slide No. 5 is some basic  
4 information about the site. Carrie will discuss  
5 this in much greater detail on the surrounding  
6 area during a subsequent presentation. It's  
7 about 10 acres in size. It's currently  
8 agricultural land use zoned industrial. The  
9 property adjacent to it is vacant. And Case  
10 Creek, which we will talk about, lies to the  
11 east and intersects a portion of our site and  
12 flows to the north to the Rock River.

08:48:35PM

13 Next slide. Transfer stations  
14 cannot be located anywhere. There's a series of  
15 location standards that every transfer station  
16 must meet before you can move forward on the  
17 project. They include residential setbacks,  
18 100-year floodplains, regulated recharge,  
19 wetland review, archaeologic and historic site  
20 review, endangered species review, wild and  
21 scenic rivers review and, finally, airports.

08:49:11PM

22 Distance from residential areas is

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1 dictated by Section 22.14 of the Environmental  
2 Protection Act, and it does not allow a transfer  
3 station to be established within 1,000 feet of  
4 the nearest property zoned primarily for  
5 residential uses or any dwelling.

08:50:02PM

6 This exhibit on 7, and contained  
7 within the application, shows that the nearest  
8 dwelling lies to the south and is, by survey  
9 distance, over 1,000 feet at 1,062 feet. So we  
10 meet that criterion.

11 There are no wetlands within our  
12 facility boundary. There is some vegetated area  
13 in the southwest corner of our property and we  
14 have stayed out of that area. You'll see in  
15 subsequent drawings that that area will remain  
16 undisturbed. So we meet that criteria.

08:50:50PM

17 The floodplain -- On Slide 9, the  
18 nearest floodplain is located north and west of  
19 our site. The base flood elevation at that  
20 location is elevation 570. The average parking  
21 lot elevation in our facility is about 583, so  
22 we're well above any floodplain-related issues

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1 at this property. So we meet that criterion.

2 There's only one regulated recharge  
3 area that exists in Peoria County, so we would  
4 meet that criteria.

08:51:31PM

5 Archaeologic and historic sites, we  
6 have contacted the Illinois Preservation Agency  
7 and they determined that there are no  
8 significant archaeological or historical sites  
9 located within the area of the proposed transfer  
10 station. So we meet that location criteria.

11 Natural areas and endangered  
12 species. We have two species of concern in the  
13 area. From the database, that's the Indian  
14 Bluff Hill Prairie and the Lake Sturgeon -- Lake  
15 Sturgeon. The Indian Bluff Prairie is a  
16 two-and-a-quarter acre dry prairie,  
17 approximately, a little less than a mile  
18 southeast of the proposed transfer station. The  
19 dry prairie, this will have no impact off our  
20 property boundary for sure and not even within  
21 the outside of the building. So the prairie is  
22 protected.

08:52:04PM

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1 Lake Sturgeon occupy large fresh  
2 water lakes and rivers. We are not adjacent to  
3 any large fresh water lake or river. Our storm  
4 water will be managed using best management  
5 practices, which I'll talk about in a little  
6 bit. So we meet that criterion.

08:52:40PM

7 The nearest wild and scenic river  
8 is 160 miles away. So we meet that criteria.

9 Which brings us to airports. Due  
10 to the proximity of the Quad Cities  
11 International Airport, this facility had to take  
12 some special precautions. One, it needed to be  
13 a totally enclosed transfer station. This  
14 facility meets the definition of a totally  
15 enclosed transfer station of which I have  
16 permitted numerous totally enclosed transfer  
17 stations with the approval of the IEPA and the  
18 FAA, including one that is contiguous to O'Hare  
19 recently.

08:53:13PM

20 We are going to adopt a bird  
21 control plan, which is contained in the  
22 application. And the facility designed being



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1 totally enclosed with a dry detention basin pond  
2 also minimizes the potential for birds, but we  
3 will have a bird mediation plan, which is in the  
4 application. It's been proven very successful  
5 at other facilities. We also need to be careful  
6 for runway protection zones. Shown on Slide 16  
7 are the runway protection zones. As illustrated  
8 on that slide, we're well over 2,000 feet away  
9 from any runway protection zone.

08:54:02PM

10 There's also imaginary surfaces  
11 that come off the end of the runway that are  
12 kind of conical shaped that allows for  
13 approaches of planes that are shown here on  
14 Slide 17. Our facility is -- meets the  
15 requirement and it does not encroach on any of  
16 those imaginary landing or take-off zones.

08:54:39PM

17 We also have to worry about  
18 obstructions. The obstruction at our site is  
19 shown on Slide 18. We are about 122 feet below  
20 the FAA required obstruction, so we're in very  
21 decent shape there. When it comes to airports,  
22 we meet all of the requirements for this

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1 system is used at many transfer stations for the  
2 last decade and works very well.  
3 There's a fueling station, a  
4 citizen drop-off area for recyclables, and storm  
5 water management system. And I'll talk more in  
6 a little bit about the storm water management  
7 system later. All of the access drives and  
8 interior circulation routes are paved, and we  
9 have screening along 47th Street with the  
10 landscaping, plantings, and fencing, which  
11 Carrie will talk about a little more in a  
12 subsequent presentation.

08:56:32PM

13 Slide 20 has some renderings of a  
14 building. I will start up in the upper  
15 left-hand corner. There's a couple takeaways  
16 from there. One is the loading doors, the doors  
17 that the packer trucks go in and out of, are not  
18 located towards 47th Street, but in the back of  
19 the facility. You can also see the -- on the  
20 roof -- I can see it. You can see the air  
21 treatment system. Those systems will be located  
22 on the roof. We're going to create a negative

08:57:02PM

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1 facility located at this location relative to  
2 its proximity to airports.  
3 Proposed site improvements.  
4 Briefly, it's a 15,000-square-foot transfer  
5 station, 7,580-square-foot maintenance facility,  
6 2,505-square-foot office, 2,894 parts storage  
7 and regular storage, and 2,900-square-foot  
8 hydro-excavation building.

08:55:22PM

9 The buildings on this site -- And  
10 you'll see when we get to the site plan, this  
11 site is very open, very low density on the site.  
12 The building coverage on this site is only  
13 6-and-a-half percent of the total acreage. If  
14 we were going through zoning, they would allow  
15 up to 50 percent building coverage on this  
16 10-acre site. So just that calculation alone  
17 tells you a lot about how much room there is,  
18 how open it is, and allowing for  
19 maneuverability. There's a scale. The scale is  
20 automated. Every truck that comes in will be  
21 preweighed with a tare weight, they receive a  
22 ticket from the office. This scale remote

08:55:55PM

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1 air pressure within the building. The treatment  
2 would be an Ozone treatment system, again, which  
3 has been deployed successfully at other transfer  
4 stations.

08:57:34PM

5 On the upper right, you'll see the  
6 doors that the trucks go in and out of. Those  
7 are fast-acting doors. They are not like a  
8 garage door that you would think of if you  
9 haven't been to a transfer station. Sometimes  
10 you can go to a dealership and see them at new  
11 car dealers. They open and close in about 10 or  
12 15 seconds. They are very high-speed light  
13 doors.

08:58:04PM

14 I think it's a good looking  
15 building. It's made of precast concrete with  
16 some stand-up conventional technology. It's not  
17 made of metal. That concrete building will  
18 serve for a couple things. It's a tighter  
19 building than a metal building. It helps us on  
20 our air treatment system, it helps us on our  
21 odors, but also it being concrete suppresses the  
22 noise within the facility.

1 The site plan on 21, we'll talk a  
2 little bit more about. First, let's talk about  
3 the storm water. Storm water has been designed  
4 to meet the City of Moline's storm water  
5 ordinance. And to even supplement that, we have  
6 used best management practices.

7 In general, the amount of water  
8 leaving this facility or the rate at which the  
9 water leaves the facility will be less  
10 post-development than predevelopment, which  
11 reduces the potential for flooding downstream.  
12 We do that by retaining that water during a  
13 24-hour storm, holding it back for about  
14 72 hours, and then releasing it slowly when the  
15 storm leaves.

08:58:47PM

16 Storm water falls on an asphalt  
17 pavement. It will flow to the north sheet flow.  
18 There are curb cuts in that northern curb, so  
19 the water will flow into that ditch up on the  
20 top. That ditch is designed to be a very slow  
21 moving ditch. It's going to reduce the rate at  
22 which the water moves through it, allows

08:59:20PM

1 sediment to settle out. The vegetation within  
2 that ditch will take up the nutrients within  
3 that water and will also improve water quality  
4 as it moves through that long ditch. It moves  
5 over to the west-hand side and there's a dry  
6 basin, we call that. It will have water in it  
7 during a major storm but it will drain out in  
8 about three days. Then it's discharged through  
9 a standpipe-type system, which goes to a manhole

09:00:03PM

10 and, eventually, that culvert will take it to a  
11 ditch and, eventually, get to the Rock River.

12 This site also shows how we stayed  
13 out of the wetland vegetated area in the lower  
14 left-hand corner. Our fence stays completely  
15 out of that creek wooded area.

16 There are 15 parking spaces for  
17 trucks on the south area. We talked about  
18 employee parking. We have 37 employee parking  
19 areas. There's the citizen drop-off area. The  
20 citizen drop-off area is for recyclables only.

09:00:44PM

21 We monitor that and then take the recyclables to  
22 a MRF that is in good standing with Lakeshore on

1 a regular basis.

2 There's outdoor lighting that will  
3 surround the outdoors and light the entire  
4 facility. The lighting is designed also to be  
5 consistent with airport regulations, not  
6 allowing glare to leave the site and to make the  
7 lights so they are shrouded straight down.

8 This is a good example. You can  
9 see the doors for the transfer station away from  
10 the entrance. We can also see that we designed  
11 this in a way so that when people drive by and  
12 look in the driveways, we have shielded the  
13 hydro-excavation waste behind the facility. We  
14 put significant landscaping that we'll show  
15 you -- an expert will talk about the  
16 landscaping.

09:01:33PM

17 But the buildings were thoughtfully  
18 placed. They are placed in a way that allows us  
19 plenty of room for turning movements, for  
20 backing in, for storage of boxes and it has the  
21 door spaced away from the front of that  
22 building. That puts the hydro-excavation

09:02:03PM

1 building behind the transfer station and  
2 maintenance building.

3 This really -- When you design a  
4 transfer station or a facility like this, you  
5 need all of those pieces to work together in  
6 harmony.

7 This is a small transfer station on  
8 a large site. This is a luxury. Most transfer  
9 stations are much larger than this, 2 to  
10 3,000 tons a day on facilities that are half --  
11 pieces of property that are half the size. This  
12 is a small, moderate facility on a very big  
13 site, which is going to accommodate everybody  
14 very comfortably.

09:02:37PM

15 This shows the floor plan of the  
16 transfer station. You'll see an animation in a  
17 little bit that shows how this works. But the  
18 trucks will come around. They will start --  
19 There's a lighting system that identifies which  
20 bays are open. As the trucks start backing  
21 towards the building, there are proximity  
22 switches that throw those high-speed doors up

09:03:18PM

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1 and move in and clear the door jam. A proximity  
2 switch drops the door down. So it really  
3 doesn't take any time to have a totally enclosed  
4 transfer station. It's not some guy with a  
5 chain and rope that are pulling it up and  
6 pulling it down. This is an automated system  
7 that's designed for this particular kind of use.

8 There's plenty of storage for  
9 waste. There's plenty of room for transfer --

09:03:54PM

10 for packer trucks to come in, plenty of room for  
11 the end loader to maneuver in the site, plenty  
12 of room for landscape waste and recyclables.

13 There's a calculation analysis  
14 within the application that shows the amount of  
15 waste storage needed in a worst-case scenario.  
16 We have over twice the amount of storage needed  
17 to handle those peaks and flow. That waste  
18 volume analysis is contained in the application.

09:04:44PM

19 There's a different view of the  
20 same thing. It shows the trucks in here and the  
21 end loader. Plenty of floor space. It's a  
22 clear-span building. There are no columns to

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1 about there.

2 This is a rendering of the  
3 citizen's drop-off area, again, source-separated  
4 recyclables only, and we'll transfer that out to  
5 a vender that helps us, either ourselves or  
6 someone else that will recycle that material.

7 Slide 27 shows that traffic flow on  
8 the site plan. Shown in red there are packer  
9 trucks, which are the trucks that pick up the  
10 waste. At the curb we have room for up to nine  
11 trucks to be stacked between the scale and the  
12 roadway. That allows more than enough room to  
13 prevent trucks from backing up on the roadway.

09:06:36PM

14 There's a stacking analysis within the  
15 application that demonstrates that.

16 Then you go through the scale, take  
17 a left, position themselves in one of the doors  
18 that have a green light, back in, tip, and then  
19 exit through the other exit. The transfer  
20 trailers that take the waste from the transfer  
21 station to the landfill enter the same north  
22 entrance. They can bypass the scales if we

09:07:11PM

135

1 get in the way. Very simplicity of operation,  
2 ample room, and the simplicity of the design and  
3 clear-span building makes this a very, very easy  
4 building to clean, which we'll talk about later  
5 this week.

6 It's four concrete walls -- Three  
7 concrete walls and a door but there are no  
8 columns in the way, no hidden spaces. This is a  
9 very easy-to-clean building.

09:05:26PM

10 Another rendering of the tipping  
11 floor. You can see that we put some windows up  
12 near the top of the walls that floods that area  
13 with natural light. That also helps with  
14 safety. It also helps with cleaning.

15 This is a deflector plate shown  
16 here on Slide 24. So if any waste goes to get  
17 kicked off behind the transfer trailer and hits  
18 that reflector, it drops straight in the  
19 transfer trailer.

09:05:53PM

20 The maintenance building is fairly  
21 standard. It's a two-bay maintenance building  
22 with office and parts storage. Not much to talk

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1 already know what they have. We also have a  
2 scale fit within here, so they bypass. There's  
3 plenty of room for turning movements, get  
4 loaded, tarped, and exit the facility.

5 All of the turning movements on the  
6 facility, inside and outside, are all also  
7 demonstrated to be safe through a computer  
8 program called AutoTURN. So we know -- that's  
9 also within the application -- there's plenty of  
10 turning radius for all of that to work. Not  
11 shown on here, which, in retrospect, we should  
12 have, there should be one more traffic line that  
13 shows the citizens coming in. They will enter  
14 to the north, go to the citizen drop off, drop  
15 their recyclables, and then exit the facility.

09:07:47PM

16 There will be a spotter that will  
17 be on site at all times. That spotter does a  
18 couple of things: Controls the site, picks up  
19 litter, helps citizens when they come to the  
20 drop-off facility. The drop-off facility will  
21 have cameras, which we can monitor within the  
22 office. Everybody is going to be fitted with a

09:08:29PM

1 radio. So when a person utilizes the drop-off  
 2 facility, we will have the spotter walk over  
 3 there and help them if they need help.  
 4 Our experience is that the amount  
 5 of traffic at these drop-off facilities is de  
 6 minimis. Sometimes if they are out in a rural  
 7 area and nobody is watching them, they get a lot  
 8 of garbage in them. That's not going to happen  
 9 here because we are going to be watching the  
 10 facility. But it does provide recycling.

09:09:06PM

11 The other truck movement that comes  
 12 in are the hydro-excavation waste. That will  
 13 also enter through the north entrance and go to  
 14 this back building, where they will position and  
 15 unload their waste, which we'll talk about a  
 16 little bit more, and it will get solidified and  
 17 then they leave.

18 So the takeaways from this is we  
 19 have very good visibility, we have  
 20 counterclockwise movement of the trucks. That's  
 21 the safest. No hidden corners. Excellent room  
 22 for maneuvering. Sufficient cueing. I wish all

09:09:35PM

1 employee putting the tarp on the transfer  
 2 trailer before it exits the facility.  
 3 I know I went over the design  
 4 pretty quick and there's a lot in the  
 5 application. And I'm sure I'll get asked  
 6 questions if I missed something.

09:12:46PM

7 Operating plan. I have been doing  
 8 this for 40 years. We wrote the SWANA manual on  
 9 transfer station design and operations. I have  
 10 taught transfer station design and operation for  
 11 the Solid Waste Association of North America  
 12 before. This is a result of our expertise in  
 13 collaborating with LRS and their expertise. So  
 14 this operating plan has been proven and  
 15 developed over decades of experience with both  
 16 of our teams.

17 The hours of operation are from  
 18 5:00 to 6:00; Saturday, 5:00 to 1:00. It will  
 19 be closed on Sundays and holidays. There may be  
 20 activity within the facility past regular  
 21 business hours for cleaning or maintaining  
 22 equipment but no waste will be received after

09:13:22PM

1 of my sites were this basic.  
 2 Let's see if this works.  
 3 This is an animation we did to try  
 4 and show you how the facility works. This is to  
 5 scale.

6 (WHEREUPON, an animated  
 7 presentation was played.)

8 BY THE WITNESS:

9 A. That's the packer trucks lining up.  
 10 There's the ticketing booth. You can see the  
 11 light scanners. The hydro-excavation truck  
 12 going over to he back. The transfer trailer  
 13 moves out. You see the lights above the doors.  
 14 These are positioned all green. They turn red  
 15 when it's in there. You see the truck parking  
 16 along the north side of the building. You see  
 17 the air equipment on the roof. Again, all  
 18 automated.

09:10:23PM

19 Plenty of room for storage, plenty  
 20 of room for that end loader to maneuver around,  
 21 grab this material, and move it to the transfer  
 22 trailer that's down in the pit. There's an

09:11:44PM

1 those operating hours.  
 2 The last load of waste will  
 3 typically be transferred to the facility by  
 4 7:00 p.m. If we have a portion of a load or a  
 5 snowstorm or extraordinary event, we will store  
 6 the waste in a loaded transfer trailer tarped  
 7 within the transfer station overnight and it  
 8 will be transferred to the landfill first thing  
 9 the next morning.

09:13:58PM

10 As mentioned before, we have 520  
 11 tons of material: 400 tons of municipal waste,  
 12 80 tons of hydro-excavation waste, 25 tons of  
 13 source-separated recyclables, which are not to  
 14 be confused with the drop-off facility up front,  
 15 and 15 tons of landscape waste.

16 There are many unauthorized wastes.  
 17 We're going to accept nonhazardous municipal  
 18 solid waste, hydro-excavation waste,  
 19 source-separated recyclables, and landscape  
 20 waste.

09:14:35PM

21 Hydro-excavation waste is the  
 22 watery mud that companies are producing when

1 they do directional drilling. You usually see  
 2 this for fiberoptic installation or cable  
 3 installation. They mix -- A water jet basically  
 4 goes in and goes laterally and breaks up the  
 5 soil and the resulting mixture is a slurry of  
 6 water mud -- water and soil.  
 7           Unauthorized waste. We will not be  
 8 treating, accepting, or disposing of hazardous  
 9 waste. So Criterion 7 does not apply.  
 10           We will also implement methods to  
 11 preapprove our haulers, waste screening  
 12 procedures, and random load checkings to detect  
 13 and prevent the acceptance of disposal of  
 14 unacceptable waste.  
 15           The first place the waste is  
 16 inspected or approved is by the hauler itself,  
 17 the customer. Usually these are haulers that  
 18 use this facility every day or several times a  
 19 day, and we monitor their compliance with waste  
 20 acceptance. If there's a problem, we will get  
 21 it corrected or refuse them service.  
 22           Waste screening procedures happen,

09:15:14PM

09:15:46PM

1 loads of tires. That's at the transfer station.  
 2           The hydro-excavation waste is, to a  
 3 certain degree, a little easier to monitor  
 4 because it's a limited number of customers that  
 5 actually use that. So, first, is we work with  
 6 those limited number of customers, come up with  
 7 a waste profile sheet, certification form. This  
 8 process has worked very successfully for LRS at  
 9 other facilities in Illinois. They confirm that  
 10 the waste profile has been preapproved and  
 11 directly drive it to the hydro-excavation  
 12 building in the back. Each load will be  
 13 visually inspected as it's unloaded to make sure  
 14 it matches the description of the material, and  
 15 if discrepancies are found. The person assigned  
 16 the manifest, the material will be -- if there  
 17 are no discrepancies, we'll accept the material.  
 18 If it does not conform, we'll load it up and  
 19 dispose of it appropriately wherever that's  
 20 permitted to take.  
 21           The hydro-excavation building is  
 22 shown on Slide 35. The elevation on the right

09:17:52PM

09:18:18PM

1 really, at the curb. There's an opportunity to  
 2 look at the waste there and reject something if  
 3 it's visible. It also occurs on the waste  
 4 transfer station floor as it's tipped and the  
 5 end loader moves it around, there's an  
 6 opportunity to inspect the waste there. Then we  
 7 do several load checkings a month where we once  
 8 a week, go in, pick a random load, put it aside,  
 9 go through the waste and see how successful the  
 10 load-checking program is. If that demonstrates  
 11 we're getting wastes that are unacceptable, we  
 12 need to change our procedures. Those records  
 13 will be kept at the transfer station.  
 14           Other unauthorized wastes are  
 15 listed on Slide 33. They include regulated  
 16 hazardous waste, regulated special waste, soils,  
 17 the industrial process, waste and sludge, used  
 18 motor oil, pollution control waste, PCB waste,  
 19 potentially infectious medical wastes, liquid  
 20 wastes, universal wastes, asbestos, nuclear  
 21 material, radioactive wastes, transuranic waste,  
 22 lead acid batteries and white goods, and bulk

09:16:22PM

09:17:04PM

1 shows the middle door, which holds the  
 2 solidification material, which is your wood  
 3 chips, could be mulch or something like that.  
 4 There's a sprinkler room on the side, so the  
 5 entire building is also sprinklered, and we have  
 6 pits on either side.  
 7           The planned view on the left shows  
 8 the large apron out front shown in light gray.  
 9 That all will be pitched into the building.  
 10 Each one of these pits are designed to be  
 11 waterproof. It's a series of synthetic  
 12 materials and concrete so it can hold this  
 13 liquid mud.  
 14           HEARING OFFICER WALSH: A little louder  
 15 Mr. Moose, please.  
 16           MR. MOOSE: The truck discharges its  
 17 load in the pit and then the wood material,  
 18 mulch or whatever, is then mixed in that pit  
 19 with the mud and material so that it solidifies  
 20 to the point that it passes the paint filter  
 21 test and is no longer considered a liquid waste.  
 22 It's, then, loaded in, sealed up in trucks, and

09:19:08PM

09:19:44PM

1 taken to the landfill.  
 2 Briefly, the recordkeeping is  
 3 contained on Slide 36. We'll have very  
 4 extensive records on what we have taken, who  
 5 it's from, generator name, results of any  
 6 analysis we did on the waste, and the volume of  
 7 the waste that we have received.

8 The operation plan also addresses  
 9 some of the things most people are concerned  
 10 about: Litter, odor, pests, noise, and dust.

09:20:25PM

11 Litter is controlled by making sure  
 12 that all vehicles that use the facility are  
 13 completely enclosed, that the facility itself is  
 14 enclosed, all tipping and all waste handling  
 15 happens within a building. The facility is  
 16 patrolled on a constant basis inside and out, as  
 17 well as down some length down 47th Street, and  
 18 along 78th from Rock Island Parkway extending to  
 19 a point 1,500 feet east of 47th.

09:21:15PM

20 So we stop the litter by making  
 21 sure everybody has an enclosed vehicle when they  
 22 come. We check that at the scale house. If

1 that becomes a problem, you no longer will be a  
 2 customer. We tip all inside a closed building.  
 3 We clean the building every night. The facility  
 4 is constantly patrolled inside and out by  
 5 spotters who will pick up any litter that we  
 6 find. It's surrounded by a fence to help also  
 7 contain litter. We're also patrolling some  
 8 portions of the roadways near our facility.

09:21:55PM

9 Odor is handled by loading and  
 10 managing the operations within the building. We  
 11 mentioned earlier we're going to have a negative  
 12 air pressure within the building. So when we  
 13 open those doors, the air will actually flow  
 14 into the building. Odors won't flow out. Those  
 15 fans on the roof will, then, suck up the air  
 16 within that building, it will change the air,  
 17 probably, seven or eight times per hour for the  
 18 entire volume, and that will go through an odor  
 19 treatment system on the roof. The primary  
 20 component there is Ozone. Ozone destroys the  
 21 odors, it doesn't mask them. And that has also  
 22 worked very successfully.

09:22:26PM

1 The tipping floor will be cleaned  
 2 every right, which means all of the garbage will  
 3 come up and we have a street sweeper and, as  
 4 necessary, we'll street sweep the floor. If we  
 5 have an incoming load that particularly has an  
 6 odiferous problem, we'll transfer that out  
 7 immediately. We'll refuse service to customers  
 8 that violate the trusted community.

09:23:08PM

9 It also includes a misting system.  
 10 The misting system acts to -- it's a water-based  
 11 system that also utilizing an odor suppressant  
 12 that has its own odor or it can be neutral. The  
 13 misting system works very well in knocking down  
 14 dust, which I'll talk a little bit more, but  
 15 also can be very effective for certain kinds of  
 16 odors, which will be inside the building.

09:23:46PM

17 Pests. The way you solve the pest  
 18 issue is get the garbage out of there. Don't  
 19 leave them any place to feed. You get the  
 20 garbage out of the facility every night, pests  
 21 are no longer a problem because they don't have  
 22 anything there for them to feed. The facility

1 is a concrete building. We have designed the  
 2 building so it doesn't have a lot of extensive  
 3 landscaping right up against the building that  
 4 gives best a place to harbor them.

09:24:29PM

5 We'll also employ a professional  
 6 exterminator, who will inspect the facility on a  
 7 monthly basis at a minimum and more frequently,  
 8 if necessary.

09:25:09PM

9 Noise at this facility should be de  
 10 minimis. All of the major activities are  
 11 happening within a concrete building with closed  
 12 doors. The noise level outside the transfer  
 13 station will meet any of the state requirements  
 14 for nuisance noise.

15 Again, dust. We will be working on  
 16 the inside of the building sweeping the floors,  
 17 cleaning the floors, removing the waste. The  
 18 waste comes in and out, loaded and tarped. We  
 19 have a misting system that will be deployed in  
 20 certain areas, if we get dust, to knock that  
 21 dust down.

22 A health and safety plan has been

1 developed also, which is contained within the  
2 application. I'll go over some basic components  
3 of that. The health and safety plan addresses  
4 fire control and preventive measures, accident  
5 prevention, spill control, and prevention  
6 measures, employee training, risk management,  
7 and operational contingency plans.

8 Fire prevention is a big thing at a  
9 facility like this. It will have -- It will

09:25:52PM

10 have a hazard requirement within the building  
11 code that will require it to be sprinklered. We  
12 have municipal water supply. It's an industrial  
13 park, so sprinkling this facility will not be a  
14 big issue. It will be a dry pipe system, which  
15 is standard in a building like this.

16 We're also going to deploy what's  
17 call a Fire Rover system. This uses infrared  
18 cameras to observe the transfer station 24 hours  
19 a day. It's monitored by a control center

09:26:24PM

20 that's remote. If the cameras start detecting  
21 heat within the transfer station, there are  
22 humans that monitor it and can react and direct

1 nozzles to the floor with great precision to  
2 knock down that fire almost immediately. It's a  
3 very effective system. Glad to see that it's in  
4 here.

5 We will have a direct alarm to the  
6 fire district. So if there is a fire, they will  
7 be notified immediately. Obviously, there will  
8 be -- the fire department will have access to  
9 the facility 24 hours through a Knox Box-type  
10 system.

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11 Fire hydrant locations, which we'll  
12 show on another, are shown preliminarily on the  
13 site plan. We will, as we go through the  
14 building department permitting process, work  
15 with the fire department to finalize the  
16 locations of those fire hydrants. All mobile  
17 equipment will have fire extinguishers.

18 The other nice thing about this  
19 building, it's accessible from all sides. The  
20 fire department can get in and around this  
21 facility easily. It's paved on all sides. It's  
22 concrete. It will have heat shields on the

09:27:33PM

1 bottom of the exhaust equipment in case any  
2 waste gets in contact with the exhaust, those  
3 are standard things for the types of Caterpillar  
4 machines that work in this environment. And,  
5 obviously, emergency phone numbers will be at  
6 every location.

7 Slide No. 47 shows a lit bit about  
8 the fire suppression plan. There is one thing  
9 here we should add. There should be another "S"  
10 for the dry pipe sprinkler mechanical systems  
11 that go right in this little bump-out on the  
12 hydro-excavation waste like we have here  
13 (indicating). Fire hydrants are located in the  
14 four corners. We can adjust those if the fire  
15 department wishes.

09:28:17PM

16 I talked about the Fire Rover.

17 Spill control and prevention  
18 measures. All on-site rolling stock will be  
19 inspected daily or prior to use to assess the  
20 integrity of the fuel tank and hydraulic hoses.

09:28:57PM

21 There will be an SPCC Plan, a Spill Prevention  
22 and Control Countermeasures Plan. That will be

1 developed. Engines will be required to be  
2 turned off during fueling operations. Fueling  
3 operations will always be observed so as to  
4 immediately cease fueling. You're not going to  
5 be allowed to fuel without the driver standing  
6 there present, not on his phone or her phone.  
7 Emergency shut off valves will be present on all  
8 of the fueling pumps to stop the flow.

9 Any on-site storage tank will have  
10 all of the required secondary containment. The  
11 emergency spill kit will be located near there,  
12 as well as near the transfer station, and minor  
13 spills can be cleaned up using absorbent  
14 materials. We'll also have an emergency  
15 response contractor on call. So if there's a  
16 larger spill of some kind, we can immediately  
17 get a specialty contractor out at short notice.

09:29:33PM

18 Employee training includes  
19 operational procedures, health and safety,  
20 Lockout/Tagout, fire control and prevention,  
21 emergency first aid, detention identification  
22 and handling in any and all unauthorized waste,

09:30:09PM

1 as well as emergency evacuation.  
2 Do you want me to go through these  
3 now? All right.

4 Based on my education, training,  
5 and experience and the evidence contained in the  
6 application, I believe this facility is so  
7 designed, located, and proposed to be operated  
8 that the public health, safety, and welfare will  
9 be protected.

09:30:46PM

10 It is my opinion that the facility  
11 is located outside the boundary of the 100-year  
12 floodplain. It is my opinion that the plan of  
13 operations for the facility is designed to  
14 minimize the danger to the surrounding area from  
15 fire, spills, or other operational accidents.  
16 The facility will not be treating, storing, or  
17 disposing of hazardous wastes. The facility  
18 will not be located in a regulated recharge  
19 area.

09:31:17PM

20 MR. MUELLER: That's all we have.  
21 HEARING OFFICER WALSH: City staff, any  
22 questions?

1 MS. ZWICK: Yes, I have a few  
2 questions.

3 CROSS-EXAMINATION  
4 BY MS. ZWICK:

5 Q. You answered a few of city staff  
6 questions during your testimony. A couple  
7 questions on the citizen convenience area.

8 Would you be able to pull up the  
9 site -- maybe the site plan? I think it was 21,  
10 maybe.

09:31:57PM

11 So we have the citizen convenience  
12 area down here in the corner. You had testified  
13 that the purpose was to drop off recyclables  
14 only, right?

15 A. Yes.

16 Q. I think there's -- It conflicts a  
17 little bit with what the application says. It's  
18 on Page 2.3-4. It says, Select wastes and  
19 recyclable materials?

09:32:28PM

20 A. It's just recyclable materials.  
21 Q. Just recyclable material?  
22 A. Just recyclable.

1 Q. So somebody can't be dropping off  
2 landscape waste --

3 A. No.

4 Q. -- if they went out and cut their  
5 lawn?

6 A. No. We're talking about the type of  
7 materials that you would normally put in your  
8 toter -- I'm sorry -- cart. Plastic,  
9 newspapers, glass.

09:32:48PM

10 Q. You're not dropping off a TV?

11 A. No.

12 Q. Or paint?

13 A. Nope.

14 Q. Or something like that. Okay.

15 A. There will be a lot of signage there  
16 that will dictate that. Each bin will,  
17 actually, identify what's allowable in that  
18 material. Because we'll have it under video  
19 surveillance, it's not open during off hours, so  
20 we have constant eyes on that.

09:33:09PM

21 Q. That was a question we had. You had  
22 mentioned that there's going to be, like, a

1 spotter?

2 A. Right.

3 Q. So -- And that there would be, like, a  
4 camera monitoring. How would that happen? So  
5 somebody comes in -- I know you said -- It  
6 wasn't on the transfer plan. They are going to  
7 enter --

8 A. They go down the driveway. There  
9 would be signage that would direct where this is  
10 at. They go across the front of the building  
11 and stop at this location, referring to the  
12 citizen's convenience area.

09:33:34PM

13 We would see that on a camera  
14 monitor. The dispatcher in the office would  
15 then alert the spotter that somebody is at the  
16 citizen's convenience center and wherever that  
17 spotter was will try to get over there and give  
18 that customer assistance.

19 Q. Okay. So that is a live feed?

20 A. Yes.

09:33:58PM

21 Q. Somebody is monitoring that at all  
22 times?



- 1 A. Yes.
- 2 Q. And you said there's going to be  
3 signage, so a car would know where to go?
- 4 A. Yes.
- 5 Q. Will there be striping?
- 6 A. We had not anticipated striping, no,  
7 but we would have a sign near the entrance  
8 saying citizen's convenience to the left. And  
9 there will be signs over here of what's  
10 acceptable and what's not. And they are,  
11 actually, partitioned bins showing what you can  
12 put in each one.
- 13 Q. You had testified that you thought you  
14 anticipated the number of personal vehicles  
15 using that would be, like, de minimis?
- 16 A. Yes, that's my experience.
- 17 Q. What would that -- Did you estimate  
18 what that would be?
- 19 A. I put it as -- You know, my estimate  
20 is less than six or ten a day.
- 21 Q. Six or ten a day. But they are going  
22 to be using the same entrance as the transfer

09:34:23PM

09:34:42PM

09:36:06PM

09:36:37PM

- 1 there.
- 2 Q. For them to not go there, correct.
- 3 You said signage. You said  
4 striping would not be necessary?
- 5 A. You know, I think -- I mean, we can  
6 put it down, but it might even be confusing to  
7 people.
- 8 Q. Confusing. All right.
- 9 And you said -- Okay. For the  
10 electronics, household hazardous waste, where do  
11 residents drop that off? This isn't the  
12 location.
- 13 A. So we would -- That would be a site  
14 plan that would be developed in concert with the  
15 city and the contractor that does that. If we  
16 did it on a Saturday, probably a good way is to  
17 cone off a portion of the facility, depending on  
18 how many cars you get, and handle that along the  
19 south side here.
- 20 It might -- The way this works is  
21 people show up with a trunk full of a computer  
22 and a TV and stuff like that and you're directed

- 1 trailers, the garbage trucks.
- 2 So we don't want those people going  
3 to the back?
- 4 A. We don't. But, again, there's a lot  
5 of room on this site. I think those people that  
6 use that type of facility are trained after the  
7 first time they come and it's usually, to be  
8 honest with you, the same people that come over  
9 and over.
- 10 Q. Oh, it is. Interesting. Okay.  
11 If the city staff recommended a  
12 condition that, as you mentioned, there would be  
13 signage directing people, LRS would agree to  
14 that, correct?
- 15 A. Yes.
- 16 Q. And that LRS -- Would LRS agree that  
17 personal vehicles accessing the convenience  
18 center would not be permitted to go to the back  
19 of the building?
- 20 A. Yes.
- 21 Q. So they would not be mixing in with --
- 22 A. Our intent is for them not to go back

09:35:11PM

09:35:35PM

09:37:12PM

09:37:44PM

- 1 precisely with conage, because these can be  
2 fairly large events, and then there are  
3 stations. People do not normally get out of the  
4 car. The workers, actually, take those  
5 electronics out of their car for them and put it  
6 in the right spot, and then they move on out  
7 towards that southern exit.
- 8 That would really depend on  
9 coordination with the city and the contractor,  
10 because usually that's handled by an outside  
11 contractor. What we're offering is our site so  
12 we have a place to do it. We have a trained  
13 staff. We have emergency response plans. It's  
14 a good facility to hold those types of events.
- 15 Also, when you have the recycling  
16 drop off here, you have the recycling -- the  
17 transfer station here, you've got -- you start  
18 creating a community hub for these types of  
19 activities so people know that that's our waste  
20 recycling hub, as opposed to a bin or a roll off  
21 in the back of a shopping center somewhere.
- 22 Q. Just one second. Moving onto that

1 fueling station, which is shown down here in the  
2 left-hand corner, that is the proximity to  
3 the -- right there the fueling station you had  
4 mentioned that there is going to be a spill kit  
5 at the transfer station?

6 **A.** There will be one.

7 **Q.** Is it going to be also by --

8 **A.** There's a couple things.

9 **Q.** -- the fueling station?

09:38:42PM 10 **A.** I apologize for trying to get through  
11 it quickly.

12 There's two 1,000-gallon tanks.

13 They are going to be contained within a  
14 secondary contained facility, concrete walls and  
15 bumpers that if, for some reason, they rupture,  
16 it will retain all of the gas in that area. We  
17 have also changed the curb through this area and  
18 made it a 14-inch-high curb. So if somebody  
19 splashes as they are filling, that curb will act  
09:39:15PM 20 as a barrier between the grass. Also, all of  
21 the storm water in that area doesn't flow that  
22 way. It all flows this way away, which gives us

1 a lot of time to put down absorbent materials,  
2 absorbent socks or other materials if something  
3 happens.

4 **Q.** So will there be a spill kit --

5 **A.** Yes.

6 **Q.** -- by the fueling station?

7 **A.** Yes.

8 **Q.** Yes. Okay. Are there, like, two  
9 spill kits?

09:39:38PM 10 **A.** I don't -- I think it would just be  
11 one. There's regulations that will require that  
12 but I don't know if they require one or two.

13 **Q.** But they will be in that location.

14 So if the city staff recommended a  
15 condition that the spill kit be kept at the  
16 fueling station, would LRS agree to that?

17 **A.** Yes.

09:40:07PM 18 **Q.** I do have a follow-up question as you  
19 were talking about that storm water. You had  
20 mentioned this earlier in your testimony, and  
21 you just mentioned it a second ago, that it's  
22 going to drain to the north and near the curb --

1 the recessed curb inlets, right there, as shown  
2 on the site plan. And so storm water is going  
3 to flow from those curb inlets to the dry basin,  
4 correct?

5 **A.** Yeah. It's going to flow down -- Our  
6 laser pointer doesn't work on this.

7 Those little black boxes on the  
8 north cuts in the curb, they will flow from the  
9 curb down into that bio spill, which is in dark  
10 green. It will enter at six or seven points

11 along the north, get into that bio spill where  
12 it will move very slowly through that -- pull  
13 that northern reach. The reason I like to do  
14 that is the slower it goes, the more soot you  
15 get to drop out. It has more resonance time  
16 with the vegetation that will be in there. The  
17 vegetation will also slow down the rate, slow  
18 down erosion, allow more sedimentation, and the  
19 vegetation will also take nutrients and stuff  
09:40:47PM 20 up. So it will clean the waters it moves  
21 through.

09:41:17PM 22 **Q.** It will eventually end up in the dry

1 basin?

2 **A.** Correct.

3 **Q.** Then it says, It discharges to the  
4 Case Creek via a four-by-four outlet structure.  
5 I don't know if you had mentioned that.

6 **A.** I didn't.

7 **Q.** You kind of pointed to -- there's a --

8 **A.** I can talk about that. There's a  
9 ground structure that's identified in the lower  
09:41:42PM 10 left-hand corner of this. It was outside of the  
11 fence, so I didn't talk about it much, but we  
12 can talk about it.

13 **Q.** Right here, correct?

14 **A.** There's a standpipe here.

15 **Q.** That's a standpipe?

16 **A.** That's a standpipe within the basin,  
17 which is a pipe with holes in it. It's designed  
18 so that when the water comes up, the holes are  
19 sized to limit the amount of water that goes  
09:42:06PM 20 down. It, then, flows through that culvert.

21 And we're going to have to replace that -- put a  
22 drop structure in and replace that old pipe

1 that's off site.

2 **Q.** Is there a control feature to stop the  
3 discharge of storm water if you needed to, like,  
4 some kind of valve?

5 Let's say there was some kind of  
6 accident, you know, a truck fell over or  
7 something, it ended up -- is there some type of  
8 control feature?

9 **A.** No, I didn't propose one.

09:42:42PM

10 **Q.** You did not propose one. Would that  
11 be -- What was the reason you didn't propose  
12 one?

13 **A.** Just because the time that it takes  
14 for water to traverse that pavement, get into  
15 that bio spill, work its way over the dry  
16 detention basin, it just seems like a lot of  
17 time. There's a lot of time there. It's plenty  
18 of time to react, in my opinion.

09:43:04PM

19 If the city feels strongly, we can  
20 put a shut-off valve in there.

21 **Q.** I think the city would think an  
22 additional valve or some other kind of

1 **Q.** Okay. That's our question.

2 **A.** Yeah.

3 **Q.** It's not going to be stored outside?

4 **A.** No.

5 **Q.** That was our question. I noticed that

6 on one of your drawings -- I think it was

7 Drawing 8 -- there was a notification for a

8 solidification materials storage area. We just

9 wanted to confirm that it was all going to be

09:44:25PM

10 stored indoors?

11 **A.** It will be stored indoors. And the  
12 reason we have a large variety of materials is  
13 we don't -- we want to be able to have

14 flexibility to get something on a regular quick

15 basis. So mulch -- I mean, right now it's

16 pretty easy to go get mulch. You can go

17 anywhere and pick up a semi of mulch pretty

18 quickly. In the winter that might not be

19 available or in different weather, you know, who

09:44:50PM

20 knows. But we wanted a variety because we want

21 to be able to replenish that material quickly.

22 **Q.** Okay. The concern was that it would

1 control --

2 **A.** Yeah. It would be simple. We can put  
3 a shut-off valve.

4 **Q.** Just as an additional safety, if there  
5 was some type of unpermitted discharge --

6 **A.** Yes, we will do that.

7 **Q.** Great. Thank you. I'm going to move  
8 on to the hydro-excavation solidification  
9 process. The application talked about the

09:43:35PM

10 different types of solidification material that  
11 would be mixed and they were all kind of --

12 We're talking wood chips, soil,  
13 sand, oil-dried, sawdust, kitty litter, corncobs  
14 were all mentioned, which all kind of --

15 **A.** The corncobs are going to be dry this  
16 year.

17 **Q.** You aren't kidding.

18 (Continuing.) -- are all  
19 lightweight materials susceptible to being  
20 windblown, correct?

09:44:04PM

21 **A.** They are going to be stored in a  
22 building, though.

1 be -- to make sure it was stored indoors --

2 **A.** Yes.

3 **Q.** -- to control dust, drag out, things  
4 like that.

5 The building itself, the plan is  
6 that there's going to be two mixing pits?

7 **A.** Yes.

8 **Q.** I think it was Drawing 8. I think it  
9 was on one of your drawings. Drawing 8.

09:45:17PM

10 There's two mixing pits in the  
11 building and the pit floor is constructed of  
12 concrete, correct?

13 **A.** Yes.

14 **Q.** Just as a general matter, concrete is  
15 susceptible to cracking?

16 **A.** Yes.

17 **Q.** Yes. And, here, you're mixing some

18 liquid waste, solidifying it, so there's -- you  
19 know, there's a potential for liquid waste to

09:45:44PM

20 leak through a crack. So in the event of that,

21 you've got a design underneath where there's

22 going to be a geomembrane, correct?

- 1 A. Yes.
- 2 Q. I think on top of the stone --
- 3 A. I don't have it in the PowerPoint.
- 4 Q. There was a different drawing that
- 5 shows it. So you've got the concrete, the
- 6 geomembrane, and then the stone, correct?
- 7 A. Yes.
- 8 Q. So the geomembrane really provides
- 9 another layer of protection in case there's any
- 10 kind of leak?
- 11 A. Yes.
- 12 Q. Depending on the size of the stone,
- 13 isn't it possible that the stone could puncture
- 14 the geomembrane?
- 15 A. You have to size the stone with the
- 16 geomembrane or you have to put a cushion down.
- 17 That's part of the design process. I should
- 18 also mention, the concrete here is designed for
- 19 its anticipated use. I think the drawings
- 20 indicate that we're going to be using water
- 21 stops at all of the joints, which are imbedded
- 22 plastic materials. So any joint that's actually

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- 1 A. Of course.
- 2 Q. Perfect. Thank you. Moving on, just
- 3 another question -- sorry -- about the storm
- 4 water management. The application -- This was
- 5 on Page 2.3-5. It had a very general statement.
- 6 It said, Prior to development of a transfer
- 7 station, it says, demonstration will be made to
- 8 the City of Moline that the proposed development
- 9 will function in accordance with the City of
- 10 Moline storm water ordinance and authorization
- 11 will be obtained.
- 12 So the question is: When do you
- 13 plan on making that demonstration?
- 14 A. Building permit process.
- 15 Q. Building permit process?
- 16 A. Yes.
- 17 Q. Okay. You'll commit to the city
- 18 that's when you'll do it?
- 19 A. I think the demonstration is actually
- 20 in the application now, but the city has the
- 21 responsibility to review that with their experts
- 22 at the building department. We have sized this

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- 1 got another layer in it. We will also saw cut
- 2 joints to control the cracking where we want it
- 3 to go at those -- at locations water stops will
- 4 be installed also. That's just part of what I
- 5 would consider more final design issues.
- 6 Q. More final design -- Because you had
- 7 mentioned you either review the size of the
- 8 stone, make sure you have the correct size of
- 9 stone, or you can use a geotextile material --
- 10 A. Correct.
- 11 Q. -- or geosynthetic material. Have you
- 12 done -- I know you can also do a geomembrane
- 13 puncture calculation, correct?
- 14 A. Yes.
- 15 Q. Is that something you have done?
- 16 A. Yes. Not for this.
- 17 Q. Do you plan on doing it for this?
- 18 A. Yes.
- 19 Q. So if the city recommended a condition
- 20 requiring LRS to perform a geomembrane puncture
- 21 analysis and to implement the results in the
- 22 final design, would LRS agree to that?

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- 1 in accordance with the ordinance, in fact, we
- 2 think we exceed the ordinance.
- 3 Q. You know, typically you see this
- 4 during zoning. Since we don't have zoning --
- 5 A. It's in here. There's probably
- 6 300 pages of calculations on storm water.
- 7 Q. So the demonstration will be made in
- 8 conjunction with the building permit
- 9 application?
- 10 A. I believe the demonstration has been
- 11 made already, but we have to resubmit that
- 12 during the building permitting process.
- 13 Q. All right. Moving along about the
- 14 building permit application. You had mentioned
- 15 this really early in your presentation about how
- 16 this application is -- this is just for siting,
- 17 that there's more to come, you know, there's
- 18 going to be the building permit application,
- 19 IEPA application. As part of that building
- 20 permit application, there's going to be a
- 21 structural engineer that is going to work on
- 22 additional drawings, calculations, correct?

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1 A. Yes.

2 Q. Would that structural engineer, when  
3 they do the final design of the push walls,  
4 include the unique loads that are associated  
5 with this type of facility and the pushing  
6 against the wall?

7 A. Yes, that will be done. What we have  
8 shown there in concept is push walls that were  
9 designed by a structural engineer at other sites  
10 that have been deemed acceptable.

11 Q. Just a couple other -- a couple more  
12 questions that -- Your odor control system. You  
13 went over that briefly. The application  
14 includes and describes the odor control design,  
15 the operational features that will be  
16 incorporated in the facility to control  
17 potential odors, correct?

18 A. Yes.

19 Q. These are measures that LRS is  
20 committing to the City of Moline that it's going  
21 to implement as part of this transfer station,  
22 correct?

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1 made to the city that you're going to implement?

2 A. Yes.

3 Q. Will LRS also agree to put that in its  
4 IEPA permit application?

5 A. Yes.

6 Q. Thank you. Same question on dust and  
7 mud track out. So the application describes the  
8 procedures LRS is going to implement to address  
9 dust and mud from being tracked out onto the  
10 public roads -- I think it said within a quarter  
11 mile from the facility, correct?

12 A. Yes.

13 Q. The application says you're going to  
14 remove the mud, the dirt, and the dust from the  
15 public roads on an as-needed basis but at least  
16 once a day, correct?

17 A. Yes. Yes.

18 Q. Again, LRS is committing to the city  
19 that it's going to implement that plan?

20 A. Yes.

21 Q. And will LRS agree --

22 A. So we're clear -- there is no --

1 Everything is paved, so there shouldn't be any  
2 mud, but ...

3 Q. Correct. But you are committing,  
4 though --

5 A. Yes.

6 Q. -- to --

7 A. I just didn't want the audience to  
8 think we're driving through the mud.

9 Q. Will LRS agree to put that in your  
10 IEPA permit application?

11 A. Yes.

12 Q. Okay. Thank you. Just a couple more  
13 questions.

14 The application stated that LRS is  
15 going to post a phone number for inquiries, I  
16 guess, complaints, to take calls from the  
17 public, correct?

18 A. Yes. I think that's part of the host  
19 agreement.

20 Q. It might have been the host -- It's  
21 definitely in the application. It's on page

22 2.4-17.

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1 A. Yes.

2 Q. Will LRS also agree to include these  
3 features in its IEPA permit application?

4 A. Yes.

5 Q. Thank you. Similar question with your  
6 litter control plan.

7 A. My litter control --

8 Q. Litter. You've got a litter control  
9 plan that's going to be implemented at the  
10 facility to prevent, really, litter from

11 escaping the building and leaving the site. One  
12 of them is that LRS was going to diligently  
13 control/remove litter from the site. And then  
14 you had an aerial, 47th Street, corresponding  
15 right of way, along 78th Avenue from Rock  
16 Island -- I'm going to pronounce it wrong --  
17 Milan -- My daughter was just in Milan --  
18 Parkway, corresponding right of way and  
19 extending, it says, to a point 1,500 feet east  
20 of 47th Street?

21 A. Yes.

22 Q. And that's a commitment that you have

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1 A. Okay.

2 Q. It also said that they would develop a

3 dedicated web page for the facility that would

4 also include this phone number, correct?

5 A. Yes.

6 Q. Will LRS also include an e-mail

7 address --

8 A. Sure.

9 Q. -- that people can -- I know a lot of

10 people just use e-mail these days.

11 A. Yes. Good idea.

12 Q. LRS will, you know, monitor that?

13 A. Yes.

14 Q. Regularly, daily, and get back to

15 people?

16 A. Yes. Yes.

17 Q. Thank you. I have one more question

18 for you. You had talked -- Just one second.

19 MS. ZWICK: We have no further

20 questions.

21 MR. MARSHALL: Do you want me to launch

22 in with five minutes left?

09:54:04PM

09:54:44PM

1 Can LRS verify that that is, in

2 fact, still part of the plan?

3 A. I cannot. I don't recall if that is a

4 permanent part of the plan, and I don't recall

5 that portion of the host agreement.

6 Q. Subsection 90 of the host agreement

7 discusses the operation.

8 A. I'll review it tonight and be able to

9 answer it tomorrow.

10 HEARING OFFICER WALSH: Mr. Loerop just

11 said it is a permanent part of the plan.

12 MR. SILVERMAN: Okay. Very good.

13 BY MR. SILVERMAN:

14 Q. The city is going to be adopting the

15 2021 International Building Code. Are -- The

16 design plans for the buildings on the property,

17 do they meet those standards or can they be

18 adapted -- readily adapted to those standards?

19 A. We have to, yeah. That's the BOCA

20 code that you have. That's, you know, we've --

21 These usually come in as fairly high

22 restrictions on fire control and so forth, so,

09:55:54PM

09:56:15PM

1 HEARING OFFICER WALSH: Will you be a

2 while?

3 MR. MARSHALL: Probably more than five

4 minutes.

5 MR. SILVERMAN: Can I ask some

6 questions?

7 HEARING OFFICER WALSH: Sure.

8 MR. SILVERMAN: Thank you.

9 CROSS-EXAMINATION

10 BY MR. SILVERMAN:

11 Q. Mr. Moose, can you elaborate on the

12 operation of the hydro-excavation waste in terms

13 of odor control and process into solidification?

14 A. So the hydro waste doesn't have --

15 It's just dirt with water.

16 Q. So there's no odor associated with

17 that?

18 A. It's doesn't have -- It's not -- It's

19 not an odiferous product.

20 Q. The host agreement contemplates that

21 the consumer electronics recycling operations

22 would be a permanent feature at the site.

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1 yes, whatever you're building codes are, we have

2 to meet.

3 MR. SILVERMAN: Thank you. That's it.

4 HEARING OFFICER WALSH: Okay. We'll

5 start tomorrow with the cross-examination from

6 Group O of Mr. Moose.

7 And, Mr. Mueller, are you intending

8 to put on a witness for 3 and 6?

9 MR. MUELLER: Could I inquire, without

10 asking for a commitment, how long you think your

11 cross of Mr. Moose will be?

12 (Inaudible response.)

13 So we're not talking about all day?

14 MR. MARSHALL: No.

15 MR. MUELLER: In that case, I think we

16 can finish tomorrow, because our remaining three

17 witnesses are probably an hour, hour and

18 15 minutes, of direct examination between the

19 three of them. And we'll start with

20 Criterion 3 tomorrow.

21 HEARING OFFICER WALSH: Will the city

22 be putting on any witnesses?

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1 MS. ZWICK: I don't believe so.  
 2 HEARING OFFICER WALSH: What about you,  
 3 Mr. Marshall?  
 4 MR. MARSHALL: We'll just have the one.  
 5 I don't know. Half hour, 45 minutes.  
 6 HEARING OFFICER WALSH: Sounds like  
 7 we're going to conclude with the evidence by  
 8 tomorrow afternoon sometime, which means that we  
 9 will have oral public comment tomorrow  
 10 afternoon -- starting tomorrow afternoon to see  
 11 how far it goes, and we can easily conclude this  
 12 by tomorrow evening at 5:00.  
 13 MR. MARSHALL: The information on  
 14 public comment, will that be posted on the  
 15 city's website? How do people know that --  
 16 HEARING OFFICER WALSH: Well, this is  
 17 being live-streamed, so they can follow that.  
 18 And we can also put that on the city's website.  
 19 MR. SILVERMAN: Just for clarification,  
 20 there is a link on the website for public  
 21 comment?  
 22 HEARING OFFICER WALSH: Yes. Of course

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09:58:22PM

STATE OF ILLINOIS )  
 ) ss:  
 COUNTY OF DU PAGE )

I, KRISTI LANDOLINA, Certified Shorthand Reporter, Notary Public in and for the County DuPage, State of Illinois, do hereby certify that previous to the commencement of the examination and testimony of the various witnesses herein, they were duly sworn by me to testify the truth in relation to the matters pertaining hereto; that the testimony given by said witnesses was reduced to writing by means of shorthand and thereafter transcribed into typewritten form; and that the foregoing is a true, correct and complete transcript of my shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have hereunto set my electronic signature this 13th day of July, A.D. 2023.

/s/ Kristi Landolina  
 KRISTI LANDOLINA,  
 C.S.R. No. 84-004611  
 Notary Public, DuPage County

1 anybody can file written public comment. These  
 2 are people who want to execute -- present oral  
 3 public comment.  
 4 We'll adjourn until tomorrow  
 5 morning at 9:00 a.m. Thank you.  
 6 (WHEREUPON, the above-entitled  
 7 cause was recessed and  
 8 continued to June 28th, 2023  
 9 at 9:00 a.m.)

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