

BEFORE THE VILLAGE BOARD
OF THE VILLAGE OF ROUND LAKE PARK
SITTING AS A POLLUTION CONTROL FACILITY
SITING AUTHORITY

IN RE: APPLICATION FOR LOCAL SITING)
APPROVAL FOR GROOT INDUSTRIES) 3-01
LAKE TRANSFER STATION,)

Transcript of proceedings at the hearing
of the above-entitled cause on the 26th day of
September, 2013, at the hour of 12:05 o'clock p.m.
(Proceedings concluded at 1:37 p.m.)

REPORTED BY: LISA M. BRINGLE, CSR
LICENSE NO.: 084-003301

1 APPEARANCES:

2 SCHIROTT, LUETKEHANS & GARNER, LLC,
BY: MR. PHILLIP A. LUETKEHANS

3 The Hearing Officer;

4 MUELLER, ANDERSON & ASSOCIATES,
BY: MR. GEORGE MUELLER

5 On behalf of Groot Industries;

6 THE LAW OFFICES OF RUDOLPH F. MAGNA,
BY: MR. PETER S. KARLOVICS

7 On behalf of Board of Trustees
of the Village of Round Lake
8 Park;

9

10 THE SECHEN LAW GROUP, P.C.,

BY: MR. GLENN C. SECHEN

On behalf of Village of Round Lake
11 Park;

12 TRESSLER, LLP,

BY: MR. STEPHEN T. GROSSMARK

13 On behalf of the Village of
Round Lake;

14

JEEP & BLAZER, LLC,

15 BY: MR. MICHAEL S. BLAZER

On behalf of Timber Creek
16 Homes, Inc.;

17 MR. LARRY M. CLARK

On behalf of the Solid Waste Agency
18 of Lake County, Illinois.

19 ALSO PRESENT:

20 MR. ROBERT CERRETTI, SR.,

Village of Round Lake Park Trustee;

21 MS. JEAN McCUE,

Village of Round Lake Park Trustee.

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I N D E X

WITNESS	DX	CX	RDX	RCX
BRENT COULTER				
By Mr. Blazer	4		70	
By Mr. Mueller		25		
By Mr. Sechen		59		

E X H I B I T S

NUMBER	ID	RECEIVED
TCH Exhibit		
No. 5	8	76
No. 6	11	77

1 THE HEARING OFFICER: Okay. I'll call the
2 hearing on the application for local siting
3 approval for Groot Industries Lake Transfer Station
4 before the Village Board of the Village of Round
5 Lake Park. I call that to order. Will the parties
6 please introduce themselves, Mr. Mueller?

7 MR. MUELLER: George Mueller for Groot
8 Industries.

9 THE HEARING OFFICER: Mr. Sechen.

10 MR. SECHEN: Glenn Sechen on behalf of Village
11 of Round Lake Park.

12 MR. KARLOVICS: Peter Karlovics on behalf of
13 the Village Board of the Village of Round Lake
14 Park. With me today are Trustee Bob Cerretti and
15 Trustee Jean McCue.

16 THE HEARING OFFICER: Mr. Blazer.

17 MR. BLAZER: Michael Blazer for Timber Creek
18 Homes.

19 MR. GROSSMARK: Steve Grossmark for Village of
20 Round Lake.

21 MR. CLARK: Larry Clark on behalf of the Solid
22 Waste Agency of Lake County.

23 THE HEARING OFFICER: Before we get started
24 with Mr. Blazer's witness, are there any

1 preliminary matters?

2 Mr. Blazer, you may call your next
3 witness.

4 MR. BLAZER: Thank you, Mr. Hearing Officer. I
5 call Brent Coulter.

6 THE HEARING OFFICER: Welcome, Mr. Coulter.

7 Would you swear in the witness, please.

8 (Witness sworn.)

9 THE HEARING OFFICER: You may proceed,
10 Mr. Blazer.

11 MR. BLAZER: Thank you.

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

15 DIRECT EXAMINATION

16 BY MR. BLAZER:

17 Q. Would you state your name, please.

18 A. My name is Brent Coulter.

19 Q. What do you do for a living, Mr. Coulter?

20 A. I'm a professional traffic engineer.

21 MR. BLAZER: I can't actually hear.

22 THE HEARING OFFICER: Yeah, you're going to
23 have to really speak up, Brent. It's not working
24 really well.

5

1 THE WITNESS: Is this picking up at all? Can I
2 just -- -

3 THE HEARING OFFICER: No. With the background
4 noise, you can't hear that.

5 (Discussion off the record.)

6 BY MR. BLAZER:

7 Q. Could you describe your educational
8 background, please?

9 A. I have a graduate degree in civil engineer
10 from Vanderbilt University, a master's in urban
11 planning, specifically in transportation, from the
12 University of Iowa.

13 Q. Have you attended or taught any seminars
14 or workshops in your field?

15 A. I have.

16 Q. And could you describe those, please?

17 A. I've done some traffic signal design
18 workshops in cooperation with District One in the
19 past, and I've taught small classes on manual and
20 uniform traffic control devices and other traffic
21 engineering work.

22 Q. Do you hold any professional
23 certifications?

24 A. Yes. I'm a registered professional

1 engineer in the State of Illinois, and I'm a
2 professional traffic operations engineer. That's a
3 national certification.

4 Q. What are the requirement -- first of all,
5 how long have you been a professional -- registered
6 professional engineer?

7 A. Since 1986 or so.

8 Q. And what are the requirements for
9 obtaining a professional traffic operations
10 engineer certification?

11 A. You have to pass a written exam, and then
12 you have to maintain continuing education,
13 45 hours, over a 3-year period, so renewal is every
14 3 years.

15 Q. Are you a member of any professional
16 associations in your field?

17 A. I'm a member of the Institute of
18 Transportation Engineers.

19 Q. And does that institute -- what is the
20 Institute of Transportation Engineers?

21 A. It's an international professional group
22 specializing in transportation planning and
23 engineering.

24 Q. Do they publish any manuals or standards

1 or reference books in the field?

2 A. Yes, they do.

3 Q. Can you describe -- could you describe
4 your employment background starting after your
5 postgraduate work?

6 A. Okay. I worked for about a
7 year-and-a-half in Birmingham, Alabama, Birmingham
8 Regional Planning Commission. Came to Chicago in
9 roughly 1978 where I was employed by DuPage County.
10 Initially I was a transportation planner. After my
11 six to eight -- eight years, actually, there, I
12 left for the County Highway Department, Division of
13 Transportation, as Superintendent of Highways.

14 After that I went into private practice
15 with the firm CEMCON Engineering, where I was a
16 project manager.

17 And most recently, the last 12 years or
18 so, I've been owner of my own consulting firm,
19 Coulter Transportation Consulting.

20 Q. I'll hand you what has been marked as TCH
21 Exhibit 5. Is that your resume?

22 A. Yes.

23 Q. And does it accurately summarize your
24 educational and professional background and

1 experience?

2 A. Yes.

3 Q. Do you have some personal experience in
4 your field in Lake County?

5 A. Yes.

6 Q. Could you briefly summarize your
7 experience in Lake County?

8 A. In the past, I've done traffic studies,
9 traffic reviews in Lindenhurst, Antioch, a few
10 other areas. I've done traffic signals as landlord
11 for the Illinois Department of Transportation in
12 the vicinity of Grass Lake Road, Route 59, Route
13 83.

14 Q. Do you also have personal experience in
15 reviewing Criterion 6 traffic reports?

16 A. Yes.

17 Q. Including reports from Mr. Werthmann?

18 A. Yes.

19 Q. And have you ever spoken to any
20 representative of Groot?

21 A. I was contacted by the attorney
22 representing Mr. -- representing Groot several
23 months ago regarding my interest in doing a
24 basically what I would call a peer review,

1 independent review, of the traffic study for this
2 particular waste transfer station petition.

3 Q. Was that Mr. Helsten?

4 A. Yes.

5 Q. And he called you asking if you would be
6 willing to review Mr. Werthmann's report?

7 A. Yes.

8 Q. What did you tell him?

9 A. Basically that I had done a review of a
10 Groot facility prior to that time, I think around
11 2009 or so. My client was a Timber Creek
12 subdivision, and I anticipated that it might not be
13 an issue with this waste transfer station, but I
14 just thought it was a conflict in general since I
15 had already represented them in the past.

16 Q. Mr. Coulter, were you asked by me to
17 review the Groot transfer station siting
18 application --

19 A. Yes.

20 Q. -- in the context --

21 A. Yes.

22 Q. And was that in the context of Criterion 6
23 of the siting statute as to whether Groot has
24 demonstrated that the traffic patterns to or from

10

1 the proposed transfer station are so designed as to
2 minimize the impact on existing traffic flows?

3 A. Yes.

4 Q. And that's the same thing Mr. Helsten
5 asked you to do, correct?

6 MR. MUELLER: I'm going to object. He's
7 leading him now, and he wasn't --

8 MR. BLAZER: I'll rephrase the question.

9 BY MR. BLAZER:

10 Q. Is that the same thing Mr. Helsten asked
11 you to do?

12 A. Well, he didn't get into those specifics.
13 He just said an independent review.

14 Q. All right. And you have -- I handed you
15 before TCH Exhibit 6. Is that your report?

16 A. Yes, it is.

17 Q. And is that the same report you would have
18 generated regardless of who hired you?

19 MR. MUELLER: I'm going to object, calls for
20 him to speculate.

21 THE HEARING OFFICER: Objection sustained.

22 BY MR. BLAZER:

23 Q. Could you describe what you did in
24 connection with your work in this matter?

1 A. I reviewed the KLOA reports as well as
2 various sections of the application, the overall
3 application, for the waste transfer station, and
4 prepared I guess you can call it a critique or
5 independent review of the KLOA traffic study with
6 respect to Criterion 6.

7 Q. And I assume by the KLOA traffic study,
8 you mean Mr. Werthmann's report in the siting
9 application?

10 A. Yes.

11 Q. Mr. Coulter, do you have an opinion within
12 a reasonable degree of certainty in your field as
13 to whether Groot has met its burden of
14 demonstrating the traffic patterns to or from the
15 proposed transfer station are so designed as to
16 minimize the impact on existing traffic flows?

17 MR. MUELLER: I'm going to object. The witness
18 has not been qualified to do that. Based upon his
19 report, he does not understand the criterion. If
20 you look at the conclusion in his report, you'll
21 see that it's something other than Criterion 6.

22 THE HEARING OFFICER: Objection overruled. You
23 can cross-examine on it.

24

12

1 BY MR. BLAZER:

2 Q. Do you remember my question, Mr. Coulter?

3 A. I do have an opinion on Criterion 6 with
4 respect to this application.

5 Q. And what is that opinion?

6 A. In my opinion, they have not demonstrated
7 in the traffic report prepared by KLOA,
8 Mr. Werthmann, that the traffic patterns or impact
9 have been minimized.

10 Q. Now, before we get to the basics for your
11 opinion, are there things in Mr. Werthmann's report
12 that you do agree with?

13 A. Yes.

14 Q. What are those?

15 A. Well, there were several things. One, in
16 terms of the site access on Porter Drive, I
17 concurred with the report of Mr. Werthmann that
18 there was not a need for either a left or right
19 turn lane at that access on Porter Drive.

20 The report recommended off-site
21 intersection improvements at Route 120 and Porter
22 Drive, including an eastbound left-turn lane and a
23 westbound right-turn lane. I agreed with those
24 recommendations with the additional caveat, if you

1 will, that the left-turn lane be designed so that
2 it was long enough for vehicles to enter in advance
3 of eastbound traffic queues on Route 120 extending
4 back from the railroad and the 120 and 134
5 intersection.

6 And I concurred with the recommendation
7 for the truck turning restrictions on Porter Drive
8 and Route 120, basically prohibiting truck left
9 turns from the morning peak period and the
10 afternoon peak period, so it would be right turns
11 only at those times of the day.

12 And I concurred with the recommendation
13 that periodic review observations of the Route
14 120/Porter Drive intersection be conducted to
15 establish whether or not traffic signal control or
16 other improvements may be necessary for safety --

17 THE HEARING OFFICER: You kind of fell off at
18 the end there.

19 THE WITNESS: I'm sorry. That periodic traffic
20 studies be conducted at Route 120 and Porter Drive
21 to ensure that any traffic safety or operational
22 issues were identified and could be corrected in
23 the future if necessary.

24 THE HEARING OFFICER: Thank you.

1 BY MR. BLAZER:

2 Q. Now, turning to your ultimate opinion
3 regarding the applicant's compliance with Criterion
4 6, what is the basis for that opinion?

5 A. Well, I looked at the trip generation,
6 obviously, and the trip distribution of the
7 proposed waste transfer station. And in
8 particular, there was a concern about the
9 statements in the KLOA traffic study concerning the
10 routing of the transfer trucks.

11 It was my understanding as stated in the
12 report that those transfer trucks would be directed
13 to -- outbound from the transfer station to the
14 west to the Winnebago County Landfill, roughly 64
15 miles or so away on an over-the-road routing.

16 The only -- the only guidance provided in
17 the KLOA report on that particular movement of
18 waste transfer vehicles --

19 MR. MUELLER: I'm going to object at this
20 point. The routing to any particular landfill is
21 not legally relevant.

22 I would cite Fox Moraine versus Pollution
23 Control Board, 960 N.E.2d 144, where in that case,
24 the Second District Appellate Court held that even

1 consideration of a route through Plainfield which
2 was 15 miles from the proposed landfill was not
3 legally relevant, and the Pollution Control Board
4 erred in considering it.

5 The Second District specifically said that
6 the proposed applicant is not required to show the
7 routes to the ultimate destination. So this entire
8 consideration indicates the witness misunderstands
9 the criterion and is legally irrelevant.

10 THE HEARING OFFICER: Mr. Blazer, do you want
11 to respond?

12 MR. BLAZER: Thank you. We addressed this
13 yesterday, but we'll do it again now that everyone
14 has a full copy of this case.

15 It's unfortunate that again Mr. Mueller
16 used words that the Appellate Court did not. This
17 is what the Appellate Court said, and this is on --
18 well, it's -- I numbered them by paragraphs. It's
19 the very last page of the opinion. That's the
20 easiest way to describe it.

21 MR. KARLOVICS: Mr. Blazer, there's page
22 numbers on the bottom right-hand corner.

23 MR. BLAZER: Page 31. Thank you. I appreciate
24 it.

1 THE HEARING OFFICER: The one I have has
2 different page numbers, so if you can go to the
3 paragraph number, that would be helpful.

4 MR. BLAZER: Sure. It's paragraph 116,
5 headnote 37.

6 THE HEARING OFFICER: Thank you.

7 MR. BLAZER: And if you go then -- stop about
8 the middle of the paragraph, and they say, "The Act
9 does not require elimination of all traffic
10 problems," and they cite a case, "Nor is the
11 applicant required to provide evidence of exact
12 routes, types of traffic, noise, dust or
13 projections of volume and hours of traffic because
14 the Act does not require a traffic plan, but
15 rather" -- and this is the critical language -- "a
16 showing that the traffic patterns to and from the
17 facility are designed to minimize impact on
18 existing traffic flows."

19 Mr. Werthmann admitted yesterday that the
20 transfer trailer vehicles will go from this
21 facility to the Winnebago landfill and then from
22 the Winnebago landfill to this facility. You'll
23 recall I asked those specific questions, and he
24 acknowledged that.

1 We are not asking here, nor are we
2 contending that a specific traffic plan is
3 required. The problem is, as Mr. Werthmann
4 acknowledged yesterday, at this point, he has no
5 idea how the vehicles will go to and from the
6 landfill and to and from this facility, which is
7 what this section of the siting statute requires.
8 And there is absolutely no information in
9 Mr. Werthmann's report to provide the other half of
10 the information that's required in order for them
11 to comply with this criterion, and that is what
12 Mr. Coulter is addressing.

13 THE HEARING OFFICER: Mr. Mueller.

14 MR. MUELLER: If we go to the end of the same
15 paragraph that Mr. Blazer read from, you'll see at
16 the end it says, "Downtown Plainfield is quite a
17 distance from the planned landfill site
18 (approximately 15 miles) and since Fox Moraine was
19 not even required to submit planned traffic routes,
20 we question the Board's analysis that Fox Moraine
21 failed to demonstrate traffic patterns to and from
22 the facility were designed to minimize the impact
23 on traffic flows around it."

24 In other words, the Appellate Court seems

1 to emphasize around it, as in the immediate
2 vicinity of a proposed facility.

3 MR. BLAZER: Well, Mr. Mueller may think that
4 that's what they seem to emphasize. The difference
5 in that case was Mr. Werthmann in that case
6 actually did provide trip routing through the
7 county. That has not occurred here. And in having
8 examined that trip routing through the county in
9 Fox Moraine, the Board determined that it wasn't
10 relevant.

11 The problem here is there is no way for us
12 to determine whether or not the trip routing
13 anywhere beyond Cedar Lake Road is or is not
14 relevant because none has been provided. We do not
15 know where these -- how these transfer trailers
16 will travel from this facility or how they will
17 travel to this facility, unlike Fox Moraine where
18 the evidence was present and the Court ultimately
19 determined based on the evidence before them that
20 they didn't need to see it. We don't know that
21 here because there is no such evidence.

22 THE HEARING OFFICER: Here is how we are going
23 to handle this. I'm going to let Mr. Blazer
24 complete his record on this issue. Either way he's

1 going to complete his record either directly or
2 through an offer of proof. So I'm going to let
3 this question be answered.

4 We are also going to require, for lack of
5 a better word, that within a week of completion of
6 this hearing you both present me simultaneously
7 with your position on this issue because it's
8 become pretty obvious to me that this is going to
9 be a major issue that this board is going to have
10 to review at some point and myself as well when I
11 make a recommendation.

12 So assuming we finish Tuesday, I would
13 like position papers, for lack of a better word,
14 submitted the following Tuesday by 5:00 o'clock.
15 If you finish Wednesday, so -- is that time enough
16 for everyone to submit that position paper that I'm
17 looking for? Mr. Mueller, I'll start with you.

18 MR. MUELLER: Yes.

19 THE HEARING OFFICER: Mr. Blazer?

20 MR. BLAZER: Yes, sir.

21 THE HEARING OFFICER: Okay. Understanding that
22 Mr. Mueller has a continuing objection to this line
23 of questioning, and if there is anything in
24 particular you wish to add as we go forward,

1 Mr. Mueller, feel free. But given that, I'm going
2 to let this evidence go in, and we'll make whatever
3 decision are appropriate after I read the pleading
4 and from my -- and it will be included in my
5 recommendation.

6 MR. BLAZER: Thank you, Mr. Hearing Officer. I
7 appreciate that. Unfortunately, I can't remember
8 where we were.

9 THE HEARING OFFICER: I think Mr. Coulter was
10 in the middle of answering a question, and that's
11 when we got cut off. So do you remember where you
12 were, Mr. Coulter?

13 THE WITNESS: Yes.

14 THE HEARING OFFICER: Why don't you proceed
15 then because you might be the only one.

16 THE WITNESS: I think Mr. Blazer had asked if I
17 felt that Criterion 6 had been addressed adequately
18 in the KLOA traffic study, and my immediate general
19 response was no, and the reason was -- and it's
20 basically contained on page 619 of the KLOA report,
21 is that they address the waste transfer station
22 routing for a very short distance west of Porter
23 Drive, which is the direction that to and from
24 which the waste transfer trucks would be oriented.

21

1 And they state that the trucks desiring to travel
2 to the -- in that direction would be using Cedar
3 Lake Road or Fairfield Road as an access of various
4 other arterial roads.

5 It so happens that those streets are not
6 designated truck routes, as I can gather. Cedar
7 Lake Road is actually abutted by a significant
8 amount of residential development and residential
9 access. Route 60 is diagonally oriented northwest
10 to southeast.

11 That was the only statement regarding the
12 routing of trucks into and out of the facility.

13 And in my opinion, given the distance that those
14 waste transfer trucks have to travel, that was not
15 adequate to assess whether or not the travel
16 patterns minimized impact.

17 In traffic engineering, there are two
18 sides of the equation. There is the traffic
19 component, and there is the location specific
20 component, which is where the traffic goes -- trips
21 assigned to -- intersections, segments. That's the
22 only way to assess highway capacity, routing and so
23 on.

24 THE HEARING OFFICER: Before you proceed,

1 Mr. Blazer, I do want to say -- and I guess I
2 probably wasn't clear -- if anyone else wishes to
3 weigh in on this issue, you're clearly not
4 precluded from that, and I would ask for your
5 opinions as well. I didn't want to -- I look back
6 at how I said it, and it might have seemed that I
7 was limiting it to Mr. Blazer's and Mr. Mueller's
8 clients, and, obviously, that's not the case. So
9 whoever has an opinion, I'm happy to hear it.

10 I apologize for interrupting, Mr. Blazer.
11 Please proceed.

12 MR. BLAZER: Interrupt away, Mr. Hearing
13 Officer.

14 BY MR. BLAZER:

15 Q. So part of your opinion is based on the
16 fact that the limited information that's required
17 for the transfer trailer routes in Mr. Werthmann's
18 report are at least two streets on which transfer
19 trailers cannot travel?

20 MR. MUELLER: Object, leading, restating the
21 testimony.

22 THE HEARING OFFICER: Rephrase the question,
23 Mr. Blazer.

24

23

1 BY MR. BLAZER:

2 Q. Is your opinion based in part on the fact
3 that the two streets that are identified in
4 Mr. Werthmann's report are streets on which
5 transfer trailers cannot travel?

6 A. Well, even more broad in the sense that
7 those streets in my opinion are not appropriate for
8 any type of truck generated by the transfer
9 station, and the specificity for going more than a
10 half mile behind the site is just not there. There
11 is no indication at all what routes will be used,
12 whether they are adequate in terms of geometry,
13 overall geometry, lane widths, shoulders,
14 structural, the pavement, any ridge, weight
15 limitations, general traffic conditions, congestion
16 hotspots, accident hotspot and so on. So my
17 conclusion was that it was just impossible to
18 determine if this proposed facility will have an
19 adverse impact on travel patterns.

20 Q. And is it also impossible to determine
21 whether or not they have minimized the impact on
22 those traffic patterns?

23 A. I don't think so, not with the information
24 that was presented.

1 Q. And your findings and opinions are
2 summarized in your report?

3 A. Yes.

4 MR. BLAZER: That's all I have, Mr. Hearing
5 Officer.

6 THE HEARING OFFICER: Mr. Mueller?

7 MR. MUELLER: If I can have just a minute.

8 THE HEARING OFFICER: Absolutely.

9 MR. MUELLER: We are ready.

10 THE HEARING OFFICER: You may proceed.

11 MR. MUELLER: Thank you.

12 CROSS EXAMINATION

13 BY MR. MUELLER:

14 Q. Mr. Coulter, I notice your office address
15 is 1524 Paula Avenue in Wheaton?

16 A. That's correct.

17 Q. That's also your house, isn't it?

18 A. Yes, it is.

19 Q. So you work out of your basement?

20 A. I have an office in my home, correct.

21 Q. You don't have an office in an office park
22 or a professional facility, do you?

23 A. I work in an office in my home.

24 Q. And you are a one-man company, right?

25

1 A. Yes.

2 Q. You have no employees?

3 A. No.

4 Q. And when you were the Superintendent of
5 Highways in DuPage County, that job lasted four
6 months, correct?

7 A. That's correct.

8 Q. You don't even have a web page for your
9 company, do you?

10 A. I don't advertise, no.

11 Q. Because you get plenty of work from
12 Mr. Blazer, right?

13 MR. BLAZER: Objection. Never mind, no. You
14 know what, no. I withdraw the objection.

15 THE WITNESS: I get referrals and
16 recommendations by word of mouth.

17 BY MR. MUELLER:

18 Q. How many times have you been hired by
19 Mr. Blazer to critique someone else's traffic
20 study?

21 A. I'm trying to think. This case, of
22 course, and the earlier application by Groot for a
23 facility off of Porter Drive, work that I had done
24 in Kendall County on various landfill siting

1 applications. I believe I was retained by Kane --
2 excuse me, by Kendall County in those cases.

3 Q. For Mr. Blazer, right?

4 A. I'd have to check on that. It's been a
5 long time since I've done that work.

6 Q. Well, was Mr. Blazer the one that
7 presented you as --

8 A. Mr. Blazer was the attorney working with
9 Kendall County.

10 Q. Working with you then, right?

11 A. Yes, sir.

12 Q. And you have some experience in this
13 particular area here because you critiqued a study
14 in connection with a Groot truck facility, right?

15 A. Yes.

16 Q. And at that time, that was also for
17 Mr. Blazer?

18 A. That's what I mentioned earlier, yes.

19 Q. So when you were approached about
20 possibly, based upon your knowledge in the area,
21 providing some peer review, you went to get
22 Mr. Blazer's permission before you responded; isn't
23 that true?

24 A. No.

1 Q. Did Mr. Blazer decline to give you
2 permission?

3 A. I did not contact Mr. Blazer.

4 Q. Now, you didn't do a traffic study here,
5 did you?

6 A. I reviewed the KLOA traffic study.

7 Q. Sir, did you do a traffic study?

8 A. I did not do an independent traffic study,
9 no.

10 Q. When is the last time you did an
11 independent traffic study?

12 A. For?

13 Q. Anything.

14 A. Anything?

15 Q. Yes.

16 A. Well, within the last several weeks.

17 Q. What did you do a study for?

18 A. I did a traffic study for the residents of
19 the Oak Brook Towers condominium complex who were
20 concerned about the development of an adjacent
21 parcel that would require access through their
22 residential apartment complex.

23 Q. And did you do traffic counts in
24 connection with that?

1 A. Yes.

2 Q. When is the last time you did a traffic
3 study in connection with a 39.2 pollution control
4 facility siting application?

5 A. An independent traffic study?

6 Q. Yes.

7 A. I've only done reviews on those.

8 Q. So you've never done a traffic study in
9 connection with an application for siting approval?

10 A. No.

11 Q. Now, how far out did the Oak Brook study
12 go, by the way, from the subdivision you were hired
13 to evaluate?

14 A. Oak Brook, it was an adjacent parcel, so
15 it was in close proximity to the subject apartment
16 complex.

17 Q. Like a hundred feet?

18 A. Well, it was contiguous along the property
19 boundaries, yes.

20 Q. Did you look at where those cars and
21 trucks were coming from in this development?

22 A. Well, this was a proposed development, so
23 the issues were more related to cross access
24 between properties as opposed to capacity analysis

29

1 or other evaluations.

2 Q. You didn't analyze capacity. You didn't
3 recommend any site improvements or any of that, did
4 you?

5 A. Not in that case, no.

6 Q. Have you ever done a traffic study that
7 encompassed a 62-mile radius?

8 A. No.

9 Q. But you think Mr. Werthmann should have
10 done that here?

11 A. I'm not sure how you satisfy the meaning
12 of Criterion 6 unless you do an analysis of how
13 trucks will be routed, and in this case, the
14 truck-generating facility.

15 Q. You're aware that the Second District
16 Appellate Court rejected your testimony at the Fox
17 Moraine application because it felt you didn't
18 understand the criterion?

19 MR. BLAZER: Object to the characterization of
20 the case. That's legal argument. We can address
21 that as you indicated, Mr. Hearing Officer, a week
22 after this hearing.

23 THE HEARING OFFICER: I'll let him answer
24 because I'd be interested.

1 THE WITNESS: Mr. Blazer informed me yesterday
2 of that, of that decision. I was not aware of it
3 beforehand.

4 BY MR. MUELLER:

5 Q. Now let's look at your report. Do you
6 have that in front of you?

7 A. Yes.

8 Q. What is Criterion 6 as stated in your
9 report?

10 A. Criterion 6 is the facility has traffic
11 patterns (to and from) the site designed to
12 minimize the impact on existing traffic flows.

13 Q. I don't see that you wrote "the site" in
14 your report. You just added that language in your
15 oral testimony, correct?

16 A. I am sorry --

17 Q. Why don't you read Criterion 6 as you
18 believe it is stated in your report?

19 A. In my report it reads, "Criterion 6 - The
20 facility has traffic patterns (to and from)
21 designed to minimize the impact on existing traffic
22 flows."

23 Q. That's not what Criterion 6 says, is it?

24 A. Working with Mr. Blazer, that's my

1 understanding of Criterion 6 language.

2 Q. That's your understanding of it. You
3 don't even know what Criterion 6 says, do you?

4 A. I don't have that language right in front
5 of me.

6 Q. Have you ever reviewed Criterion 6 in the
7 statute?

8 A. Yes.

9 Q. Would you be surprised to learn that the
10 Criterion 6 as stated in Section 39.2 of the
11 Environmental Protection Act is, "The traffic
12 patterns to or from the facility are so designed as
13 to minimize the impact on existing traffic flows"?

14 A. I am sorry. Is there a question?

15 Q. Would you be surprised to learn that
16 that's what Criterion 6 says?

17 A. That's my general understanding of it.

18 Q. Well, that's not what you wrote in your
19 report. You've got completely different language
20 here, don't you?

21 MR. BLAZER: Objection to characterization.

22 THE HEARING OFFICER: Objection sustained.

23 BY MR. MUELLER:

24 Q. Well, let's go to your conclusion in your

1 report. Do you want to read that for the record?

2 A. "Conclusion: Based on the findings above,
3 it is my professional opinion that the Groot Waste
4 Transfer Siting Application has not demonstrated
5 that no adverse traffic impact will be created, or
6 can be mitigated, in accordance with Criterion 6 of
7 Section 39.2 of the Illinois Environmental
8 Protection Act."

9 Q. Sir, where in Criterion 6 is there a
10 discussion of adverse impact?

11 A. That is not in the Criterion 6 --

12 Q. Thank you. Where in Criterion 6 does it
13 state that we have to demonstrate that there will
14 be no adverse impact?

15 A. That language is not specifically in
16 Criterion 6.

17 Q. Where in Criterion 6 does it state that we
18 have to show that any and all adverse impacts can
19 be mitigated?

20 A. Well, I think in general, that's implied.

21 Q. Where is that in the criterion?

22 A. It is not specifically worded as to that
23 effect.

24 Q. In fact, criterion as stated by the

1 Illinois legislature implies that there will be
2 some adverse impact, and it is only the duty of the
3 applicant to design traffic patterns so as to
4 minimize; isn't that true?

5 MR. BLAZER: Object to what the General
6 Assembly may have implied.

7 THE HEARING OFFICER: Objection is sustained as
8 to form.

9 BY MR. MUELLER:

10 Q. Is it your belief, Mr. Coulter, that an
11 applicant in order to satisfy Criterion 6 must
12 prove the complete absence of an adverse impact?

13 A. That would not be my interpretation of the
14 standard.

15 Q. Well, isn't that what you wrote in your
16 conclusion, has not demonstrated that no adverse
17 impact will be created?

18 A. Well, there is -- the implication of that
19 statement and the intent, at least as I wrote it,
20 was that they did not identify any adverse effect.
21 Adverse impacts can be mitigated. They can be
22 mitigated fully. They can be mitigated partially.
23 None of that was addressed because the routing of
24 waste transfer trucks to and from the west was not

1 really addressed in the report itself, in the KLOA
2 report.

3 Q. Now, you understand that from a transfer
4 station, you can take waste to various facilities,
5 correct?

6 A. Correct.

7 Q. You also understand that transfer station
8 is not --

9 THE HEARING OFFICER: Mr. Mueller, I don't mean
10 to interrupt, but can you start over because she
11 couldn't hear you. It was probably because of the
12 backlash on this -- I apologize, but if you can
13 start that question over.

14 BY MR. MUELLER:

15 Q. You understand, sir, that the proposed
16 transfer station has a site life longer than the
17 Winnebago landfill and that there may be multiple
18 or numerous landfills that will be traveled to and
19 from this transfer station?

20 MR. BLAZER: Objection, foundation, also
21 assumes facts not in evidence. It's already been
22 established that he doesn't --

23 THE HEARING OFFICER: Objection overruled.

24 THE WITNESS: Answer the question?

1 THE HEARING OFFICER: Please.

2 THE WITNESS: From reading the KLOA traffic
3 report, it was my understanding that the waste
4 transfer trucks would be directed to Winnebago
5 County. There was no mention of alternative
6 landfill destinations, and in numerous locations in
7 that report, that was the impression I was given.
8 So on that basis, I focused on the routing to
9 Winnebago County.

10 BY MR. MUELLER:

11 Q. I want to get back to that in a bit. I
12 want to talk about some things in your report.

13 You make the point in your report that
14 there are other heavy traffic hours besides the
15 peak hours identified by Mr. Werthmann?

16 A. Yes.

17 Q. Did Mr. Werthmann correctly identify the
18 peak hours?

19 A. He identified the single morning and the
20 single evening peak hour, correct.

21 Q. And he stated that they were the single
22 peak hours?

23 A. He did, yes.

24 Q. So his report was accurate in that regard,

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1 right?

2 A. His report is accurate, but incomplete.

3 Q. Well, are there any other hours based upon
4 his counts where there would be combined truck and
5 vehicular traffic greater than during the peak
6 hours?

7 A. There are hours where on either side of
8 those single peaks that Mr. Werthmann identified
9 that would be very close to those volumes and would
10 be of concern in terms of traffic operations and
11 safety analysis.

12 Q. Sir, answer my question. There are any
13 other hours besides the peak hours identified by
14 Mr. Werthmann where combined truck and vehicular
15 traffic is greater than identified by
16 Mr. Werthmann?

17 A. Correct. He cited the single peak a.m.
18 and p.m. peak hours.

19 Q. In other words, what he did was he
20 presented the worst-case scenario, and your
21 argument is there are other cases almost as bad,
22 right?

23 A. That's correct.

24 Q. But he did do the worst case and say that

1 even in the worst case, we have minimized the
2 impact on surrounding traffic flows, right?

3 A. My opinion is that he addressed that
4 adequately for the immediate vicinity of Porter --
5 the intersection of Porter and 120.

6 Q. Now, you indicate that there is a problem
7 with gate downtime for a railroad to the east,
8 correct?

9 A. Well, that's just a general statement
10 relative to at grade railroad crossings.

11 Q. How much gate downtime would there be
12 during the peak hours or any other hour that you're
13 aware of?

14 A. Well, that depends on whether it's a
15 commuter train or a freight train. It depends on
16 the length of the train.

17 Q. Sir, did you do a study on how much gate
18 downtime there is at that particular crossing --

19 A. No.

20 Q. -- during any hour?

21 A. No, I did not.

22 Q. So your statement is just a general
23 observation?

24 A. It is.

1 Q. Then you say it will be difficult to
2 schedule the transfer trailer traffic to the west
3 in such a way as to avoid the peak hour?

4 A. That's my belief, yes.

5 Q. Well, what is the basis of that belief,
6 sir?

7 A. It's based on the travel distance between
8 the subject site on Porter Drive and the Winnebago
9 County Landfill and the fact that roughly over the
10 road distance of 60/64 miles is a long trip, and it
11 may be difficult to avoid peak hours every day of
12 every year.

13 Q. But you don't know that it can't be
14 avoided. You're not saying that it's impossible,
15 are you?

16 A. I just alerted the reader to the fact that
17 that may be an issue.

18 Q. But you don't have any evidence that it
19 will be an issue. You're speculating, correct?

20 A. It was a general statement, yes.

21 Q. Sir, you are speculating, right?

22 A. Well, it's an informed opinion --

23 Q. What is your information on which you base
24 that opinion?

1 THE HEARING OFFICER: Mr. Mueller, let him
2 finish his answer. If you want to move to strike,
3 that's up to you, but let him finish the answer.

4 Mr. Coulter, did you finish your last
5 answer?

6 THE WITNESS: It's a general statement based
7 upon the flow of trucks to and from the subject
8 waste transfer station over a long distance. There
9 may be delays encountered over that long length of
10 travel which can't be anticipated even if you state
11 that all of the transfer trucks will occur -- trips
12 will occur during the middle of the day.

13 BY MR. MUELLER:

14 Q. Well, what if we deferred sending transfer
15 trailers out during the peak hours and send them
16 out at 8:00 o'clock at night? Wouldn't that solve
17 your problem?

18 A. Well, that would certainly eliminate any
19 overlap with the peak hours of background traffic
20 on those routes that might be used to access
21 Winnebago County.

22 Q. You're aware that there was transfer
23 trailer parking available at the Winnebago
24 landfill, aren't you?

1 A. It appeared that way on the site plan that
2 I saw, yes.

3 Q. Then if we go to the next page of your
4 report, you indicate that Mr. Werthmann's
5 observation of a synergistic effect from the
6 proximity of the Groot north truck facility in
7 terms of keeping some packer trucks off the road is
8 a valid observation, right?

9 A. I think that's fair. In general, I agree
10 with that. There may be certain circumstances
11 where a packer truck may make more than one trip
12 per day to the transfer station, but I don't
13 disagree with that statement.

14 Q. But then you say he overstated the extent
15 of that synergistic effect?

16 A. That was just my point, that there may
17 be -- in other words, I'm accounting for packer
18 truck which may make multiple trips to the waste
19 transfer station, not just back at the end of the
20 day when they finish one route of collection.

21 Q. All right. If you look at the
22 paragraph -- the first full paragraph on that page
23 where you discuss this the synergistic effect, can
24 you read that last sentence starting with KLOA?

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1 A. You're at the top of page 2?

2 Q. I'm in the second paragraph, the one that
3 says, "KLOA states."

4 A. "KLOA states that they did not apply any
5 reduction in facility trip generation or assignment
6 based on this factor."

7 Q. If they didn't apply any reduction to the
8 anticipated traffic flows, how can they have
9 overstated the effect?

10 A. My comment was related to the general
11 qualitative statement of the waste transfer station
12 being located in proximity to the facility which
13 houses those vehicles when not in use.

14 It was not intended to be a statement
15 indicating that the numbers are wrong, just that
16 that potential does exist even if KLOA accounted
17 for that in their traffic study. If you want to
18 say I'm agreeing with KLOA, I'm agreeing with KLOA.
19 The study actually --

20 Q. My point is, sir, how do you overstate the
21 fact when you don't use it numerically whatsoever,
22 when you disregarded it entirely?

23 A. I think all I raised was the possibility
24 that the number of trips could be greater depending

1 on how many -- how routes are structured, how many
2 times a day they have to go to the waste transfer
3 station after picking up in local neighborhoods.

4 Q. How many times a day, sir, in your
5 experience, do packer trucks go to transfer
6 station?

7 A. For a landfill?

8 Q. Packer -- well, how many times a day do
9 packer trucks typically unload?

10 A. My understanding is that could be anywhere
11 from one to several.

12 Q. What's several?

13 A. Two or three.

14 Q. Would you be surprised to learn packer
15 trucks have the capability of basically two pickups
16 a day?

17 A. No.

18 Q. Now, let's go on to your next paragraph.
19 You are now discussing the intersection of
20 Hainesville and Route 120. That's the intersection
21 with a poor level surface, right?

22 A. That's correct.

23 Q. And you state that even a small increase
24 in traffic at intersections with a level surface

1 such as you have here can have a disproportionate
2 impact delay and congestion; is that right?

3 A. Correct.

4 Q. Percentage-wise, what increase in traffic
5 would cause a disproportionate impact on delay and
6 congestion? Would a 10 percent increase do it?

7 A. It could, especially if they were larger
8 vehicles.

9 Q. How about a 5 percent increase, would that
10 cause a disproportionate increase in delay and
11 congestion?

12 A. That's also possible. When accounting for
13 the equivalency of waste trucks to passenger
14 cars --

15 Q. Now, do you know what the actual
16 anticipated increase in traffic at that
17 intersection is going to be based upon the transfer
18 station?

19 A. I did not calculate that percentage.

20 Q. Well, actually, Mr. Werthmann did. Did
21 you review that in his report?

22 A. I might have missed that.

23 Q. Would you be surprised to learn that the
24 total projected increase in traffic is less than

1 one-half of 1 percent?

2 A. That sounds like it could be correct, yes.

3 Q. And do you think that an increase in
4 traffic of less than one-half of 1 percent can lead
5 to a disproportionate increase in delay in
6 congestion?

7 A. Not at this point, not without really
8 analyzing those two intersections.

9 Q. Now, you agree with the site entrance
10 designed for purposes of vehicular movement of the
11 proposed transfer station, right?

12 A. I commented on the need for either left or
13 right turn lanes at that location and basically
14 concurred that those did not seem to be warranted
15 on Porter Drive.

16 Q. And you agree with Mr. Werthmann's
17 proposed improvements to that Porter Drive/120
18 intersection?

19 A. Yes.

20 Q. And they represent sound traffic
21 engineering principles by Mr. Werthmann, correct?

22 A. In terms of those recommendations on Route
23 120 at 120 and Porter?

24 Q. Yes.

1 A. Yes.

2 Q. So now let's talk about the total traffic
3 generated by this facility. Would you agree that
4 the total traffic generated here would be
5 significantly less, maybe a factor of ten less than
6 the anticipated traffic from developing the same
7 square footage in a retail space?

8 A. I have not analyzed that alternative.

9 Q. You don't have any reason to doubt that if
10 you put 16,000 square foot into retail space, you
11 would probably have traffic in one hour equal to
12 what this proposed facility will generate in one
13 day?

14 A. I can't comment on that. It depends on
15 the type of retail. It depends on the customer
16 orientation. This is not something I analyzed, nor
17 did I think Mr. Werthmann analyzed in his report.

18 Q. Well, are you familiar, sir, with what
19 retail space is?

20 A. Yes.

21 Q. Are you familiar with the fact that people
22 drive vehicles to access retail spaces?

23 A. Yes.

24 Q. You have a general familiarity with the

1 kinds of traffic generated by retail activities?

2 A. Yes.

3 Q. Would you say those traffic volumes tend
4 to be greater per square foot of developed space
5 than a waste transfer station?

6 A. That's possible in terms of -- especially
7 in terms of passenger car traffic. Those
8 facilities -- a retail facility would not generate
9 nearly the same level square foot as you're talking
10 about of truck traffic that we are talking about
11 here.

12 Q. Well, let's talk about truck traffic. The
13 packer trucks are already on the road, right,
14 collection vehicles?

15 A. Throughout the service area, yes.

16 Q. So we are not adding any new collection
17 vehicles based upon this transfer station?

18 A. You're focusing those vehicles on a single
19 location with this proposal for a waste transfer
20 station, all of them.

21 Q. Transfer trailers that are going to leave
22 this facility -- you understand the difference
23 between a transfer trailer and a collection
24 vehicle?

1 A. I do.

2 Q. What is it?

3 A. A transfer trailer is typically a
4 truck-trailer combination that carries waste from a
5 transfer station to a landfill. A collection
6 vehicle, a refuse truck, is a single unit vehicle
7 which services local neighborhoods and picks up
8 trash from individual residences and businesses.

9 Q. And the proposed facility routes transfer
10 trailers in which direction from the facility?

11 A. Well, they would be oriented to the west
12 over some combination of routes which were not
13 specified in the report.

14 Q. But a hundred percent of the transfer
15 trailers leaving the facility will be westbound on
16 120, or West Belvidere Road, after they leave the
17 facility, right?

18 A. That's my reading of the KLOA report.

19 Q. Okay. Good. Now, one of your critiques
20 was that the transfer trailers are routed in your
21 opinion over roads that are unsuitable for that,
22 and I think you mentioned two specific roads,
23 didn't you?

24 A. That section of the report was a little

1 ambiguous and confusing to me. It talks about
2 trucks using that routing to go east, but I just
3 wanted to make clear in my report that the only
4 routes of any specificity mentioned in the report
5 were 120, Cedar Lake Road or Fairfield Road and
6 down to Route 60. So I just want to get in my
7 report that that doesn't define a complete routing
8 for any kind of truck, let alone a waste transfer
9 vehicle.

10 Q. Well, my point now is that -- my point now
11 Mr. Coulter is that -- my point is your critique of
12 taking transfer trailers across Fairfield Road or
13 Cedar Lake Road, in fact, Mr. Werthmann never said
14 that those roads would be used for any transfer
15 trailers, did he?

16 A. He states that those roads would be used
17 for vehicles traveling to the east.

18 Q. Which would not be transfer trailers
19 because they are all traveling to the west,
20 correct?

21 A. Based on, correct, his assignment earlier
22 on in the report, and that was the closest the
23 report came to identifying any routing --

24 Q. But, sir, can you read --

1 MR. BLAZER: Mr. Hearing Officer, I believe the
2 witness wasn't done answering the question.

3 MR. MUELLER: There was no question pending.
4 He was volunteering.

5 THE HEARING OFFICER: Mr. Mueller, he was still
6 responding to your other question.

7 Mr. Coulter, please finish your last
8 answer.

9 THE WITNESS: Well, I just was indicating that
10 the routings that were mentioned, Cedar Lake Road
11 and Fairfield Road, were the only routings listed
12 in the report with any specificity even in the
13 immediate vicinity of the waste transfer station.
14 So it was indicated that those trucks moving down
15 those streets or to and from those streets, using
16 those streets to the waste transfer station, would
17 be added to the east, but again, that's the only
18 specificity provided in the report about the
19 routing of any trucks, but in particular, waste
20 transfer trucks.

21 BY MR. MUELLER:

22 Q. If you would read the first sentence on
23 page 4, fourth paragraph of your report.

24 A. First sentence on page 4?

1 Q. Paragraph 4.

2 A. I'm sorry. "The KLOA report generally
3 discusses the use of Cedar Lake Road or Fairfield
4 Road west of, and in close proximity, to the site
5 for potential use by waste transfer trucks."

6 Q. Okay. Now, you've indicated you
7 understand the difference between a waste transfer
8 truck and a collection truck, right?

9 A. Correct.

10 Q. And Mr. Werthmann's report says that all
11 waste transfer trucks will go west on 120, right?

12 A. That's correct.

13 Q. And Mr. Werthmann's report also says that
14 Fairfield and Cedar Lake Road can be used as
15 alternatives for trucks wanting to go eastbound,
16 right?

17 A. That's correct.

18 Q. Which means that they are alternatives for
19 collection vehicles and not for transfer trailer
20 trucks, right?

21 A. That's possible, yes.

22 Q. So your report, in fact, is misleading in
23 that regard because Mr. Werthmann never said that
24 transfer trailer trucks would use those roads for

1 any purpose?

2 A. Well, Mr. Werthmann's report says that
3 trucks will travel west on Route 120, west of
4 Porter Drive. The only other intervening routes
5 west of Route 120 going to the west that are
6 mentioned in the report are Cedar Lake Road and
7 Fairfield Drive.

8 Q. Now, sir, if you were going to the west --
9 well, first of all, have you reviewed the testimony
10 of Mr. Werthmann yesterday?

11 A. I've seen excerpts of his testimony.

12 Q. Were you here for his testimony?

13 A. No, I was not.

14 Q. Are you aware that Mr. Werthmann made it
15 very clear that Cedar Lake Road and Fairfield Road
16 were alternative routes for collection vehicles?

17 A. I am not, no.

18 Q. You testified today that you don't think
19 any trucks should be on those roads?

20 A. Well --

21 Q. Isn't that what you testified to?

22 A. If the collection vehicles are serving
23 those immediate neighborhoods, then I think in my
24 opinion that's acceptable, but if we are talking

1 about the need for collection vehicles to use
2 either Fairfield or Cedar Lake Road as a routing
3 around the intersection of Route 134/120
4 intersection area, then I think that that's
5 somewhat of a concern.

6 Q. Well, sir, you live on a residential
7 street, right?

8 A. I do.

9 Q. Your office is in -- on a residential
10 street in your residence, right?

11 A. That's correct.

12 Q. Do collection trucks go down that street?

13 A. Collection trucks that service my
14 neighborhood.

15 Q. Is that okay with you as a traffic
16 engineer?

17 A. Yes.

18 Q. Now, talking about routes, what is a Class
19 II truck route?

20 A. A Class II truck route is a route in
21 Illinois that can carry legal height, weight and
22 width dimension trucks.

23 Q. And, in fact, they have been designated as
24 routes for those trucks to use, correct?

1 A. Yes.

2 Q. Is 120 a Class II truck route?

3 A. Yes.

4 Q. And, for example, is Route 59/12 a Class
5 II truck route?

6 A. Yes.

7 Q. Is Interstate 90 a Class II truck route?

8 A. Well, that would probably be a Class I
9 truck route, yes.

10 Q. So they can carry even bigger stuff,
11 right?

12 A. That's correct.

13 Q. And are you aware that if you wanted to go
14 up toward Winnebago County, one way of doing it
15 would be take 120 west of 59 and then take 59 to
16 Interstate 90?

17 A. I'm aware of that potential route, yes.

18 Q. And do you have any problem with that
19 routing in terms of safety?

20 A. Well, you're bringing heavy waste transfer
21 trucks through at least one, if not several,
22 communities through their downtown areas.

23 Q. And those trucks -- those routes are
24 designed to handle those trucks, right?

1 A. They are legally designed to handle them
2 in terms of their physical dimensions and their
3 weight.

4 Q. And Mr. Werthmann says that the congestion
5 on Route 120 is generally to the east of the Porter
6 Drive intersection. Do you agree with that?

7 A. I think that was his general statement; I
8 would agree with that.

9 Q. All right. So we're sending transfer
10 trailers to the west where there is less
11 congestion, correct?

12 A. All I know is that we are sending transfer
13 trailers west of Porter Drive. I don't know
14 anything beyond that because the report doesn't
15 address the specific routing.

16 Q. But you would agree it's possible to get
17 from the Porter Drive/Route 120 intersection to
18 Winnebago County using all Class II truck routes
19 designed by the state to carry those trucks?

20 A. I think there may be several options for
21 doing that. Some may be more preferred than
22 others.

23 Q. And by the way, this hoard of transfer
24 trailer trucks we are talking about is between one

1 and three per hour, correct?

2 A. Well, I think the number in the KLOA
3 report was 32 each direction.

4 Q. Per day, right?

5 A. Correct.

6 Q. Now, can you identify anyplace on any
7 Class II truck route west of the Porter Drive/Route
8 120 intersection where one to three transfer trucks
9 per hour is going to negatively impact existing
10 traffic flows?

11 A. Well, I have not done that because that's
12 not my responsibility. As I read Criterion 6,
13 that's the applicant's responsibility.

14 Q. Are you aware of any Class II truck routes
15 that would lie between here and any landfill to the
16 west that have existing poor levels of service at
17 any intersection?

18 A. I have not analyzed that.

19 Q. And by the way, you work for Timber Creek
20 here; is that correct?

21 A. That's correct. I was retained by
22 Mr. Blazer on behalf of Timber Creek.

23 Q. And Timber Creek primarily uses Route 134
24 and Porter Drive to access its subdivision,

1 correct?

2 A. That's my understanding, yes.

3 Q. And we will have no trucks using that
4 intersection as part of this proposal, will we?

5 A. That's my understanding.

6 MR. MUELLER: If I could have just a moment.

7 THE HEARING OFFICER: Absolutely.

8 BY MR. MUELLER:

9 Q. Let me give you another potential truck
10 route to the west and see if you are familiar with
11 these roads. Is Route 176 a Class II truck route?

12 A. I'm not positive. I don't know.

13 Q. You don't know? Have you ever heard of
14 Route 176?

15 A. I'm just not that familiar with it.

16 Q. Is U.S. Highway 20 a Class II truck route?

17 A. I would assume, yes.

18 Q. Have you heard of Highway U.S. 20?

19 A. Yes.

20 Q. Do you know where it is?

21 A. Yes.

22 Q. Can we get there from here using Class II
23 truck routes?

24 A. Yeah.

1 Q. Does Highway U.S. 20 go to Winnebago
2 County?

3 A. Yes, it does.

4 Q. Sir, in terms of adding truck traffic to a
5 Class II highway system, wouldn't you agree that
6 one to three trucks per hour is de minimis an
7 issue?

8 A. It's possible --

9 Q. That's all I have.

10 A. -- if the routes are sufficient geometric
11 characteristics and traffic characteristics and
12 land use characteristics.

13 Q. And, in fact, Class II truck routes by
14 definition have sufficient geometric capability to
15 handle the turns of the trucks we are talking
16 about, right?

17 A. In terms of the maneuverability of the
18 trucks, unless there are restrictions posted on
19 those routes, yes.

20 Q. Now, at the present time, collection
21 traffic -- collection trucks have to travel to the
22 east to get to the Countryside landfill, correct?

23 A. That's my understanding, yes.

24 Q. Do you know where the Countryside landfill

1 is?

2 A. Yes.

3 Q. And would you agree that if we develop a
4 transfer station here and the Countryside landfill
5 closes, that there will be less eastbound truck
6 traffic than we presently have?

7 MR. BLAZER: Object to the speculation, beyond
8 the scope of this witness' testimony.

9 THE HEARING OFFICER: Objection overruled.

10 THE WITNESS: I have not analyzed that
11 situation, but it's possible that's true, yes.

12 MR. MUELLER: Thank you, Mr. Coulter. That's
13 all I have.

14 THE HEARING OFFICER: Mr. Grossmark?

15 MR. GROSSMARK: No questions.

16 THE HEARING OFFICER: Mr. Grossmark has no
17 questions. Mr. Clark?

18 MR. CLARK: None.

19 THE HEARING OFFICER: Mr. Sechen?

20 MR. SECHEN: Very briefly.

21 CROSS EXAMINATION

22 BY MR. SECHEN:

23 Q. Mr. Coulter, you mentioned the no left
24 turn that's recommended in the KLOA report from

1 Porter onto 120?

2 A. That is in the KLOA report, correct.

3 Q. And do you have any objection, did you
4 find anything wrong with rather than simply
5 instructing the drivers utilizing that
6 intersection, Groot's drivers, simply posting that
7 the intersection, no left turn during the hours
8 suggested by Mr. Werthmann?

9 A. I'm not sure I understand your question,
10 but generally that's what would be done is that
11 there would be an ordinance passed locally and
12 signing with respect to the left turn from Porter
13 onto eastbound 120.

14 Q. Are you saying that's what Mr. Werthmann
15 recommended?

16 A. Well, Mr. Werthmann indicated that -- or
17 proposed time of day restrictions on that left
18 turn.

19 Q. Yes, sir.

20 A. And I think I'm answering your question,
21 but normally in those situations, what you would
22 have is a sign that says no left turn 7:00 to 9:00
23 in the morning and 4:00 to 6:00 in the afternoon,
24 for example, and that would be backed by local

1 ordinance.

2 Q. You did read Mr. Werthmann's report,
3 correct?

4 A. I believe that's what he is referring to,
5 yes.

6 Q. Would it surprise you to learn that
7 Mr. Werthmann recommended Groot instructing the
8 drivers from its facility not to make those turns,
9 not posting it, not passing an ordinance saying no
10 left turn?

11 A. Well, as I read Mr. Werthmann's report, it
12 to me was clear that there would be peak period
13 left-turn restrictions and that all transfer
14 trailer trucks would be oriented to and from the
15 west of Route 120. It was my understanding that
16 perhaps the local scavenger trucks, vehicles, would
17 be allowed to use 120 east of Porter Drive. That's
18 how I read his report.

19 Q. During the hours of 7:00 a.m. to 7:00 p.m.
20 and 3:00 p.m. to 5:00 p.m.?

21 A. No. Between those hours.

22 THE HEARING OFFICER: Mr. Sechen, I think you
23 want to rephrase the question. You said 7:00 a.m.
24 to 7:00 p.m.

1 BY MR. SECHEN:

2 Q. 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to
3 5:00 p.m.

4 A. It was my understanding reading the report
5 that it would allow a scavenger truck -- they would
6 allow scavenger trucks to turn left from Porter
7 onto 120 during the non-peak hours.

8 Q. But not transfer trailers?

9 A. But not transfer trailers.

10 Q. I see. Do you have any objection, do you
11 find anything wrong with passing an ordinance and
12 simply making that intersection no left turn for
13 all traffic during the hours in question?

14 A. All traffic, including other businesses on
15 Porter?

16 Q. All traffic.

17 A. I think that's something that has to be
18 addressed locally. I haven't really had a chance
19 to give that any thought.

20 Q. Let's just delete the question of
21 Mr. Werthmann's report to others rather than taking
22 the time to go through that and just pick up on a
23 point that was raised just a second ago.

24 It was mentioned that the transfer station

1 in question isn't married to any particular
2 landfill.

3 MR. BLAZER: That question was objected to, and
4 I believe it was sustained, Mr. Hearing Officer,
5 either that or he withdrew it. I don't recall
6 which, but the marriage question --

7 MR. SECHEN: Let me withdraw the question.

8 THE HEARING OFFICER: Just ask the question --

9 BY MR. SECHEN:

10 Q. I'll just ask another one.

11 Are you aware that the transfer station
12 that we are here today concerning can use any
13 landfill to dispose of the waste?

14 MR. BLAZER: Objection, calls for speculation,
15 assumes facts not in evidence.

16 THE HEARING OFFICER: Objection overruled.

17 THE WITNESS: All I'm aware of is what I've
18 read in the KLOA traffic study, which is that the
19 waste transfer trucks leaving this transfer station
20 would be headed west to the Winnebago County
21 Landfill. There was no discussion of other
22 options, other temporary near-term options. It
23 just mentioned Winnebago County.

24

1 BY MR. SECHEN:

2 Q. Well, is it your view then, Mr. Coulter,
3 in order for -- in order for this application or
4 the traffic report, if you will, to pass muster as
5 you view Criterion 6, would it be necessary for
6 that traffic report to contain routing to every
7 landfill?

8 MR. BLAZER: Mr. Hearing Officer, I have to
9 object. I know we are giving some latitude here,
10 but the bottom line is he's repeating the same
11 questions Mr. Mueller has already asked.

12 MR. SECHEN: I'm just taking his opinions with
13 logical absurdity.

14 THE HEARING OFFICER: The statements by
15 Mr. Sechen as to logical absurdity will be
16 stricken, but the question may be answered.

17 THE WITNESS: In my review of this application,
18 I was looking for a routing that would take the
19 waste transfer trucks from the site on Porter Drive
20 to the Winnebago County Landfill because that's the
21 destination that the KLOA report cited. And my
22 comment with regard to Criterion 6 was that there
23 was no routing identified. There may be suitable
24 routings, but they were not identified in the

1 traffic study.

2 MR. SECHEN: I ask that his answer be stricken
3 as being nonresponsive and that the hearing officer
4 instruct the witness to answer the question.

5 THE HEARING OFFICER: Ask the question again.

6 BY MR. SECHEN:

7 Q. Is it your view, Mr. Coulter, that in
8 order to have a proper traffic report, as you do
9 them, it would be necessary to address the complete
10 routing to every landfill in the area?

11 A. I think if there is a possibility that
12 waste transfer trucks would leave this site and go
13 -- other than Winnebago County, that those
14 routings, specific routings, should also be
15 addressed in this study. That's the only way to
16 identify if there is a potential impact of the
17 facility on the adjacent system. And I think the
18 number of those sites is somewhat limited, so it's
19 not an impossible or an onerous task for someone
20 preparing a traffic report to address those
21 possibilities for other routings, but the fact
22 remains that the traffic study I was able to
23 review, the KLOA traffic report associated with
24 this application petition, only addressed the

1 routing to the Winnebago County Landfill.

2 MR. SECHEN: I object to the response given as
3 it is nonresponsive, and I ask that it be stricken.

4 THE HEARING OFFICER: I think he actually did
5 respond.

6 MR. SECHEN: The volunteered portion was the
7 last portion.

8 THE HEARING OFFICER: We are going to let it
9 stand, but I think the question, and take it for
10 the -- I'm not going to strike it. I think in
11 reality, your question was answered. He explained
12 why he thought the way he did, but the answer will
13 stand.

14 BY MR. SECHEN:

15 Q. How many landfills in your view would be
16 necessary to address the routing issue with respect
17 to this traffic report for this transfer station?

18 A. Based on the information contained in the
19 various pieces of the application that I have read,
20 including the KLOA report, maybe just several.

21 Q. And how many would several be?

22 A. Maybe three or four at the most.

23 Q. Which ones?

24 A. Well, the Winnebago County, Countryside.

1 I believe there is another landfill, and again this
2 wasn't part of my focus because I was focused on
3 Winnebago County, but I believe there is another
4 landfill to the north. That's not my
5 responsibility to identify those alternatives.

6 Q. But you don't know which other
7 landfills ---

8 A. If they are going to be used by vehicles
9 that are serviced by this waste transfer facility,
10 then I would wholeheartedly agree with you that the
11 route should be identified.

12 Q. And if --

13 A. And it could be that all of those routings
14 are perfectly acceptable in terms of traffic safety
15 and operation and condition of the roadway and the
16 geometry of the roadway and high access locations
17 along the roadway and so on and so forth, but they
18 weren't addressed in the application.

19 Q. And if there were a dozen landfills, you
20 would expect that information for a dozen landfills
21 to be in the traffic report?

22 MR. BLAZER: Mr. Hearing Officer, he's answered
23 the same conceptual question multiple times now.

24 THE HEARING OFFICER: I'm going to let this

1 question stand, and please answer, Mr. Coulter, the
2 question asked.

3 THE WITNESS: It would seem to me that then we
4 probably could identify no more than three or four
5 landfills which could possibly accept the waste
6 that would arise at this waste transfer station,
7 but I'll --

8 BY MR. SECHEN:

9 Q. Does -- I'll wait for you to finish. Are
10 you done?

11 A. I'm done, yes.

12 Q. Is there some sort of language in
13 Criterion 6 that addresses three or four landfills
14 only as a cap?

15 A. No. I applied Criterion 6 specifically to
16 the KLOA traffic study, and I mentioned only one
17 landfill, which was Winnebago.

18 Q. Well, didn't you just mention that if
19 there were a dozen landfills, maybe three or four
20 landfills should be addressed?

21 A. I would assume that if the intent was to
22 use the adjacent landfill closest to this site,
23 that that would have been addressed in the traffic
24 report. It wasn't.

1 Q. Is it accurate, Mr. Coulter, that there is
2 no language in Criterion 6 that says we can cap the
3 number of routings at three or four?

4 A. You're correct.

5 Q. So you just made that up?

6 A. No. I was responding to your question by
7 answering that. I think without ballooning this
8 into an exercise involving 10s, 20s of landfills,
9 that we can identify 3 or 4 likely to be served by
10 this waste transfer station.

11 Q. Let's move on to a slightly different but
12 related topic, the routes themselves. Have you
13 ever routed trucks to a landfill?

14 A. No, I have never been a dispatcher or a
15 router for trucks.

16 Q. Have you ever studied how transfer trailer
17 drivers travel from a transfer station to a
18 landfill?

19 A. I'm not sure what you mean by "study."

20 Q. Well, have you ever looked at the routes
21 the various transfer drivers will take to a
22 landfill?

23 A. I have reviewed other transfer stations
24 and landfills with respect to large truck routings,

1 yes.

2 Q. Is it accurate, Mr. Coulter, that
3 sometimes transfer trailer drivers take different
4 routes from the same transfer station to the same
5 landfill?

6 A. It's possible, yes.

7 Q. Have you seen that happen?

8 A. I have not personally observed that, no.

9 Q. If a transfer trailer driver wants to
10 deviate from whatever route you would like to see
11 and maybe stop at a nearby favorite diner, is it
12 necessary to include that in the routing?

13 MR. BLAZER: Seriously, Mr. Hearing Officer?

14 THE HEARING OFFICER: Objection sustained.

15 MR. SECHEN: I have no further questions.

16 THE HEARING OFFICER: I do not see Mr. Smith
17 here today, so Mr. Blazer.

18 REDIRECT EXAMINATION

19 BY MR. BLAZER:

20 Q. Just very briefly, Mr. Coulter, could you
21 restate again, if you recall it, Mr. Werthmann's
22 directional distribution of the transfer trailers
23 from and to this proposed facility?

24 A. Well, it was my understanding that

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1 Mr. Werthmann was distributing all of the waste
2 transfer trucks to and from the west on Route 120
3 at Porter Drive.

4 Q. And when they are coming from the west,
5 what direction are they traveling?

6 A. They are traveling east.

7 MR. BLAZER: I have no further questions.

8 THE HEARING OFFICER: Anything further?

9 Mr. Mueller?

10 MR. MUELLER: Nothing further. Thank you.

11 THE HEARING OFFICER: Nothing from the other
12 gentlemen. Okay. Unless someone has an objection,
13 and I will listen that objection, but I do -- and I
14 make this statement without making, obviously,
15 having made a decision on the issue of Fox Moraine
16 that is being presented to me. For one, I am not
17 from this particular area, as I've said a number of
18 times, as well as anyone who may review in the
19 future who is not a member of this community. I
20 think it would be helpful because we have now --
21 and as I said before, I say this without making a
22 decision as to how far the applicant needs to go
23 with their "traffic study" as far as routing, et
24 cetera, but I think it would be helpful because we

1 have now discussed at least two routes that I'm
2 aware of to get to Winnebago, and we have given
3 some pretty specifics. I think it would be helpful
4 to provide as an exhibit, whether it's a joint
5 exhibit or whether it's different exhibits -- I
6 mean, if you can agree, I think that would be
7 best -- an aerial view showing at least how to get
8 to U.S. 20 and how we would get to 90. I'm not
9 looking for anything more than that, but I've heard
10 a route of 120 to 59 to 90. I've heard a route of,
11 I think, 176 to U.S. 20, both of which I think it's
12 pretty obvious go to Winnebago County, and they
13 both go through Rockford is my understanding.

14 So if that's something that could be
15 presented next week as either a joint or you can
16 both give your own, it's up to you, but I think
17 that would be helpful to whoever is reviewing this,
18 including myself. Does anybody have an objection
19 to that?

20 MR. BLAZER: I don't want --

21 THE HEARING OFFICER: You do, Mr. Blazer?

22 MR. BLAZER: I don't want to call it an
23 objection, Mr. Hearing Officer. I'm treading on
24 thin ice here. Here is my problem with that,

1 though, and I don't know how we can address it.

2 THE HEARING OFFICER: I'm willing to listen
3 because this is my concept no one else's.

4 MR. BLAZER: I get that, and I understand your
5 desire from the information, and from a
6 philosophical perspective, I couldn't agree more,
7 but the problem is that it is the applicant's
8 burden to demonstrate compliance with Criterion 6.
9 It is our position, of course, to be determined
10 either here or elsewhere about whether or not they
11 have done that and what the legal standard is for
12 doing that, but there is an application in place
13 with a defined, to a greater or lesser degree, what
14 their traffic routing is for purposes of compliance
15 with Criterion 6. What you have now asked them
16 individually or us collectively to do is
17 effectively to supplement the application with
18 possible routing --

19 THE HEARING OFFICER: And let's be very clear.
20 I'm not asking anyone to supplement the application
21 with possible routing. What I'm asking for is an
22 aerial of two routes that I have heard one from
23 Mr. Werthmann yesterday and one in
24 cross-examination today just so I can understand

1 them. I am not asking for possible routings. If
2 there is another route that I missed that was
3 described, you can include that, but what I'm just
4 trying to find is how do I get from here to 20 and
5 how do I get from here to 90 because those are the
6 routes that at least I remember the experts have
7 talked about.

8 MR. BLAZER: With that clarification, I have no
9 objection.

10 MR. SECHEN: Utilizing truck routes, the
11 appropriate truck routes?

12 THE HEARING OFFICER: Right now I'm just
13 looking for an aerial that shows -- I've heard some
14 of these are truck routes, I mean I've been told
15 and it's in the record that some of these are
16 trucks routes, but I'm not looking for any more
17 testimony on this issue. I sure as heck am not
18 telling people how to testify with the
19 application --

20 MR. BLAZER: What I propose, Mr. Hearing
21 Officer, since Mr. Werthmann is not here, I've just
22 asked Mr. Coulter, and he indicated he can generate
23 that. We will get that to the applicant as quickly
24 as possible for comment presumably from their

1 traffic engineer. We will endeavor, unusual as it
2 may seem -- I was just advised because of
3 responsibilities with two other counties, it may
4 have to go the other way. So if they can ask
5 Mr. Werthmann to do that, we will have it
6 reviewed --

7 THE HEARING OFFICER: I really don't think this
8 even takes a traffic engineer. I think this takes
9 someone to go on Google maps, and I'm not the
10 person who should be doing that. I would much
11 rather you two agree or submit -- you know, I could
12 go do that, but that's probably not appropriate.
13 That's what I'm trying to get to.

14 MR. BLAZER: Can you get that to me in the next
15 couple of days?

16 MR. MUELLER: I'm not going to get him anything
17 in the next couple of days, but what we will get
18 for the hearing officer is a copy of the IDOT truck
19 route map.

20 THE HEARING OFFICER: I'm let you guys work
21 out, and if you cannot agree, then I will listen to
22 it again as to what is appropriate under what I've
23 asked for, and that's what I'm going to leave it
24 at.

1 My understanding is there are no other
2 witnesses today. Is there any other matters that
3 need to be resolved other than public comment,
4 which we've posted for 3:00 o'clock and probably
5 should have posted for earlier, but we are where we
6 are.

7 MR. BLAZER: Move the admission of TCH 5 and 6.

8 THE HEARING OFFICER: Let's start with TCH 5.
9 Is there any objection to the resume of
10 Mr. Coulter. Mr. Mueller?

11 MR. MUELLER: No objection.

12 MR. SECHEN: No objection.

13 THE HEARING OFFICER: Hearing no objection to
14 TCH Exhibit 5, that will be deemed admitted.

15 (Whereupon, TCH Exhibit
16 No. 5 was received into
17 evidence on September 26, 2013.)

18 THE HEARING OFFICER: TCH Exhibit 6, is there
19 an objection?

20 MR. SECHEN: No objection.

21 THE HEARING OFFICER: Mr. Mueller?

22 MR. MUELLER: With all respect, we object
23 because the statement of conclusion misstates the
24 criterion and is, therefore, misleading to the

1 trier of fact.

2 MR. BLAZER: That's a matter of argument, not a
3 matter of admissibility.

4 THE HEARING OFFICER: Anyone else?

5 TCH Exhibit 6 will be admitted over the
6 objection of Mr. Mueller. I think the issue of the
7 conclusion was very much put into the record and is
8 well-rounded and has been dealt with, and you can
9 both argue the appropriateness of that conclusion
10 or any of Mr. Coulter's conclusions.

11 MR. SECHEN: You have the appropriate
12 criterion.

13 THE HEARING OFFICER: Correct. Section 39.2 is
14 what it is, and we kind of went through that, and
15 Mr. Mueller has made his point, and I'll let
16 whoever else reviews this look at those issues with
17 the record we have. So thank you everyone. TCH
18 Exhibit 16 admitted.

19 (Whereupon, TCH Exhibit
20 No. 6 was received into
21 evidence on September 26, 2013.)

22 THE HEARING OFFICER: We will deal with public
23 comment at 3:00 o'clock. In the meantime, there is
24 only -- just I want to make sure I recall the

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1 schedule. We have -- and I can't read my own
2 writing -- we have I think, it's Mr. McGinley
3 (phonetic) at 3:00 o'clock on Monday, and then
4 we'll have public comment at 7:00 p.m., and then
5 Tuesday we will start at noon with Mr. MaRous.

6 Now, if there is some public here, if you
7 are here and wish to make public comment, I will
8 actually let you make it now so you don't have to
9 come back at 3:00 o'clock. Anyone here for public
10 comment this morning? Okay. Hearing none, that's
11 fine.

12 And also, I understand that if people --
13 we have given a lot of opportunities for public
14 comment. We haven't had any, but if Monday, like
15 today, we finish before the public comment period
16 and people wish to make public comment at an
17 earlier time and don't want to come back at 7:00,
18 I'm going to allow that. We have tried to give the
19 public every opportunity to give their thoughts,
20 and we'll continue to do that until we finish,
21 which appears to be Tuesday or Wednesday at this
22 point.

23 Mr. Blazer?

24 MR. BLAZER: I can suggest my witness for

1 Monday, Mr. McGinley, who is starting at 3:00, I
2 really can't imagine he's going to take four hours.

3 THE HEARING OFFICER: Well, we do have to have
4 a break in between, and we have kind of noticed it
5 up, and that is Mr. Karlovics' client. And again,
6 like the other night, if people do not wish to stay
7 until public comment, that's not going to be held
8 against them. Obviously, we can all read the
9 transcript. I know I have to stay, and we'll go
10 from there who else decides to stay.

11 MR. BLAZER: I'm guessing for Monday we are
12 probably talking about an equivalent like this, an
13 hour and a half. Even for George, he is the one
14 cross-examining, there is only so much he can do on
15 Monday.

16 THE HEARING OFFICER: Well, we are not changing
17 anything. So we are going to be stuck with what
18 we're stuck with, and we'll go from there. Okay.
19 We have changed the schedule enough that I don't
20 want to keep changing it and confusing people more
21 than we may have already done so.

22 Okay. Everybody have a -- thank you.
23 We'll recess the hearing until 4:00 o'clock for
24 public comment. I appreciate your time. I'm

1 sorry. I said 4:00 o'clock. It's actually
2 3:00 o'clock.

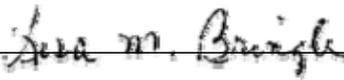
3 (Whereupon, further proceedings
4 in said cause were adjourned to
5 September 26, 2013, at the hour
6 of 3:00 p.m.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
4

5 LISA M. BRINGLE, being first duly sworn,
6 on oath says that she is a court reporter doing
7 business in the City of Chicago; and that she
8 reported in shorthand the proceedings of said
9 hearing, and that the foregoing is a true and
10 correct transcript of her shorthand notes so taken
11 as aforesaid and contains the proceedings given at
12 said hearing.

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Lisa M. Bringle, CSR

Lic. No. 084-003301



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