

1 THE COURT: Sorry. There was a photograph
2 of the proposed facility that was included in the
3 PowerPoint. That facility clearly showed no stacks of
4 any sort or kind as part of the operation. I'm
5 satisfied that was a misrepresentation. That's in the
6 record at record pages 21, 22, 23.

7 MR. WILSON: Just so the record is clear,
8 Your Honor, our position is that the baking process,
9 the gasification process is, in fact, a closed system
10 and there are no emissions from that process as opposed
11 to the generator.

12 THE COURT: Thank you. The record
13 includes minutes from the City Planning Commission. I
14 compare those minutes to the audio that was available
15 to me on the record and as part of the record.

16 I'm satisfied that the following misstatements
17 were included in the minutes and on the audio tape.
18 Mr. Cornelius stated there are no hazardous material.
19 I don't think that's true. The system is closed so
20 there is no oxygen. Once it is baked, all the gas is
21 taken off by a, quote, "cherry scrubber," closed quote,
22 so it takes away any kind of harmful toxins that might
23 be in the gas and the rest is burned as natural gas.
24 Anything that is left over will run back through the
25 system. The ash that comes out can be dumped in a

1 landfill or mixed with cement as road base.

2 Now, the last sentence I'm not satisfied is a
3 misrepresentation. I don't know. I'm satisfied that
4 comments regarding "once it is backed out, all the gas
5 is taken off, it takes away harmful toxins." I'm
6 satisfied these aren't true statements. Mr. Cornelius
7 indicated at the Planning Commission hearing that there
8 are no smokestacks, no oxygen and no ash. I'm
9 satisfied that's a misstatement. There is carbon and
10 ash which actually could have been tested and go right
11 into organic farming. I'm satisfied that's not true.
12 There are no fallout zones. I have no reason to
13 challenge that. There have been some dioxins but no
14 PCBs. This all goes into slag here. I'm not satisfied
15 that is a truthful statement.

16 Mr. Cornelius in response to a question -- the
17 question was from an alderman, and he said, in the
18 report under emissions, it refers to some particulate
19 matter, also hydrogen chloride, nitrogen oxide, sulfur
20 dioxide, mercury and dioxins. The alderman asked if
21 all of this was in the ash. Mr. Cornelius stated this
22 is all taken out in the process, is all scrubbed out.
23 A lot of this stuff is destroyed when it goes through
24 the energy process at the end. I'm satisfied that's
25 not true based on my interpretation of what was said.

1 MR. WILSON: And, again, Your Honor,
2 apologize to interrupt. Just so the record is clear,
3 Mr. Cornelius was not the one who made those
4 statements. It was Seven Gens representative but not
5 Mr. Cornelius.

6 THE COURT: And you are correct. I
7 remember the voice. You're right. Any objection to
8 that correction?

9 MR. WARPINSKI: No, Your Honor.

02:58:44PM 10 THE COURT: I think that's a true
11 statement. And I believe that those were all of the
12 material misstatements. I believe those are all the
13 material misstatements that I relied on in making my
14 ruling today.

15 MR. WILSON: I think what we'd like to do
16 from our perspective is to attempt to incorporate those
17 into the order with the consultation with Mr. Warpinski
18 and then for the Court's review.

19 MR. WARPINSKI: Right. I suspect the
02:59:18PM 20 question would be whether or not the whole transcript
21 gets incorporated as the basis for your decision and
22 not in limited statement because you did make a lot of
23 comments and I haven't had a chance to compare all of
24 the statements that you've made, all the statements
25 that were presented versus the ones just listed.