

ILLINOIS POLLUTION CONTROL BOARD  
November 21, 2005

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 04-77
	)	(IEPA No. 265-04-AC)
FRANK BENCIE,	)	(Administrative Citation)
	)	
Respondent.	)	

**HEARING REPORT**

On November 21, 2005, a hearing in this matter was held at City Hall in Benton, Franklin County. Attorney Michelle Ryan appeared on behalf of the complainant. Respondent appeared *pro se*.

**Witness Credibility**

2 witnesses testified during the hearing:

Mr. Doug Hayward  
Mr. Frank Bencie

Based upon my legal judgment, experience, and observations at hearing, I find that the credibility of witness is not an issue in this matter.

**Exhibits**

The complainant offered as Exhibit 1 the open dump inspection checklist. Respondent did not object, and Exhibit 1 was admitted into evidence. Respondent offered receipts from cleanup activities. Complainant objected only to receipts dated after the inspection date on the grounds of relevance. The hearing officer admitted into evidence the receipts that predated the inspection (Exhibit 2), and accepted the other receipts as an offer of proof (Exhibit 3).

**Briefing Schedule**

The transcript is due by December 1, 2005. Complainant's brief is due by December 22, 2005, and respondent's brief is due by January 12, 2006. Complainant's reply, if any, is due January 19, 2006.

IT IS SO ORDERED.

Carol Webb

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Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
217/524-8509  
[webbc@ipcb.state.il.us](mailto:webbc@ipcb.state.il.us)

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on November 21, 2005, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on November 21, 2005:

Dorothy M. Gunn  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Ste. 11-500  
Chicago, Illinois 60601

A handwritten signature in black ink that reads "Carol Webb". The signature is written in a cursive, flowing style.

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
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AC 2004-077  
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