

ILLINOIS POLLUTION CONTROL BOARD
December 8, 2008

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.)	AC 09-8
)	(Site Code No. 07780350009)
DAN KIMMEL,)	(Administrative Citation)
)	
Respondent.)	

HEARING REPORT

On December 4, 2008, a hearing in this matter was held at the Jackson County Courthouse in Murphysboro, Illinois. Attorney Daniel Brenner appeared on behalf of the complainant. Respondent appeared *pro se*.

Witness Credibility

2 witnesses testified during the hearing:

Mr. Don Terry
Mr. Dan Kimmel

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

Complainant’s Exhibit 1 consisted of the open dump inspection site sketch and photos dated July 8, 2008. Complainant’s Exhibit 2 consisted of the inspector’s affidavit and open dump inspection checklist dated July 8, 2008. Both exhibits were admitted into the record.

Briefing Schedule

The transcript is due by December 16, 2008. Complainant’s brief is due by January 30, 2009. Respondent’s brief, if any, is due by February 27, 2009. If the Board does not receive respondent’s brief by February 27, 2009, it shall be assumed that no brief will be filed. The mailbox rule will apply.

IT IS SO ORDERED.

Carol Webb

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
webbc@ipcb.state.il.us

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on December 8, 2008, 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 December 8, 2008:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



Carol Webb
Hearing Officer
Illinois Pollution Control Board
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P.O. Box 19274
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AC 2009-008
Daniel Brenner
Jackson County State's Attorney Office
Jackson County Courthouse
3rd Floor
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AC 2009-008
Dan Kimmel
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