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ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
vs.) No. AC 09-40
) (IEPA No. 51-09-AC)
THOMAS AND VALERIE HILL,) (Administrative
) Citation)
Respondent.)

Proceedings held on June 8, 2010, at 11:00 a.m. at the office of The Union County Courthouse, 309 West Market Street, Jonesboro, Illinois, before Carol Webb, Hearing Officer.

Reporter: Amy Moore Schuhardt, CSR, RPR
IL CSR #084-003197

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APPEARANCES:

Illinois Pollution Control Board
By Carol Webb,
Hearing Officer
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Illinois Environmental Protection Agency
By Michelle Ryan,
Special Assistant Attorney General

Pro Se: Thomas and Valerie Hill

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1 PROCEEDINGS

2 (June 8, 2010; 11:00 a.m.)

3 MS. WEBB: We'll go on the record. Good
4 morning, my name is Carol Webb. I'm a hearing officer
5 with the Pollution Control Board. This is AC 09-40
6 IEPA versus the Hills. It is June 8th. We are
7 beginning at 11 o'clock a.m. and there are no members
8 of the public present. At issue in this case is the
9 EPA's allegation that Respondents violated Sections 21
10 P1 and P7 of the Environmental Protection Act at a site
11 in Anna, Union County. The Pollution Control Board
12 members will make the final decision in this case. My
13 purpose is to conduct the hearing in a neutral and
14 orderly manner so that we have a clear record of
15 proceedings. This hearing was noticed pursuant to the
16 act in the Board's rules and will be conducted pursuant
17 to Sections 101.600 through 101.632 of the Board's
18 procedural rules. At this time, I will ask the parties
19 to please make their appearances.

20 MS. RYAN: Michelle Ryan, Special Assistant
21 Attorney General for the Illinois EPA. I have my
22 formal appearance, the original is on the top, and ten
23 copies on the bottom.

24 MS. WEBB: And Mr. and Mrs. Hill, you are

1 both here pro se, is that correct, representing
2 yourselves?

3 MR. HILL: Yes.

4 MRS. HILL: At this time.

5 MS. WEBB: Okay.

6 MRS. HILL: That may change.

7 MS. WEBB: Well, this is the hearing so you
8 are here representing yourselves today.

9 MRS. HILL: Okay. Then I think we need to
10 stop and we will contact a lawyer. Thank you.

11 MS. WEBB: No, this is going to be the
12 hearing. I hope you will stay, but we are going to do
13 the hearing. We just drove 220 miles so we are doing
14 the hearing today.

15 MRS. HILL: Yeah, but we feel we cannot
16 represent ourselves at this time possibly so I think we
17 have the right to a lawyer because we can no longer
18 represent ourselves at this time.

19 MS. WEBB: Well, that should have been
20 handled in advance. Today is your hearing.

21 MRS. HILL: I tried to handle it with you on
22 the phone because on March 15th, this is the last thing
23 we got in the mail. We never got any information on
24 this day being today until I called you last Thursday

1 asking when it was supposed to be because we never
2 received anything in the mail. You refused to
3 cooperate and negotiate a time change --

4 MS. WEBB: Mrs. Hill, I'm going to have to
5 interrupt you.

6 MRS. HILL: -- feasible for us.

7 MS. WEBB: I want to get this hearing done
8 as quickly as possible so your husband can get back to
9 work but today is going to be the hearing. We are not
10 rescheduling it.

11 MRS. HILL: Okay. So if I feel after the
12 hearing that I need a lawyer to represent us, I can do
13 that?

14 MS. WEBB: Well, you can call a lawyer and
15 have a discussion with them but we are not going to
16 have another hearing for this case.

17 MRS. HILL: I can't appeal it?

18 MS. WEBB: Pardon me?

19 MRS. HILL: I can appeal it, right?

20 MS. WEBB: This is your appeal.

21 MRS. HILL: I've not had a case.

22 MS. WEBB: You can appeal, you can appeal,
23 yes, I'm sorry, let me fix this.

24 MRS. HILL: I've not had a case yet.

1 MS. WEBB: You may appeal --

2 MRS. HILL: I'm being a victim here.

3 MS. WEBB: You may appeal the decision by
4 the Pollution Control Board, yes, you may. Okay? Yes.

5 MRS. HILL: Okay.

6 MS. WEBB: Okay. Ms. Ryan, would you like
7 to present your case, please.

8 MS. RYAN: Yes. We call Sheila Williams.

9 SHEILA WILLIAMS, produced, sworn and
10 examined as a witness, testified and deposed as
11 follows:

12 DIRECT EXAMINATION

13 BY MS. RYAN:

14 Q. Can you state your name and spell it for the
15 court reporter, please.

16 A. Sheila Williams, it's S-H-E-I-L-A
17 W-I-L-L-I-A-M-S.

18 Q. What is your job?

19 A. I am an environmental protection specialist
20 with the Illinois Environmental Protection Agency.

21 Q. Which office do you work out of?

22 A. Marion.

23 Q. How many years have you been a field
24 inspector for the Environmental Protection Agency?

1 A. I have worked in this capacity at the Marion
2 office for about 17 years.

3 Q. What are your duties as an environmental
4 protection specialist?

5 A. I conduct field inspections which would
6 include solid waste, tires, RCRA, which is R-C-R-A,
7 which are like hazardous waste inspections, do the
8 field work and then generate reports.

9 Q. Over your 17 years as a field inspector,
10 approximately how many inspections have you conducted?

11 A. Well over a thousand.

12 Q. What's your educational background?

13 A. I have a Bachelor's degree in biology.

14 Q. From?

15 A. Greenville College.

16 Q. Have you had any additional training besides
17 your Bachelor's degree?

18 A. A variety of training, yes.

19 Q. Anything related to your job in particular?

20 A. Yes. I'm sorry.

21 Q. That's okay.

22 A. The HAZWOPER training, which is dealing with
23 hazardous waste operations, a variety of topics,
24 including but not limited to methamphetamine awareness,

1 geology, hydro-geology, ground water chemistry,
2 landfills are some of them.

3 Q. Okay. Are you familiar with the facility
4 known as Lot 18 Agnes, Ussery, I'm going to say Ussery
5 because I'm not sure --

6 MRS. HILL: Ussery.

7 Q. Ussery, U-S-S-E-R-Y is the spelling,
8 addition in Anna?

9 A. Yes, I am familiar with it.

10 Q. Where is that property located?

11 A. It is in the southwest portion of Jonesboro,
12 I'm sorry, Anna.

13 Q. Who owns that property?

14 A. I believe it's Thomas and Valerie Hill.

15 Q. How many inspections have you conducted
16 there at that property?

17 A. Three total.

18 Q. I'm going to hand you what I've marked for
19 identification as Exhibit 1. Can you tell me if you
20 recognize that document?

21 A. Yes, I do.

22 Q. What is it?

23 A. It's a narrative inspection package that I
24 wrote following the March 4th, 2009 inspection.

1 Q. Can you page through that for me, please?

2 A. Sure.

3 Q. Is that a fair, accurate and complete copy
4 of your report?

5 A. I believe so.

6 Q. Can you describe the property generally?

7 A. It sits on the south side of, I'm sorry, is
8 it Ussery Street; is that correct?

9 MR. HILL: Yes.

10 A. Sits on the south side of Ussery Street and
11 there is a mobile home on that lot.

12 Q. Who took the photographs that are attached
13 to this report?

14 A. I did.

15 Q. And starting with Photograph No. 1, can you
16 tell us what they show, please?

17 A. There is a dilapidated mobile home that
18 shows that the interior is exposed.

19 Q. And moving to picture number two, can you
20 describe that picture?

21 A. And toward the south end of that mobile
22 home, there was a pile of demolition debris on the
23 ground to the south of it that you could sort of see
24 through this picture.

1 Q. Is it -- can you identify in relation to the
2 other -- can you identify this pile in this picture?
3 It's a little difficult to see with the branches and
4 stuff.

5 A. Right. It appeared to be demolition debris,
6 probably consisting of mostly demolition wood.

7 Q. I'm seeing sort of a white patch right about
8 in the middle of the photograph. Is that the pile you
9 are describing?

10 A. Yes. Yes.

11 Q. And the material on the left is the actual
12 mobile home that was pictured in the photograph left?

13 A. Yes, the far left --

14 Q. Okay.

15 A. -- was the mobile home.

16 Q. Okay. Photograph 3.

17 A. Okay. Three, it is the central part of the
18 mobile home and it appears that if there is any part of
19 a roof there, it's fallen in and obviously the sides of
20 it has fallen in on itself.

21 Q. And there is a brown wall toward the top of
22 the photograph. Is that part of the mobile home or is
23 that a different structure there?

24 A. That's the interior of the same mobile home.

1 Q. Got you. Number four.

2 A. Number four, to the back of that area again
3 is the same pile of demolition debris that we saw in
4 Photograph 002.

5 Q. And is that right in the center of the
6 photograph?

7 A. Yes, it is, it's on the ground.

8 Q. And number five.

9 A. That would be what I would consider the
10 front or the north end of the mobile home. Again, it
11 shows that the interior of it is exposed and there are
12 also a variety of items on the porch.

13 Q. Can you identify any of those items?

14 A. There is a vehicle battery, a couch, and
15 I -- it looks like maybe a piece or two of furniture, I
16 can't tell for sure.

17 Q. And number six.

18 A. And then number six is that same pile of
19 demolition debris that was observed in Photos 002 and
20 004.

21 Q. Do these photographs accurately depict what
22 you saw at the property on March 4th, 2009?

23 A. Yes, they do.

24 Q. Approximately when was this report

1 generated?

2 A. It was generated about March 30th is when it
3 would have been completed, March 30th of 2009.

4 Q. Does Illinois EPA keep these reports in the
5 regular course of its business?

6 A. Yes.

7 Q. Is it the Illinois EPA's regular course of
8 business to make such records at or reasonably after
9 the event reflected thereon, that being the inspection
10 of March 4th?

11 A. Yes.

12 MS. RYAN: At this time, I move Exhibit 1
13 into evidence.

14 MS. WEBB: Exhibit 1 is admitted.

15 MS. RYAN: And I have no further questions
16 at this point.

17 MS. WEBB: Okay. Mr. and Mrs. Hill, you
18 will both be allowed to make a statement in your own
19 defense about the property, but right now I'll ask you,
20 do you want to cross-examine this witness?

21 MRS. HILL: Yes, I do.

22 MS. WEBB: Okay.

23 CROSS-EXAMINATION

24 BY MRS. HILL:

1 Q. You cited us with this piece of paper. I
2 want to know where it originated from. I want to know
3 exactly who contacted you and reported my property to
4 the EPA, because at this time since December of 2007, I
5 have been in --

6 MR. HILL: Legal con --

7 Q. -- conferencing with an attorney and getting
8 legal representation on the City of Anna closing the
9 roadway named Baker Street that we were using in
10 cleaning Lot 18, in the middle of it they closed it
11 down and we have been in litigation every since. And I
12 want to know who has reported our property to the EPA.

13 A. Okay. We received a complaint but the
14 complaint form shows that it was anonymous, an
15 anonymous complaint.

16 Q. I'd like to have the complaint, a copy of
17 the complaint.

18 A. I cannot give that to you but --

19 Q. Why can't I as representing myself see
20 documentation of who has reported me?

21 MR. HILL: Especially when it has pertinence
22 to the other case we have.

23 MS. WEBB: Is that available under FOIA?

24 MS. RYAN: It is available under FOIA;

1 however, because it's an anonymous complaint, it will
2 not say who made the complaint. So you can have the
3 document through FOIA if you contact the FOIA office,
4 but it will not tell you who made the complaint because
5 it doesn't say.

6 MS. WILLIAMS: Someone called into our
7 office but they wouldn't identify themselves.

8 MR. HILL: I'll tell you exactly the
9 scenario why it happened and that's --

10 MRS. HILL: Okay.

11 MR. HILL: You should not take a complaint
12 unless they register their name.

13 MS. WEBB: Do you have any more questions
14 for the witness before we go on to your statements?

15 MRS. HILL: No.

16 CROSS-EXAMINATION

17 BY MR. HILL:

18 Q. I do. On a couple of these, because we were
19 in contact with you over my place in -- and you was
20 told not to be on my property without my permission and
21 it's obvious you was on my property.

22 MR. HILL: Yeah, you were illegally
23 trespassing on our property --

24 Q. I can overlook this but --

1 MRS. HILL: -- in 2009 in retrospect to your
2 pictures --

3 MS. WEBB: Ms. Hill, you can testify to that
4 if you want to, but do you have any questions?

5 MRS. HILL: No.

6 MS. WEBB: If there is --

7 REDIRECT EXAMINATION

8 BY MS. RYAN:

9 Q. I do have a follow-up question.

10 MS. WEBB: Okay.

11 Q. Where did you take these photographs from
12 during this inspection report?

13 A. These photographs were taken from off of the
14 Hills' property.

15 Q. And do you know where you were standing when
16 you took the photographs?

17 A. Some of them they were, it appears they were
18 taken from the street as well as on the property to
19 the, I guess it would be the west of the mobile home.

20 MR. HILL: That's standing on the property;
21 that one is standing on the property. I can tell where
22 the picture is at by the lay of my ground.

23 MS. RYAN: I'm sorry, it's not your turn
24 right now.

1 MS. WEBB: We'll get to you, but are there
2 any more questions for this witness?

3 MRS. HILL: No.

4 MS. WEBB: Okay. All right, anything else?

5 MS. RYAN: No, I have no other witnesses.
6 Thank you.

7 MS. WEBB: Ms. Hill, would you like to go
8 first? Wait for the court reporter to swear you in,
9 please.

10 VALERIE HILL, produced, sworn and examined
11 as a witness, testified and deposed as follows:

12 DIRECT EXAMINATION

13 BY MRS. HILL:

14 MRS. HILL: We were contacted by the EPA
15 that we needed to clean up our property at 100B Ussery
16 Street. At the time my husband was unemployed. He was
17 unemployed until three weeks ago, the exact date I'm
18 not sure. We are financially strapped. We can hardly
19 make our bills, and the EPA was wanting to impose a
20 fine and citation on us if we didn't get it cleaned up.
21 We tried to explain our circumstances and let them
22 understand that we would be trying to do what we could,
23 but until we had financial ability, it was kind of hard
24 to hire, bring in equipment, do anything with the

1 debris that was left on our lot. The debris left on
2 this lot, we had offered a business to remove two
3 trailers from Lot 17 and Lot 18 for the metal. They
4 were to remove, totally remove everything off our lots
5 for the cost, you know, for the scrap metal. In the
6 middle of it, this last trailer, they left. Our Lot 18
7 trailer, they left. We got it cleaned up. In the
8 middle of our cleaning, the City of Anna closed down
9 Baker Street which is a legal, at that time was a legal
10 road that we were using to clean up the debris and
11 remove it. At the time that they closed down the
12 entranceway to Baker Street, we have been in litigation
13 trying to get it open so we can continue our cleanup
14 from our garage parking lot on Baker Street. This has
15 been going on since 2007. We have exhausted all our
16 credit cards. We are almost at a bankruptcy state with
17 all of our truck and our home and we have tried to
18 explain this to the EPA. We have tried to get them to
19 understand. We are a victim here because these people
20 left this debris on our property. The City of Anna and
21 Mr. Stokes who had the road entrance closed on Baker
22 Street, we don't know what to do. We've been fighting
23 it since 2007. We are still in litigation on it and
24 they want us to remove evidence for a case that we are

1 in litigation on, and I think as long as we have the
2 need of evidence and proof for a court litigation that
3 is active, we should not have to remove such debris
4 until our court case is resolved. And we have tried to
5 negotiate and work with them, even tried to rearrange
6 court dates to accommodate my husband getting a new job
7 so he doesn't lose his pay so that we can afford to
8 clean up our lot when we possibly get the road to Baker
9 Street reopened, but at this time, they are not willing
10 to cooperate and help us.

11 MS. WEBB: Ms. Ryan?

12 CROSS-EXAMINATION

13 BY MS. RYAN:

14 Q. Ms. Hill, you said you offered a company to
15 take the material off the site for the metal. What
16 time -- when was that?

17 A. The summer of 2007.

18 Q. And is that --

19 MRS. HILL: What was the company name?

20 MR. HILL: Truly Blessed, Incorporated.

21 Should have knowed better, just like buying a vehicle
22 off a priest.

23 Q. And when did you say Baker Street was
24 closed?

1 A. Baker Street was initially shut down in
2 November of 2009. They --

3 Q. 2009?

4 A. 2007.

5 MR. HILL: They've had it blocked off since
6 2007.

7 A. 2007. Yeah, I'm sorry.

8 Q. That's all right.

9 A. We've been dealing with a lot of stress over
10 this matter.

11 Q. You had previously told me that the case
12 number was 09-LM-3. Is that still your pending case
13 number?

14 A. I couldn't even tell you what our case
15 numbers are at this time. We have dealt with so much.

16 Q. But do you have a pending case?

17 MR. HILL: Yes.

18 A. We do have pending cases still.

19 Q. And that case has not been dismissed?

20 MR. HILL: No.

21 A. No cases have been dismissed that I know of.

22 Q. Because you had discussed with me previously
23 that cases had been dismissed; Union County kept
24 dismissing our case, you said.

1 MR. HILL: Well, they keep --

2 MS. WEBB: Mr. Hill, you will get your
3 chance to talk, let Mrs. Hill.

4 A. They keep dismissing it with us, the right
5 to revamp or --

6 Q. To refile?

7 A. To refile and we have been doing that
8 process and we are still doing that process.

9 Q. And are you paying that lawyer for that?

10 A. Through our credit card, yes, and making
11 monthly payments to our credit card.

12 MS. RYAN: Okay. That's all I have, thanks.

13 MS. WEBB: Mr. Hill, if the court reporter
14 will swear you in, you may make a statement.

15 THOMAS HILL, produced, sworn and examined as
16 a witness, testified and deposed as follows:

17 MS. WEBB: Go ahead.

18 MS. RYAN: You get to question yourself
19 so --

20 MS. WEBB: You can just make a statement.

21 DIRECT EXAMINATION

22 BY MR. HILL:

23 MR. HILL: It's just the fact that I'm not
24 good with words. You are going to have to bear with me

1 while I put them in place.

2 MS. WEBB: Okay.

3 MR. HILL: You've got them pictures?

4 MS. RYAN: She has them.

5 MR. HILL: There is on this road, Ussery
6 Street, which is really an alley, you can see right
7 there where my son's trailer almost went off in the
8 neighbor's yard. You can see how far the road has fell
9 in.

10 MS. WEBB: Hang on. What are these
11 pictures?

12 MR. HILL: This is Ussery Street.

13 MS. WEBB: Are these --

14 MR. HILL: This is road access to the
15 trailers. Right here sits one trailer and right here
16 sits the other on this road. You can see where our
17 trailer that's the new trailer -- well --

18 MRS. HILL: I don't have that shot.

19 MR. HILL: There is a trailer sitting right
20 here on the first lot. You can see where the trailer
21 almost went in the neighbor's yard, the road give away.
22 You can see how far, how much road is left. I will not
23 ask anybody to back a truck in there with a dumpster
24 knowing the fact that that road can fall over and they

1 end up on their top. When you go right past this road
2 right here, there was Baker Street. The road that we
3 was using, I've owned the place since '04, been in and
4 out of it every year --

5 MRS. HILL: Of '94.

6 MR. HILL: -- every week; oh, '94, excuse
7 me, in the middle of cleaning up because we had two old
8 trailers that weren't fitting, in my opinion, they
9 weren't fitting for my granddaughter to live in.
10 That's who is living there, my son, his girlfriend and
11 my granddaughter. Well, we tried to give the trailer
12 away. Well, couldn't do that. So this company
13 approached me, said we will clean it up, we'll tear
14 them down, clean them up, forward them out. I said,
15 that's fine. Well, you see what they left us. Well, I
16 started cleaning it up. Well, the neighbor down here,
17 Mr. Stokes, I don't know what happened, I don't know
18 why, I don't care, he gets the city to shut down our
19 access, which through a bunch of lies the mayor looked
20 me right in the eye, told me there was no way I drove
21 my truck in and out of there, and I have since '94
22 every week because I took my truck and trailer in there
23 and mowed my yard and all of a sudden there is no --
24 not to mention the fact that the little bitty cubby

1 hole that they say we have access to this Lot 18, there
2 is no room for a dumpster. If we put a dumpster in
3 there, my son has no place to park his vehicle. We
4 don't have no place to park to do anything once the
5 dumpster is in there. The road is not wide enough for
6 two vehicles to pass. It's an alley. It's not a road.

7 MRS. HILL: Never was originally.

8 MR. HILL: Now, I'm in one of those catch
9 22's. What do I do? Do I -- would you, put yourself
10 in my position; would you have a man knowing that that
11 road will fall through again because that big truck and
12 a dumpster weighs a lot more than that trailer does,
13 now any of you'nse, would you put a man's life at risk
14 over that?

15 MS. WEBB: Well, I can't answer that, but is
16 that -- do you have anything more to add or --

17 MR. HILL: Well, just that I think it's all
18 bogus. I don't think there is a place -- why does a
19 man not have a right to defend himself against --
20 because I know who done it; I know the City of Anna
21 done it because we put the lawsuit against them over
22 this road closure and I think it's bull. That's all I
23 got to say, it's bull.

24 MS. WEBB: Ms. Ryan?

1 MRS. HILL: It's discrimination.

2 MR. HILL: I've tried, I've tried to do
3 everything; I've done everything, tried to follow the
4 letter of the law and do what's right.

5 MRS. HILL: And we were cleaning.

6 MR. HILL: That's what I get out of this;
7 just do I guess whatever you want.

8 MS. WEBB: We'll just follow up if you have
9 any other questions.

10 MS. RYAN: Mr. Hill, are you planning to
11 introduce those pictures into evidence? Because I do
12 have some questions about them.

13 MR. HILL: Yeah, I will.

14 MS. RYAN: Then you need to give them to the
15 hearing officer then and then I don't have any
16 objection to admitting them then.

17 MS. WEBB: Okay.

18 MR. HILL: But right here is even a better
19 picture of where the road has fell in, you can see the
20 rip-rap, you can see where they put concrete slats to
21 try to hold it up.

22 MS. WEBB: I'll let you ask your questions.

23 CROSS-EXAMINATION

24 BY MS. RYAN:

1 Q. Mr. Hill, did you take these photographs
2 here? There looks to be --

3 A. My wife just took them.

4 Q. Hold on, let's see here, there looks to be
5 seven photographs and you took -- Ms. Hill, you took
6 all of these photographs?

7 MRS. HILL: I took them, yesterday and this
8 morning.

9 Q. Yesterday and this morning. And this is the
10 current condition of Ussery Street; is that correct?

11 A. Yeah.

12 Q. Is Baker Street visible in any of these
13 photographs anywhere?

14 A. No.

15 MRS. HILL: No, I didn't get my pictures, I
16 didn't even think to print them this morning. On your
17 sample here, Baker Street was an unimproved street. It
18 was established, I've got a, in my abstract, it was
19 established in like, and it's down at the Union County
20 Courthouse, it's in their description thing. It was
21 originated like in the late 1890s, early 1900s. It
22 was, it was a street then.

23 Q. Uh-huh.

24 MRS. HILL: Through the years, the City of

1 Anna didn't maintain it.

2 Q. Uh-huh.

3 MRS. HILL: It has always been a open
4 street. It had never been closed down, no legal
5 documentation up until December of 2 -- well, November
6 of 2007 when they chose to vacate it for Mr. Stokes'
7 beautification purposes. At that time -- I've lost
8 track of what I was thinking of.

9 MS. WEBB: What were you asking about the
10 pictures?

11 MS. RYAN: I was just asking if you could
12 see Baker Street in the picture so I was going to let
13 her go.

14 MS. WEBB: So no.

15 MRS. HILL: At that time, our street looked
16 like these pictures that you have on your thing. Where
17 are my pictures at? You can kind of see on exhibit --

18 MR. HILL: Right there.

19 MRS. HILL: This one here?

20 MS. RYAN: That's Exhibit 1, Photograph 6
21 you are talking about.

22 MRS. HILL: This is our -- right there is
23 our garage roadway. Now she took these in 2009.

24 MS. RYAN: And you are drawing through the

1 middle of the picture. I need to get that on the
2 record because they can't see what you are doing there.

3 MRS. HILL: And we took these in, when,
4 2009?

5 MS. WILLIAMS: Uh-huh.

6 MRS. HILL: See how much the grass has
7 grewed up and died, all of this right here is a road.

8 MR. HILL: Rock base.

9 MRS. HILL: Since 2007 to 2009, that grass
10 has grewed up over the gravel that they -- we have
11 there because they never, even though they get taxes
12 for roads, they never ever improved our road to be
13 blacktopped, to be graveled and chipped, and then they
14 come in and they close the road down on us and now the
15 pictures that I have today, if I had brought them in
16 and will show you a very large difference in the grass
17 because the grass is thick and really, really, really
18 very green now.

19 MS. RYAN: In Photograph 6, you are coloring
20 about the bottom half inch of the page there.

21 MRS. HILL: This is the road that was there.

22 MS. RYAN: You are saying that is Baker
23 Street or that's a different road?

24 MR. HILL: This is Baker Street.

1 MS. RYAN: That is Baker Street shown in the
2 bottom of Photograph 6.

3 MRS. HILL: Right.

4 MS. RYAN: Got you.

5 MRS. HILL: It's actually the frontage road
6 for Lot 18 because that's where our garage entrance is.
7 Lot 18 does not really have a frontage entrance on
8 Baker Street. It just has --

9 MR. HILL: On Ussery Street.

10 MRS. HILL: On Ussery Street. It just has
11 property abutting it. Our actual entranceway is off of
12 Baker Street that they closed down.

13 MS. RYAN: And your garage, is that shown in
14 any of the photographs that you have anywhere -- that
15 we have?

16 MRS. HILL: That you have here.

17 MS. RYAN: The thing underneath the trailer,
18 got you.

19 MRS. HILL: It's like, what, a 25 --
20 something like a 25 by 50 garage.

21 MR. HILL: It's about a 24 by 60.

22 MS. RYAN: So there is doors on the opposite
23 side away from the photograph?

24 MR. HILL: Yeah.

1 MRS. HILL: Uh-huh.

2 MS. RYAN: I got it now. And, Mr. Hill, you
3 said your son and his girlfriend and your granddaughter
4 live on the property. You are not referring to the
5 picture there, okay.

6 MR. HILL: Not this one --

7 MRS. HILL: Lot 17.

8 MR. HILL: Right here is their trailer.
9 That's first in line.

10 MS. RYAN: Photograph 4 in Exhibit 1, the
11 little white one on the left side there. Okay.

12 MR. HILL: See if you was coming in this
13 way, it would be their trailer first and then the
14 second trailer.

15 MS. RYAN: Okay. I think that's all I have.

16 MS. WEBB: Okay. Thank you.

17 MS. RYAN: And I have no objections to
18 admitting these. I don't know if you want to try and
19 number them or --

20 MS. WEBB: No, I'm just going to put them
21 together as Exhibit 2.

22 MR. HILL: Wonder what they are doing with
23 the flags now all of a sudden? Of course these
24 pictures tell the story whether they changed it or not.

1 MRS. HILL: No, Thomas said that Frank was
2 planting some kind of flowers or something.

3 MR. HILL: I hadn't seem them --

4 MRS. HILL: He's putting decorations around.

5 MS. WEBB: Did you have anything else, any
6 other questions?

7 MS. RYAN: Not for Mr. Hill, no.

8 MS. WEBB: So we are done with Mr. Hill as
9 well?

10 MS. RYAN: Yes. I did have more questions
11 for my inspector.

12 MS. WEBB: Okay. Then I will let you recall
13 your inspector.

14 MS. RYAN: I will recall Sheila Williams.

15 REDIRECT EXAMINATION

16 BY MS. RYAN:

17 Q. Sheila, you said you are standing there on
18 Ussery Street when you took these photographs. From
19 where you were standing, is there any way for the Hills
20 to remove the material on the property that you are
21 concerned about without accessing the Baker Street
22 which they apparently don't have access to any longer?

23 A. Yes, I believe so.

24 Q. And how, how would that -- how could that

1 take place? How could that physically happen? I
2 understand their financial concerns.

3 A. Right.

4 Q. But how physically could that be taken care
5 of?

6 A. Ussery Street is, from when I was there, I
7 believe the last time I was there was October of 2009,
8 it appeared to be a residential area with several homes
9 on it, people coming and going. It appeared that the
10 road is used on a regular basis. I agree in the sense
11 that I would -- I don't think it's a good idea to try
12 to get some kind of heavy large equipment in there, but
13 from what I have seen, vehicles do travel that road on
14 a routine basis and a pickup truck, utility trailer
15 probably get in there and --

16 MR. HILL: You got one I can borrow?

17 MS. WEBB: Mr. Hill, please.

18 A. -- and work on it, you know, it might not be
19 as feasible, but it could get done by using those types
20 of things. You could use Ussery Street just with a
21 pickup truck for most of the debris.

22 MS. RYAN: Thank you. That's all I have.

23 MS. WEBB: Mrs. Hill?

24 RECROSS EXAMINATION

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BY MRS. HILL:

MRS. HILL: She says that we could use a pickup truck and a trailer. If you will note in my pictures, if I were to park a trailer there alongside the road, no one would be able to enter or exit past my vehicle. Let it be known that yes, there is a residential area but you are talking once again in my Exhibit 2, my car shows you there is no way two vehicles can legally go through that road at the same time without pulling off into my Lot 17 driveway or in a ditch or in the neighbor's driveway to allow a vehicle to pass so that you can pass after they pass. Two vehicles cannot enter and exit on that road at the same time and it is not feasible to stick a truck or a trailer on the side of the road when it's the only way a vehicle can enter and exit that road.

MS. WEBB: Okay.

MRS. HILL: Plus --

MS. WEBB: Did you want to see --

MRS. HILL: Let me think, go ahead. I had something else on my mind. Trying to think of it all, I can't keep it clear.

MS. WEBB: Um -- okay.

MRS. HILL: I know. Plus the trailer, it is

1 the debris of a trailer which it is mostly wood that's
2 left because obviously they took all of the valuable
3 stuff off of it; and the axles, I would like to know
4 how Mrs. Williams expects us to move a -- how long is
5 it, 25 foot?

6 MR. HILL: 48 foot.

7 MRS. HILL: -- 48-foot trailer frame on a
8 truck and a trailer.

9 MS. WEBB: Okay. Well, I'll assume that's a
10 hypothetical question that you are posing to the Board
11 for their consideration.

12 MRS. HILL: Well, she's got ideas so, yeah,
13 I want to know how she's going to get it removed. Plus
14 I also want to know is if you guys put these fines on
15 us, are these, the money that we may have to pay for
16 these fines, do they go to cleaning up my property,
17 because I still cannot afford to pay for it if you fine
18 me and take the money that I already don't have to pay
19 to get it cleaned up, let alone the fines. Is my money
20 that you get from me on this fine going to come out
21 there and clean up my property for me?

22 MS. WEBB: Well, we can talk about -- I
23 actually have no idea where that money goes. I never
24 see any of it.

1 MS. RYAN: It goes into an environmental
2 protection trust fund so maybe eventually you might see
3 a piece of it.

4 MRS. HILL: So technically my money goes
5 into a fund and it pays your salaries; it don't come
6 out and pay to clean up my property?

7 MS. RYAN: No, it does not pay my salary.
8 My salary is paid elsewhere.

9 MRS. HILL: Thank you, I understand.

10 MS. RYAN: The statute requires that
11 penalties from administrative citations be placed into
12 the environmental protection trust fund. It's in
13 Section 482 of the Environmental Protection Act, I
14 forget which subsection, but whichever, B5 maybe, B4,
15 5. I don't have it in front of me, but it does require
16 that the penalties be placed in the environmental
17 protection trust fund, which does support the boards
18 IDNR and Illinois EPA and the Attorney General's
19 Office.

20 MRS. HILL: But it doesn't come and help me
21 clean up my property?

22 MS. RYAN: That's correct.

23 MS. WEBB: Mrs. Hill, I think we've covered
24 everything we need to cover for your appeal on your

1 property.

2 MRS. HILL: I still am a victim.

3 MS. WEBB: No one is making any closing
4 arguments?

5 MS. RYAN: No, I'll reserve that for my
6 brief, thank you.

7 MS. WEBB: The transcript of these
8 proceedings will be available from the court reporter
9 by June 18th and will be posted on the Board's website.
10 The public comment deadline is June 22nd. Any public
11 comment must be filed in accordance with Section
12 101.628 of the Board's procedural rules. The
13 Complainant's brief is due by July 9th and the
14 Respondent's brief if they choose to file one is due by
15 August 9th. At this time, I will conclude the
16 proceedings and we stand adjourned.

17 (The hearing was adjourned at 11:30 a.m.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF ST. CLAIR)

3 I, Amy Moore Schuhardt, a Notary Public in
4 and for the County of St. Clair, State of Illinois, DO
5 HEREBY CERTIFY that the proceedings were held before me
6 on July 8, 2010, at the offices of The Union County
7 Courthouse, 309 West Market Street, Jonesboro, Illinois,
8 that said proceedings were taken down in shorthand by me
9 and afterwards transcribed upon the computer, which I
10 hereby certify to be a true and accurate transcript of
11 the proceedings held before me.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my Notarial Seal this 8th day of June,
14 2010.

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Notary Public, CSR, RPR
My Commission Expires October 7, 2013
IL CSR #084-003197

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