

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

2

PEOPLE OF THE COUNTY OF WILL,)

3

Complainant,)

4

vs

) AC 97-041

5

) WC 96 AC 22

UTILITIES UNLIMITED, INC.,)

6

CHARLES PETREKIS, SR.)

D/B/A UTILITIES, INC.)

7

Site No: 1978015006,)

8

Respondent.)

9

10

11 The following is the transcript of an
12 administrative citation hearing held in the
13 above-entitled matter, taken stenographically by Kim
14 M. Howells, CSR, a notary public within and for the
15 County of Cook and State of Illinois before June C.
16 Edvenson, Esq., Hearing Officer, at Courtroom 100,
17 14 West Jefferson Street, Joliet, Illinois, on the
18 9th day of May, 1997, A.D., commencing at the hour
19 of 1:15 p.m.

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24

1 A P P E A R A N C E S:

2 HEARING TAKEN BEFORE:

3 ILLINOIS POLLUTION CONTROL BOARD
4 100 West Randolph Street
5 Suite 11-500
6 Chicago, Illinois 60601
7 (312) 814-6930
8 BY: MS. JUNE C. EDVENSON, ESQ.

9 ASSISTANT STATES ATTORNEY,
10 14 West Jefferson Street
11 Suite 200
12 Joliet, Illinois 60432
13 (815) 727-8872
14 BY: MS. DAWN R. UNDERHILL,

15 Appeared on behalf of the Complainant.
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1 MS. EDVENSON: Good afternoon and welcome. This
2 is a contested case hearing conducted by the
3 Illinois Pollution Control Board, Case No. AC 97-41,
4 entitled People of the County of Will, complainant,
5 versus Utilities Unlimited, Incorporated, Charles
6 Petrekis, Sr. doing business as Utilities Unlimited,
7 Incorporated.

8 This is an administrative citation
9 hearing. My name is June Edvenson. I am the
10 board's hearing officer for this case.

11 I will now request that counsel for the
12 party or the parties enter their appearances for the
13 record.

14 MS. UNDERHILL: My name is Dawn Underhill. I'm
15 an assistant with the Will County States' Attorneys
16 office.

17 MS. EDVENSON: Mr. Petrekis?

18 MR. CHARLES PETREKIS: My name is Charles
19 Petrekis, Sr. for Utilities Unlimited. I'm the
20 registered agent.

21 MS. EDVENSON: Okay. Thank you very much.

22 Let the record show that we have several
23 witnesses in attendance, and we will hear their
24 names as they are called.

1 Would Will County like to make an opening
2 statement?

3 MS. UNDERHILL: Yes.

4 MS. EDVENSON: Proceed.

5 O P E N I N G S T A T E M E N T

6 by Ms. Underhill

7 Today we're here on a matter of an
8 administrative citation for two different separate
9 violations; one of open burning and one of open
10 dumping.

11 And in regards to the testimony that you
12 will be hearing, I understand -- the information
13 that you'll be hearing, witnesses can state that
14 prior to the actual incident, Mr. Petrekis was in
15 violation of an open burning ordinance and the
16 statutory under the Illinois Environmental
17 Protection Act along with open dumping, and because
18 of these prior burning instances, our investigators
19 who are delegated agents of the IEPA were brought
20 out to the actual sight and did investigate
21 additional open burning and open dumping, which we
22 are here for this hearing today.

23 Basically, Mr. Petrekis is the person who
24 has caused a lot of these violations, and I am sure

1 you will find through the testimony that he is
2 guilty of each of these two violations. Basically,
3 that's it.

4 MS. EDVENSON: Thank you very much.

5 Mr. Petrekis, would you like to make an
6 opening statement?

7 MR. CHARLES PETREKIS: Yes.

8 O P E N I N G S T A T E M E N T

9 by Mr. Charles Petrekis

10 I have never been found guilty by the
11 county or anybody of any burning or open dumping.
12 Is what it is is, I have never permitted this on any
13 property that I control.

14 Is what it is is, the facts will show that
15 the county has directly and indirectly caused all
16 these violations.

17 That's all I have to say.

18 MS. EDVENSON: Thank you very much.

19 At this point then, I will call on the
20 county to put forward their case, and you may call
21 your first witness.

22 MS. UNDERHILL: Okay. May I have one second,
23 please.

24 (Brief pause.)

1 MS. UNDERHILL: Thank you.

2 For my first witness, I'd like to call
3 Officer David Eichorst.

4 THE COURT: Mr. Eichorst, will you please be
5 sworn?

6 (Witness sworn.)

7 WHEREUPON:

8 D A V I D E I C H O R S T ,
9 called as a witness herein, having been first duly
10 sworn, testified and saith as follows:

11 MS. EDVENSON: Off the record.

12 (Discussion had off
13 the record.)

14 MS. EDVENSON: On the record.

15 D I R E C T E X A M I N A T I O N
16 by Ms. Underhill

17 Q. Please state your name and spell your
18 last name.

19 A. David, last name is spelled
20 E-i-c-h-o-r-s-t.

21 Q. And can you please state what your
22 occupation is?

23 A. I'm a deputy sheriff for the Will
24 County Sheriff Police.

1 Q. And how long have you been employed?

2 A. I'm in my 16th year of employment.

3 Q. And have you been all 16 years with
4 Will County?

5 A. Yes.

6 Q. Okay. And what division are you in?

7 A. I work in the patrol division. I'm
8 assigned to the afternoon shift out of the Crete
9 area.

10 Q. Okay. And does that encompass the
11 entire unincorporated Crete area?

12 A. Yes, it does.

13 Q. Let's see. If I could just direct you
14 to the date of May 3, 1996, were you called out on
15 an incident --

16 MS. EDVENSON: Miss Underhill, could you speak
17 up, please?

18 MS. UNDERHILL: Oh, I'm sorry.

19 BY MS. UNDERHILL:

20 Q. On May 3, 1996, were you called out to
21 an accident in Crete at Utilities Unlimited?

22 A. Yes.

23 Q. Okay. And where is this property
24 located?

1 A. It's in the -- in or near the Calumet
2 Garden subdivision off of Cottage Grove near 394.

3 Q. Okay. And why were you called out to
4 this particular site?

5 A. It was an open burning complaint made
6 by the fire department.

7 Q. Okay. And what was your procedure when
8 you received the call?

9 A. When I received the call over the
10 radio, I responded to the scene.

11 Q. Okay. On your investigation, what took
12 place?

13 A. When I arrived, I spoke with a member
14 of the Crete Township Fire Department, and he told
15 me that he was driving up 394 from the north, and he
16 seen thick black smoke from quite a distance away.
17 And he proceeded to go to the location where the
18 smoke was coming from, which was Mr. Petrekis'
19 property, and he discovered that there was some old
20 roofing material being burned.

21 And he told me that the fire department had
22 responded there previously about the same kind of
23 complaints, and he would like something done about
24 it.

1 Q. Okay. And after you had talked to the
2 fireman, was there any other additional
3 investigation that you had?

4 A. Well, I went up to the house and seen
5 that there was, in fact, fire burning.

6 Q. Can you describe this house?

7 A. I don't remember too many details about
8 the house, but it was small a single-story house.

9 Q. Was it a trailer, or was it a
10 foundation house?

11 A. I believe it was a foundation house.
12 I'm not positive though.

13 Q. Okay. You went up to the residence,
14 and then what happened?

15 A. I knocked on the door, and Mr. Petrekis
16 came out, and I spoke with him.

17 Q. Is Mr. Petrekis in this room today?

18 A. Yes. He's the gentleman seated to my
19 right here.

20 Q. Okay. And what was your conversation?

21 A. I asked him about the burning, and he
22 said that he was burning a section of an old roof
23 that was damaged, and I told him I was going to cite
24 him under the ordinance for illegal burning because

1 he had been warned about the same incident -- about
2 burning before, and he claimed he didn't know about
3 the ordinance.

4 Q. Okay. But specifically he did state
5 that he was burning the roof?

6 A. Yes, he did. He told me it was a
7 section of damaged roof.

8 Q. Okay. And can you please state then
9 what you did after your investigation?

10 A. Well, I issued him a notice to appear
11 for the ordinance violation, and the fire department
12 came on the scene and put out the rest of the fire,
13 and that was the end of it.

14 Q. Okay. In regards to your procedure
15 then, you did have a notice to appear in court,
16 correct?

17 A. Yes.

18 Q. Okay. Can you please state what
19 happened in court?

20 A. Well, I remember being in court on one
21 occasion, and there was a continuance, and I think
22 what happened after that is they called me to come
23 at the last minute, and at the time, I couldn't
24 leave, and that was the last I had heard of the

1 case.

2 Q. Okay. So you don't know what the
3 status is of the actual ordinance violation?

4 A. No, I do not.

5 Q. Okay.

6 MS. EDVENSON: Counsel, is that in circuit
7 court?

8 MS. UNDERHILL: This was originally in circuit
9 court, correct.

10 MS. EDVENSON: Okay. Thank you.

11 MS. UNDERHILL: I have no further questions --
12 strike that.

13 BY MS. UNDERHILL:

14 Q. In regards to the debris that was being
15 burned, can you identify, or could you state
16 specifically?

17 A. There was some wood and shingles.

18 MS. UNDERHILL: Okay. I have no further
19 questions.

20 MS. EDVENSON: Okay. At this point,
21 Mr. Petrekis, you have an opportunity to ask the
22 officer any questions that are related through the
23 testimony that he has just given.

24

1 C R O S S - E X A M I N A T I O N

2 by Mr. Charles Petrekis

3 Q. You said that I was notified before
4 about open burning.

5 Did you ever tell me before about open
6 burning?

7 A. When I was dispatched, one of the other
8 deputies, Deputy Harris, called me on the radio and
9 told me that he had responded to your residents
10 previously and warned you about it.

11 And I believe that I'd been out there
12 before for a previous complaint also.

13 Q. Did you ever talk to me about a
14 previous complaint? Did you ever talk to me
15 personally?

16 A. I don't remember for --

17 MS. EDVENSON: That's a yes or no question.

18 BY THE WITNESS:

19 A. I don't remember.

20 BY MR. CHARLES PETREKIS:

21 Q. Okay. The address of this property
22 where this burning took place, do you know the
23 address of this property?

24 A. Not without looking at my report, no.

1 Q. Do you know what street it was on?

2 A. Yes, I believe. It's on Leslie Lane.

3 Q. Leslie Lane?

4 A. Yes.

5 Q. Okay. When the fire department called
6 you, did they tell you that I called the fire
7 department, or did they just seen the smoke?

8 A. The fireman that called seen the
9 smoke. When he found out what it was, he called us.

10 Q. Okay. Now, you said it was a section
11 of roof that I was burning.

12 Did I show you where this section of roof
13 came off?

14 A. I don't remember.

15 Q. Okay. I didn't point it out to you or
16 anything?

17 A. I think you may have, but I don't
18 remember for sure.

19 Q. This wood that was burning, was it --
20 was it trees and logs like that plus the shingles,
21 or what type of wood was being burned there?

22 A. It was plywood with shingles.

23 Q. Was there any other wood being burned?

24 A. I don't recall.

1 Q. What was the size of this pile? Could
2 you explain how big it was, how high?

3 A. I don't really recall the size of it.

4 Q. Okay. When you came up to this pile,
5 did you see a lot of smoke coming off the pile?

6 A. No.

7 Q. Okay. When the fire department called
8 you until you got onto the scene, how much time had
9 lapsed?

10 A. Several minutes.

11 Q. Like ten or 15 minutes?

12 A. Possibly ten minutes.

13 Q. Ten minutes or 15 minutes.

14 Now, have you ever been -- besides Leslie
15 Lane, were you ever on any other property that I
16 control to answer any calls for a fire?

17 A. I don't know what other properties you
18 have.

19 Q. In that same subdivision?

20 A. I don't recall if I have or not.

21 MR. CHARLES PETREKIS: I have no further
22 questions. Thank you.

23 MS. EDVENSON: Thank your, Mr. Petrekis.

24 Miss Underhill, do you have any further

1 follow up.

2 MS. UNDERHILL: No, I have no redirect on him.

3 MS. EDVENSON: I have a question.

4 Counsel, are there any photographs of the
5 burning?

6 MS. UNDERHILL: Of this specific one? Not for
7 this one.

8 MS. EDVENSON: Okay. So all the photographs
9 that are attached to the administrative citation are
10 related to the dumping violation?

11 MS. UNDERHILL: I'm sorry. I didn't hear you.

12 MS. EDVENSON: So all of the photographs
13 attached here are related to the dumping violation?

14 MS. UNDERHILL: The dumping, and there's an open
15 burning violation through IEPA. We can identify
16 those with the witnesses, but, yes, it's all through
17 the AC, nothing with this complaint.

18 MR. CHARLES PETREKIS: Excuse me, June. Can I
19 ask you one more question?

20 THE COURT: Okay. You should call me hearing
21 officer.

22 MR. CHARLES PETREKIS: Okay. Hearing Officer,
23 can I ask one more question?

24 THE COURT: Yes. Proceed.

1 BY MR. CHARLES PETREKIS:

2 Q. Yes. Officer, going back to when you
3 came on the scene, besides me being in the house,
4 was there anybody else at this burning site?

5 Was there someone else watching this fire
6 or anything?

7 A. No, there wasn't. The fireman was
8 there, but. . .

9 Q. There was a fireman.
10 You didn't see anybody else that worked for
11 the utility company there?

12 A. No.

13 Q. Okay. Was there a hose there? Was
14 there a water hose up there?

15 A. I don't remember if there was a hose or
16 not.

17 Q. Was there a tractor there?

18 A. I don't remember that either.

19 Q. Okay. How far from the house is it to
20 this fire, to this location where this burning was?
21 How far was this away?

22 A. I would guess within 25 yards.

23 Q. Seventy-five feet?

24 A. An estimate, yes.

1 MR. CHARLES PETREKIS: Okay. That's all. Thank
2 you very much.

3 MS. EDVENSON: Okay. Thank you very much,
4 Officer.

5 MS. UNDERHILL: My next witness I'd like to call
6 is Julie Juntunen.

7 MS. EDVENSON: Okay. Will the witness please be
8 sworn?

9 (Witness sworn.)

10 WHEREUPON:

11 J U L I E J U N T U N E N ,
12 called as a witness herein, having been first duly
13 sworn, testified and saith as follows:

14 MS. EDVENSON: Off the record.

15 (Discussion had off
16 the record.)

17 MR. EDVENSON: Back on the record.

18 D I R E C T E X A M I N A T I O N

19 by Miss Underhill

20 Q. If you can, please state your name,
21 Julie, and spell your last name?

22 A. Julie Ann Juntunen. That's spelled
23 J-u-n-t-u-n-e-n.

24 Q. And can you please state your

1 occupation?

2 A. I'm an inspector for the Waste Services
3 Division for Will County.

4 Q. And how long have you been there?

5 A. Fourteen months.

6 Q. Okay. And did you have to have a
7 certain degree for your occupation?

8 A. Yes.

9 Q. And what degree is that?

10 A. I have a bachelor's of science from
11 Michigan State University in environmental work.

12 Q. Okay. And do you have any kind of
13 certificates?

14 A. I'm a certified inspector through the
15 IEPA to inspect nonhazardous waste sites.

16 Q. Okay. And how many inspections have
17 you basically done for these past 14 months
18 approximately?

19 A. 150.

20 Q. Okay. What college did you attend that
21 you received your degree from?

22 A. Michigan State.

23 Q. Okay. I'd like to direct you to an
24 inspection of October 25, 1996.

1 In regards to this inspection, why did you
2 go out to the property of Utilities Unlimited?

3 A. Cindy Guzman from the states attorney's
4 office requested me to inspect the property to see
5 if open burning and open dumping existed on the
6 property.

7 Q. And do you know why it would have been
8 Miss Guzman from the states attorney's office that
9 would have requested that? Did she give you any
10 background information?

11 A. Her witness did not appear for a case
12 against Mr. Petrekis.

13 Q. Okay.

14 MS. EDVENSON: Off the record.

15 (Discussion had off
16 the record.)

17 MS. EDVENSON: We'll go back on the record.

18 BY MS. UNDERHILL:

19 Q. Okay. Do you know the reason why
20 Miss Guzman had asked you to go forward on the
21 inspection?

22 A. Her witness for her case did not appear
23 for court.

24 Q. Okay. And did she give you any other

1 additional information as to why she was requesting
2 you to go out on this inspection?

3 A. Mr. Petrekis has been cited for open
4 burning in the past.

5 Q. Okay. When you arrived at the scene on
6 October 25th, can you please state as to where the
7 site is located?

8 A. It is west of Cottage Grove on Monee
9 Road.

10 Q. Okay. And at that inspection, can you
11 please tell me approximately what time of the day
12 this occurred?

13 A. It was in the morning, the late
14 morning.

15 Q. Could you please also state as to what
16 the weather conditions were like?

17 A. May I refer to my report?

18 Q. Sure.

19 A. It was really sunny, and it was 80
20 degrees.

21 Q. Okay. Once you arrived at the site,
22 can you please state the process of your
23 investigation?

24 A. I walked the site and looked for open

1 dumping and open burning violations on the site. I
2 walked the entire property.

3 Q. Okay. And how do you know what the
4 boundaries of this property are?

5 A. At the time, I didn't. I went back to
6 the Will County office and referred to Sidwell maps.

7 Q. And Sidwells are?

8 A. Sidwells are a plat of subdivisions,
9 townships, sections that designate property
10 boundaries.

11 Q. Okay. And when you were walking the
12 site, what did you see?

13 A. I saw shingles and other construction
14 demolition waste deposited. I saw inoperable
15 vehicles. I saw drums. I saw toys, bookshelves. I
16 saw an area where it was barren, and there was ash
17 that looked like burning had taken place in the
18 past.

19 And I also saw a barrel, it was a 50-gallon
20 drum, and there were cans that were partially
21 burned, and there was also new refuse on top of the
22 cans.

23 Q. Okay. And later on in your research
24 and investigation, these particular items of open

1 dumping with the debris and even the piles of the
2 ash where you stated looked like open burning were
3 there?

4 A. Could you repeat the question?

5 Q. Okay. After your investigation, when
6 you were finishing up the research as to the actual
7 owners of the property and the site locations, was
8 that open burning and open dumping on the property
9 of Utilities Unlimited?

10 A. Yes, it was.

11 Q. Okay. In regards to the Environmental
12 Protection Act, are you familiar with that?

13 A. Yes, I am.

14 Q. Okay. Specifically and to the section
15 of open dumping, what would consist of open dumping?

16 A. Waste deposited on property that
17 results in litter.

18 Q. Okay. And what could you identify or
19 could you define what litter is?

20 A. Material.

21 MS. EDVENSON: Please describe the litter in
22 this situation.

23 MS. UNDERHILL: I think she already has. I
24 could ask her to redo that again.

1 MS. EDVENSON: Oh. So you are asking her the
2 definition of litter?

3 MS. UNDERHILL: Right.

4 BY THE WITNESS:

5 A. Litter would be waste on the property.

6 MS. EDVENSON: Where is that definition found?

7 MS. UNDERHILL: There is no definition found.

8 My understanding is that the IEPA has an
9 interpretation of litter.

10 THE WITNESS: That is my understanding.

11 MS. EDVENSON: I see. Thank you.

12 BY MS. UNDERHILL:

13 Q. Okay. In regards to the open dumping
14 and the litter, were the items that you stated you
15 saw on the property consist of that definition,
16 would it be a part of that definition?

17 A. Yes, they would.

18 Q. Okay. And, in fact, you are trained,
19 you have the experience and knowledge, to identify
20 these kind of violations, correct?

21 A. Yes, I do.

22 Q. Okay. You stated you also saw open
23 burning piles on the property?

24 A. I saw a pit that was void of vegetation

1 with ash, and I saw an open drum, 50-gallon drum,
2 that had charred materials in it and additional
3 wastes placed on top of the charred materials.

4 Q. Okay. Do you know if Mr. Petrekis or
5 Utilities Unlimited is permitted to burn any kind of
6 debris on the property?

7 A. Yes, I do.

8 Q. And what is the answer?

9 A. They do not.

10 Q. And how do you know that?

11 A. I phoned Scott Roethering. He is the
12 IEPA contact responsible for open burn permits, and
13 he stated that as of October 16th of '96, they did
14 not have a permit.

15 Q. Okay. Did you follow up in regards to
16 the date of October 25th on that date, if he had a
17 permit?

18 A. No, I did not.

19 MS. UNDERHILL: Okay. Mr. Petrekis, do you have
20 a copy of the original pictures with your citation?

21 MR. CHARLES PETREKIS: I probably do.

22 BY MS. UNDERHILL:

23 Q. Julie, if I can please draw your
24 attention here to the administrative citation, the

1 pictures.

2 On this inspection, who took these
3 pictures?

4 A. I did.

5 Q. Okay. And if we can look at Photograph
6 No. 4, can you please identify this picture?

7 A. That is construction and demolition
8 debris and some metal that was observed, openly
9 dumped on the property.

10 Q. Okay. And, in fact, it was
11 specifically on Utilities Unlimited property?

12 A. Yes, it was.

13 Q. Okay. That was taken October 25, 1996?

14 A. Yes.

15 Q. And is this an accurate picture
16 representing what you actually saw on that day?

17 A. Yes, it is.

18 Q. If I can then direct you to Photograph
19 No. 7, can you please state what this picture is
20 representing?

21 A. Gas cylinders that were observed dumped
22 on the property.

23 Q. Okay. And, again, did you take this
24 picture?

1 A. Yes, I did.

2 Q. And does this accurately represent what
3 you saw on that day?

4 A. Yes, it is.

5 Q. Okay. If I can direct you to
6 Photograph No. 8, can you please state what this
7 picture is?

8 A. That is the barren area that did not
9 have vegetation, and ash was also observed. You can
10 see the soil stains.

11 Q. Okay. And from your knowledge,
12 training, and experience, why would you state that
13 this specific area is barren of any vegetation?

14 A. Burning has taken place there.

15 Q. Okay. And, again, did you take this
16 picture on October 25, 1996?

17 A. Yes, I did.

18 Q. And is this accurately representing
19 what was there on that day?

20 A. Yes, it is.

21 Q. If I can direct you to Photograph
22 No. 9, can you please state what this is
23 representing?

24 A. That is the open 50-gallon drum, and as

1 you can see, there's charred materials in it, and
2 there's also new refuse placed on top of the charred
3 materials.

4 Q. Okay. And you took this picture on
5 October 25th?

6 A. Yes, I did.

7 Q. And this is accurately depicting what
8 was seen on that day?

9 A. Yes.

10 Q. Okay. Is that barrel a permitted
11 container for burning?

12 A. No, it isn't.

13 Q. Okay. And can you state for the record
14 what would be a permitted container for burning?

15 A. An incinerator or another combustion
16 chamber designated for burning.

17 Q. Okay. And is there a permit always for
18 these incinerators?

19 A. Yes, there is.

20 Q. And, again, there was no permit for
21 specifically this barrel?

22 A. No, there isn't.

23 Q. Okay. If I can direct you to
24 Photograph No. 10, can you please state what is in

1 this picture?

2 A. There was a bookshelf, toys, and other
3 debris dumped on the property.

4 Q. Okay. And this, in fact, is the
5 property of Utilities Unlimited?

6 A. Yes, it is.

7 Q. Okay. And this is a picture you took
8 on October 25, 1996?

9 A. Yes, it is.

10 Q. And it's accurately representing what
11 was seen on that day, correct?

12 A. Yes, it is.

13 Q. If I can direct you to Photograph
14 No. 11, could you please state what this picture is
15 representing?

16 A. Closed 50-gallon drums.

17 Q. Okay. And this was also on the
18 property of Utilities Unlimited?

19 A. It was on the property line, and the
20 adjacent property owner is taking care of the drums.

21 Q. Okay. So this was more or less right
22 on the actual line?

23 A. It was right on the property line.

24 Q. Okay. After your inspection on

1 October 25, 1996, could you please state what you
2 did as a part of your job with this investigation?

3 A. I prepared a report, and I sent it to
4 EDG for enforcement.

5 Q. And the EDG is what?

6 A. It's an enforcement decision group, and
7 it's with the waste service division and the states
8 attorney's office.

9 Q. Okay. And everything in your
10 narration -- narrative site inspection is accurate
11 in regards to what was seen and the procedure taken
12 on your investigation?

13 A. Yes, it is.

14 Q. Okay. And to your knowledge, training,
15 and experience, the property that was owned by
16 Utilities Unlimited, are they in violation of open
17 dumping?

18 A. Yes, they are.

19 Q. Okay. And, again, through your
20 knowledge, experience, and training, is that
21 property also in violation of open dumping?

22 A. Yes.

23 MS. UNDERHILL: I have no further questions.

24 MS. EDVENSON: Okay. Mr. Petrekis, you have

1 an opportunity at this point in time to ask
2 Miss Juntunen any questions that are related to the
3 testimony that she has just given.

4 C R O S S - E X A M I N A T I O N

5 by Mr. Charles Petrekis

6 Q. Okay. Do you have any knowledge of
7 boundaries or lot lines on this property?

8 A. Yes, I do.

9 Q. Okay. Did you find lot line stakes?

10 A. Yes.

11 Q. Okay. Bringing you to this sight
12 sketch, this would be dated April 14, 1997, would
13 this be an accurate sketch of the property?

14 MS. UNDERHILL: I object to this in regards to
15 anything of April of 1997. We're just basically
16 speaking of 1996.

17 MS. EDVENSON: That's correct, Mr. Petrekis.
18 This would have to do --

19 MR. CHARLES PETREKIS: Oh. I was just trying to
20 find a sketch that was close to the property site.

21 Which date do you have?

22 MS. EDVENSON: Excuse me. But all persons
23 should not interrupt me when I'm speaking.

24 MR. CHARLES PETREKIS: Oh, I'm sorry.

1 MS. EDVENSON: And each person should not
2 interrupt any other person when they're speaking.

3 We're focused only on the incident of
4 Miss Juntunen's investigation of October 25, 1996.
5 So if you have any questions about her testimony
6 here relating to this particular date, then you are
7 welcome to ask those at this time, and other dates
8 and other investigations would be the subject of
9 other proceedings.

10 MR. CHARLES PETREKIS: Yes. Okay.

11 MS. EDVENSON: You may proceed.

12 MR. CHARLES PETREKIS: I don't have a copy of
13 that paper. Could I see that?

14 (Counsel tendered document.)

15 MS. EDVENSON: Miss Underhill, do you also have
16 the photographs there so he can reference if he
17 wants to?

18 MS. UNDERHILL: Yes.

19 BY MR. CHARLES PETREKIS:

20 Q. On your site plan, would this be -- is
21 this an accurate site plan where the spots were?

22 MS. EDVENSON: Can you reference the page or
23 document number?

24

1 BY MR. CHARLES PETREKIS:

2 Q. It would be site sketch dated
3 October 25, 1996. Is this an exact sketch that --
4 did you make this sketch?

5 A. Yes, I did.

6 Q. Okay. And this is exactly where you
7 found all this material?

8 A. Probably not.

9 Q. Is it close to where you found all this
10 material?

11 All these pictures you've taken, and you've
12 got numbers on this paper, you show the trailer, you
13 show the sewerage treatment plant.

14 A. They are approximate locations.

15 Q. Within how many -- you know, within how
16 much distance?

17 A. I don't know.

18 Q. Looking at this plan, you've got it
19 facing north, and that would be, let's see, to the
20 back of the sewer plant.

21 Do you know how much property there is to
22 the back of the sewer plant, to the south of the
23 sewer plant? Do you know how much property we own
24 to the south of the sewer plant?

1 A. Very little.

2 Q. How much property do we own to the
3 north of the sewer plant?

4 A. (No response.)

5 Q. How much property do we own to the east
6 of the sewer plant?

7 A. Your property is 200 feet by 450 feet.
8 I would have to have a survey done to find the exact
9 locations of both the sewer plant and the trailer.

10 Q. You just testified that you found the
11 lot line stakes, and you know where the property
12 is. I'm just asking you how many feet
13 approximately. It doesn't have to be exact.

14 MS. UNDERHILL: I object to this, asked and
15 answered. My witness doesn't have the exact
16 knowledge of the feet that Mr. Petrekis is asking
17 for.

18 MS. EDVENSON: Mr. Petrekis, what's the purpose
19 of this line of questioning?

20 MR. CHARLES PETREKIS: The pictures she has
21 taken of this stuff that's being dumped is not on my
22 property.

23 MS. EDVENSON: Okay. She indicates that it is
24 within an area that she believes to be your

1 property.

2 MR. CHARLES PETREKIS: She is incorrect.

3 MS. EDVENSON: Okay. Then you can make that
4 testimony when your portion of testimony is heard
5 today.

6 MR. CHARLES PETREKIS: Okay. I'm just trying to
7 find out if she knows where this property is, how
8 many feet.

9 In other words, if she's testified that she
10 found the lot line stakes and so forth and so on,
11 and I'm just asking her how many feet. We've only
12 got -- we've only got one set building there that's
13 in concrete that can't be moved.

14 And I'm just asking her how many feet one
15 way or another so we can determine what is on my
16 property and what isn't on my property.

17 MS. EDVENSON: All right. Then, on your behalf,
18 perhaps, Miss Juntunen, is there something you would
19 like to say on this subject, and then we will move
20 on.

21 BY THE WITNESS:

22 A. With an adjacent property owner to the
23 north, we located survey stakes, and these survey
24 stakes were done by a surveyor contracted by him.

1 So I know where the northern boundaries are.

2 I do not know how many feet. And the
3 southern portion of the property, I have seen it on
4 a Sidwell, and you can tell the wetland water area
5 on the map as you can see the trailer on the
6 Sidwell, but as you said, it's not a set
7 foundation. So, no, I don't know exactly where it
8 is on that sketch.

9 BY MR. CHARLES PETREKIS:

10 Q. Okay. Picture No. 1 that you've taken,
11 what area is that of?

12 A. That would be the entrance on Monee
13 Road, and that is not your property.

14 Q. Okay. Picture No. 2, is this -- that's
15 my property?

16 MS. UNDERHILL: Can I object to this? Those
17 photographs were not brought up under direct exam.
18 I mean, those weren't the pictures that were brought
19 up under direct exam.

20 I said specific photographs and asked the
21 witness about those.

22 MR. CHARLES PETREKIS: These are the photographs
23 you handed me.

24 MS. UNDERHILL: I did hand you this whole

1 narration, but I specifically stated certain
2 photographs.

3 MS. EDVENSON: Are these photographs also the
4 basis of the administrative citation?

5 MS. UNDERHILL: Yes, they are.

6 MS. EDVENSON: And is that the administrative
7 citation that is being appealed today?

8 MS. UNDERHILL: Yes. Okay.

9 MS. EDVENSON: I think I will let him proceed.

10 MS. UNDERHILL: Okay.

11 BY MR. CHARLES PETREKIS:

12 Q. Okay. Photograph No. 2, was this on my
13 property?

14 A. I believe it was.

15 Q. No. 3?

16 A. Yes.

17 Q. On No. 3, it looks -- what is the
18 picture showing on No. 3?

19 A. That shows the mobile home that's on
20 the property and the sewage pipe that goes into the
21 ground from the trailer.

22 Q. Okay. And what side of the trailer, is
23 this the east, west?

24 A. That would be the north side.

1 Q. North side.
2 Photograph No. 4, was this on my property?
3 A. Yes.
4 Q. Photograph No. 5, is that my property?
5 A. Some of it.
6 Q. Some of it?
7 A. The property line cuts through
8 (indicating) --
9 Q. The center?
10 A. Because the background -- yes, the
11 property line is through the center.
12 Q. Photograph No. 6?
13 A. Part of your property.
14 Q. Okay. Photograph No. 7?
15 A. Yes.
16 Q. Photograph No. 8?
17 A. Yes.
18 Q. Photograph No. 9?
19 A. Yes.
20 Q. Photograph No. 10?
21 A. That was disputed.
22 Q. Okay. Photograph No. 11?
23 A. As I stated before, that's right on the
24 property line.

1 Q. Okay. Photograph No. 12?

2 A. That would be the top of one of the
3 drums shown in Photograph 11. I'm not sure which
4 drum. So I cannot tell you which portion of the
5 property line it fell on.

6 Q. Photograph No. 13?

7 A. Yes.

8 MS. EDVENSON: Miss Juntunen, then are you
9 suggesting that some of the drawings were on one
10 side of the property line, and some were on the
11 other side --

12 THE WITNESS: Yes.

13 MS. EDVENSON: -- of the property line?

14 THE WITNESS: And the adjacent property owner is
15 taking care of the drums.

16 BY MR. CHARLES PETREKIS:

17 Q. Photograph No. 14?

18 A. That is not your property.

19 Q. Photograph No. 15?

20 A. No.

21 Q. That's not my property?

22 A. That is not your property.

23 Q. Photograph No. 16?

24 A. That is not your property.

1 Q. Photograph No. 17?

2 A. That is your property.

3 Q. Photograph No. 18?

4 A. That is your property.

5 Q. The address of this property, do you
6 know the exact address of this property?

7 A. To my knowledge, an address has not
8 been assigned.

9 Q. Do you know what road this property is
10 on?

11 A. Monee Road.

12 Q. It's on Monee Road.

13 Do you know where Leslie Lane is?

14 A. Leslie Lane would be to the north of
15 Monee Road.

16 Q. Okay. How far to the north?

17 A. Half a mile approximately.

18 Q. Is there a regular home on this site
19 with a foundation?

20 A. No, there is not.

21 Q. Did you notice any other dumping in
22 this area?

23 A. Yes, I did.

24 Q. Besides my property?

1 A. Yes, I did.

2 Q. Okay. How far of an area would you
3 say -- in this whole area, how far away did you
4 inspect other dumping, within a mile?

5 A. Along the north and south boundaries of
6 Monee Road and then extending west of Monee Road.

7 Q. Okay. West of Monee Road.

8 How far west of Monee Road did you go?

9 A. Onto the adjacent property owner --

10 Q. Oh, just --

11 A. -- to your west.

12 Q. Just next door?

13 A. Yes.

14 Q. Do you know exactly how big this
15 property is?

16 A. Which property?

17 Q. This property that we're pertaining to
18 on Monee Road? Do you know how big this property
19 is?

20 A. Your property?

21 Q. Yes.

22 A. It's 450 feet by 200 feet.

23 Q. 200 by 450.

24 Okay. Have you ever seen me, or did you

1 ever talk to me about this?

2 A. I have seen you once.

3 Q. Okay. When was that?

4 A. It was in court last October.

5 Q. Last October in court, pertaining to
6 what?

7 A. Open burning.

8 Q. At which property?

9 A. Luella, your property on Luella.

10 Q. This was a different property then?

11 A. Yes, it was.

12 Q. Okay. What is permitted to burn in
13 Will County?

14 A. Landscape waste generated on your
15 property.

16 Q. Any trees that would grow on your
17 property or stuff like that?

18 A. Yes.

19 Q. How big can you make a fire on the
20 property? What size of -- in other words, say I
21 wanted to burn a pile of trees and leaves and trees
22 or whatever, how big can I make this fire?

23 A. I don't think there's a designated
24 size.

1 MS. EDVENSON: Off the record.

2 (Discussion had off
3 the record.)

4 MS. EDVENSON: All right. Back on the record.

5 So, Mr. Petrekis, if you have any further
6 questions about the testimony that Miss Juntunen
7 gave, you're welcome to ask them at this time.

8 BY MR. CHARLES PETREKIS:

9 Q. Did you ever witness me burning or
10 dumping anything on this property?

11 A. No, I have not.

12 MR. CHARLES PETREKIS: I have no further
13 questions.

14 MS. EDVENSON: Okay. Thank you.

15 Do you have any redirect questions?

16 MS. UNDERHILL: I just have one redirect.

17 R E D I R E C T E X A M I N A T I O N
18 by Ms. Underhill

19 Q. In regards to the junk and debris that
20 you have seen on your inspection on October 25,
21 1996, and also the open burning areas, could you
22 state for a fact that that was on Mr. Petrekis'
23 property known as Utilities Unlimited?

24 A. Yes, it was.

1 MS. UNDERHILL: I have no further questions.

2 MS. EDVENSON: Thank you very much,
3 Miss Juntunen.

4 MS. UNDERHILL: My next witness I'd like to call
5 is Joy Hinz.

6 MR. EDVENSON: Will the witness please be
7 sworn?

8 (Witness sworn.)

9 WHEREUPON:

10 J O Y H I N Z ,
11 called as a witness herein, having been first duly
12 sworn, testified and saith as follows:

13 D I R E C T E X A M I N A T I O N
14 by Ms. Underhill

15 Q. If I could just remind you to please
16 speak up and speak clearly so the court reporter can
17 get all your testimony.

18 Can you state your name for the record and
19 spell your last name?

20 A. My name is Joy Marie Hinz, H-i-n-z.

21 Q. Okay. And could you please state what
22 your occupation is?

23 A. I am an inspector for the Will County
24 Waste Services Division.

1 Q. And how long have you been employed by
2 Will County?

3 A. Since September 1996.

4 Q. Okay. And do you need a degree for
5 your occupation?

6 A. Yes, you do.

7 Q. And what degree do you have?

8 A. I have a bachelor's of science in
9 environmental regulation and a minor in
10 conservation.

11 Q. Okay. And where did you receive this
12 degree?

13 A. Central Michigan University.

14 MS. EDVENSON: Please speak up.

15 THE WITNESS: I'm sorry.

16 BY MS. UNDERHILL:

17 Q. Do you have any other kind of
18 certifications for your employment?

19 A. I am certified by the Illinois
20 Environmental Protection Agency to inspect solid
21 waste landfills and open dumps from the
22 certification delegation agreement.

23 Q. Okay. So Will County is delegated by
24 the Illinois Environmental Protection Agency?

1 A. Correct.

2 Q. And you are one of the delegated
3 inspectors, correct?

4 A. Correct.

5 Q. How many inspections thus far can you
6 approximate that you've completed?

7 A. I would say approximately 60 to 70.

8 Q. Okay. And are you familiar with the
9 violation of open dumping?

10 A. Yes, I am.

11 Q. And approximately how many inspections
12 have you gone on for open dumping?

13 A. I would estimate around 50.

14 Q. Okay. If I can direct you to the
15 inspection of October 25, 1996, did you accompany
16 Miss Juntunen in regard to the property of Utilities
17 Unlimited, Inc.?

18 A. Yes, I did.

19 Q. Okay. When you were on that
20 inspection, can you please state for the record what
21 you saw on the property?

22 A. On the property, there was open
23 dumping, there was roofing material, construction
24 debris, there were barrels filled with -- at that

1 time we did not know what, there were toys, shelves,
2 waste material basically.

3 Q. Okay. Did you see any open burning
4 pits or any kind of evidence that there was open
5 burning?

6 A. Yes. Directly south of the trailer,
7 there was a 50-gallon drum that was filled to the
8 top. The bottom portion contained ashes and
9 portions of charred aluminum cans and waste
10 material. The top had been filled with fresh
11 material that had not been burned yet.

12 Q. Okay. If I can direct your attention
13 to Photograph No. 9, do you recognize that picture?

14 A. Yes, I do.

15 Q. And can you state to the court what
16 that picture is representing?

17 A. That is the 50-gallon drum that was on
18 the Petrekis property directly south of the trailer.

19 Q. Okay. Are you also familiar with the
20 boundaries of what Mr. Petrekis' property is?

21 A. Somewhat. I did not survey the
22 property with Julie.

23 Q. Okay. If I can direct your attention
24 to Photograph No. 10, was this some of the open

1 dumping, junk, and debris that you observed on
2 October 25th?

3 A. Yes, it was. That was right north of
4 the trailer on the property.

5 Q. Okay. If I can direct your attention
6 to Photograph No. 4, do you recognize what this
7 picture is representing?

8 A. Yes. That was some of the construction
9 and demolition debris that was on the property.

10 Q. Okay. Directing your attention to
11 Photograph No. 7, do you recognize that?

12 A. Yes, I do.

13 Q. And what is this picture representing?

14 A. They are two gas cylinders that were on
15 the site that we inspected.

16 Q. Okay. And if I can direct your
17 attention to Photograph No. 8, do you know what that
18 picture is representing?

19 A. I did not see this.

20 Q. Okay. In regards to Photograph No. 6,
21 Photograph No. 4, Photograph No. 9 and Photograph
22 No. 10, are these accurately representing and
23 depicting your inspection of October 25, 1996?

24 A. Yes, they are.

1 Q. I asked you before, you are familiar
2 with the open dumping violation according to the
3 Illinois Environmental Protection Act, correct?

4 A. Yes.

5 Q. Okay. And are you familiar with the
6 open burning violation in the act?

7 A. Yes, I am.

8 Q. Based on your knowledge, experience,
9 and training on what you state to the court and the
10 pictures that you have identified, is Mr. Petrekis
11 and Utilities Unlimited, Inc. in violation of those
12 two acts?

13 A. Yes, they are.

14 MS. UNDERHILL: I have no further requests.

15 MS. EDVENSON: All right. At this point in
16 time, Mr. Petrekis, you're welcome to ask Miss Hinz
17 any questions related directly to her testimony.

18 C R O S S - E X A M I N A T I O N

19 by Mr. Charles Petrekis

20 Q. Have you ever met me before?

21 A. No, I have not.

22 Q. Have you ever talked to me on the
23 telephone?

24 A. No, I have not.

1 Q. Do you know exactly where these lot
2 lines are?

3 A. As I previously stated, I was not
4 present when the site was surveyed. So I have an
5 idea. I could not tell you exact lines.

6 Q. Do you have a copy of this survey of
7 this property?

8 A. We did not conduct a survey as
9 Miss Juntunen stated. The property owner to the
10 north conducted a survey to establish property
11 lines.

12 Q. So you only know the property to the
13 north lot line?

14 A. I did look at the Sidwells to get a
15 feel for what your property lines are.

16 MR. CHARLES PETREKIS: I have no further
17 questions.

18 MS. UNDERHILL: Basically, the county will
19 rest.

20 MS. UNDERHILL: Thank you, Miss Underhill.

21 At this point in time, Mr. Petrekis, you
22 have an opportunity to present your case, and will
23 you be your first witness?

24 MR. CHARLES PETREKIS: Yes.

1 MS. EDVENSON: Okay. Then will you please be
2 sworn?

3 (Witness sworn.)

4 WHEREUPON:

5 CHARLES PETREKIS, S.R.,
6 called as a witness herein, having been first duly
7 sworn, testified and saith as follows:

8 MS. EDVENSON: You may proceed.

9 MR. CHARLES PETREKIS: I first became part of
10 this Utilities Unlimited which supplies and treats
11 water and sewer to Calumet Gardens subdivision which
12 consists of approximately 34 homes.

13 The sight we're talking about is a sewer
14 treatment plant, which has a permit to dump after
15 the sewage is treated into Plumb Creek which the
16 permit was in effect and is currently in effect.

17 This property consists of approximately 200
18 feet wide and 450 feet in depth. It has an easement
19 going up to the property but ending on Monee Road.
20 At this Monee Road, this property was vacated. All
21 easements and roads to this property have been
22 vacated by the County of Will in 1978 -- excuse me.
23 It was 1980.

24 In 1978, the zoning was changed, and its

1 industrial use was changed to farm property with a
2 special use permit. This permits us to operate the
3 plant but not to make any improvements unless we
4 have special permission from the county. To ask for
5 this permission costs approximately \$800, and then
6 that's just to ask for it. It doesn't mean that we
7 can make any improvements on this property.

8 When I bought into this property, there was
9 a lot of car parts and junk dumped on the property.
10 I called the County of Will to notify them because
11 most of these car parts were new looking. They came
12 out, inspected it. They told me the best thing to
13 do was just to bury them because they had no
14 facilities at this time to pick up this material.

15 Is what it is is, so this is what I did.
16 We had more problems there because it's a
17 designated -- where the area is is very destitute.
18 There's nothing around there. The closest house to
19 it, I would say, is about eight blocks, seven or
20 eight blocks, away, and it's down just a dirt road.

21 Over the years, we've had problems with
22 people dumping back there. But there was a trailer
23 there. My partner, Mr. Bribarth, lived in this
24 trailer for a year or two to stop people from

1 dumping off and on. He resided in Tinley Park.

2 He died, and then we were left with nobody
3 there. We had more dumping. They filled most of
4 the area up with garbage. We turned around -- I let
5 my son stay there in this trailer. He lived there
6 for a while, is what it is is, to try and control
7 this dumping. So someone was there watching it.

8 We put up a gate beforehand. On the
9 picture, it shows it banged over. Someone knocked
10 it down. They cut the locks off and broke it
11 anyway. Is what it is is, the county had brought us
12 to court to stop anybody from living back there and
13 to clean up.

14 We turned around. We cleaned up the
15 property, and we didn't let anybody live back there
16 anymore. The dumping went on tremendously, not only
17 on our property, up and down this road, and this
18 whole area is being dumped in.

19 Right now, to take what steps I've taken,
20 I've turned around. I have my son John who stays
21 with me. He's stays temporarily in this trailer off
22 and on to try and catch someone that's dumping
23 there.

24 In 1990, I caught a fellow with -- his

1 truck got stuck. They dump usually early in the
2 morning around 3:00 or 4:00 in the morning. I
3 blocked his truck in, and I called the police. His
4 track was totally --

5 MS. UNDERHILL: I have an objection in regards
6 to the testimony. He hasn't even addressed just the
7 straight violations of the administrative citation
8 on October 25th.

9 I mean, we're going all the way back to
10 1977 and violations that weren't even brought up.
11 So if we can have Mr. Petrekis basically put up his
12 case and his burden of stating he has not caused or
13 allowed the open burning or open dumping.

14 MS. EDVENSON: I will permit Mr. Petrekis to
15 continue as long as his prefatory remarks are of a
16 summary nature.

17 MR. CHARLES PETREKIS: Thank you.

18 This truck was towed away. I signed a
19 complaint. It was on -- supposedly, his truck was
20 parked on our easement, not on our property. Is
21 what it is is, I was never notified. They were
22 going to let me know when the court was and so forth
23 and so on because this man had dumped a tremendous
24 amount of garbage and drywall, which was dumped all

1 over the property, not my property per se. Mostly
2 everyone else's around there.

3 This is the last I have ever heard of it.
4 Is what it is is, I have as -- I did find when this
5 citation was. I looked through the garbage that had
6 been dumped on my property.

7 MS. EDVENSON: Are you referring now to this
8 October 25, 1996 --

9 MR. CHARLES PETREKIS: This is before October
10 29th pertaining to this same garbage that's related
11 here that they're saying that I dumped.

12 I went through the garbage, I found
13 peoples' addresses and bills, utility bills, and
14 different things from somebody in Sauk Village. I
15 called the police department, and I explained it to
16 them, and I -- you know, I wanted them to come look
17 and see what's happening over there.

18 They told me that they couldn't do much
19 about it because this guy -- someone could have
20 picked up this guy's garbage and thrown it on this
21 property, that there wasn't a great deal we can do
22 about it, that they would contact -- the policeman
23 says he would contact the township. Hopefully, they
24 would come and clean up some of this. Other than

1 that, he could do no more about it. So, therefore,
2 it stopped.

3 What we're doing now is we have someone
4 watching this property so no further dumping is
5 done. Most of the dumping as per these pictures
6 which we have approximately 40 feet to the east of
7 the property, which is the east side I should say of
8 the sewer plant, and we own 140 feet approximately,
9 give or take a few feet, to the west side of the
10 easement.

11 The property line goes up to the mobile
12 home, from the mobile home, it runs 450 feet to the
13 south. Looking at the site sketch, which was drawn
14 up by J. Juntunen, Will County, is No. 10, No. 3,
15 No. 2, No. 14, 15, 16, 12, 11, 13, 9, and 17 are not
16 on our property. Our property ends approximately at
17 this trailer ten feet to the north.

18 I do not permit any dumping on our property
19 or burning. We did -- when we did do some burning
20 which consisted of a little bit of our roof this was
21 at the water plant, which a section of roof blew off
22 during a heavy wind, I had called the fire
23 department and told them I was burning. They told
24 me to have a fire approximately three by three,

1 three feet high which is permitted and I could burn
2 anything that was on our property. We couldn't
3 bring -- nothing from outside. This came off our
4 property.

5 Is what it is is, we had a man watching
6 it. We had a hose there and a small tractor, which
7 graded off around so this fire did not spread any
8 further. This was done during the daytime. Is what
9 it is is, and it was watched constantly.

10 Is what it is is, the fire department came
11 by. I explained to them that this came off of the
12 roof. I told him I would show them the little
13 section. It was a very minute amount. There was
14 very little smoke that could be seen.

15 Is what it is is, he says that it was
16 against the ordinance to burn any roofing material
17 even though it came from our property. I explained
18 to him that this wasn't explained properly to me,
19 but that I would put out this fire.

20 Is what it is is, he says he had already
21 called the fire department and that he was going to
22 go take care of it, and he called -- I told him I'd
23 showed him the piece where this little piece of
24 roofing came off, which was approximately -- I'd say

1 a five by ten area, which was very small.

2 Is what it is is, but he says he wasn't
3 interested in looking at this. The policeman came
4 and knocked on my door. This fire was approximately
5 one block from my house on the access road. Is what
6 it is is, it wasn't close to any buildings. The
7 closest building to it would be my house, which
8 would be about a block away.

9 As I -- the policeman came up. I explained
10 it to him, and I showed him where the little piece
11 of roofing came off and so forth and so on, and
12 there was very little smoke as he testified.

13 Is what it is is, but he says the fire
14 department wanted him to write up a citation. So I
15 says well, just give it to me then because I had a
16 man watching it, and, you know, he actually started
17 the fire, but I told him to do so after I got
18 permission from the fire department.

19 The dumping on this property is a problem.
20 All the property around this area is a problem. I
21 had filed with the commerce commission last year for
22 an increase in rates in this area to turn around, to
23 do more work on this sewer plant, and to clean up
24 this area again.

1 The rate was sent to me on December 2nd,
2 which I had sent them a letter back explaining that
3 the rate that they were going to allow us would not
4 even pay the electric bills because this plant runs
5 24 hours a day, and I've got this as Exhibit A to
6 enter into the record.

7 (Exhibit No. A marked
8 for identification,
9 5/9/97.)

10 MS. UNDERHILL: I object to any evidence he's
11 trying to enter into the record.

12 MS. EDVENSON: May I see the exhibit?

13 MS. UNDERHILL: I haven't seen it either.

14 MR. CHARLES PETREKIS: These are letters from
15 the commerce commission and letters that I sent them
16 back.

17 MS. EDVENSON: And what is the relationship
18 between these exhibits and the administrative
19 citation?

20 MR. CHARLES PETREKIS: See, this was started,
21 your Honor, before the county had -- before the
22 county made up this complaint. I had noticed this
23 dumping there, and I was trying to get this
24 straightened out.

1 In other words, I had already pretty much
2 control over it. In other words, we had watched it
3 so people would stop dumping there. We knew it had
4 to be cleaned. So I was taking action to get this
5 done before they even -- in other words, if they
6 would have called me and asked me, I would have
7 explained to them what was being done to correct
8 this problem because I would not leave open dumping
9 any place on my property.

10 MS. UNDERHILL: I still object to this.
11 Basically, the documents are only stating and
12 requesting an up fee for the sewage treatment plant
13 itself. There's nothing in the administrative
14 citation stating that the sewage treatment plant is
15 not working.

16 We're talking about the open dumping on the
17 property. None of these papers address open dumping
18 or the open burning issue.

19 MR. CHARLES PETREKIS: This property is -- this
20 property is owned by Utilities Unlimited, which I am
21 the designated agent for. The Utilities Unlimited
22 property has to be cleaned up by the utility
23 company.

24 In other words, the utility company is

1 responsible for this property. As a designated
2 agent for this utility company, I'm in charge. All
3 things go to me. I'm in charge of cleaning this
4 up. The funds for cleaning this up have to come
5 from the utility company.

6 This is why the commerce commission gets
7 involved because we have to appropriate money to do
8 this cleanup work, and if there's any fences,
9 anything that I feel that has to be put up, I have
10 to turn around, and we have to get the money to do
11 this.

12 This is why we petition, as you can see.
13 We petitioned the commerce commission before the
14 county had ever written us up for this complaint.

15 MS. EDVENSON: Objection overruled. I will
16 permit Mr. Petrekis to enter the exhibit into
17 evidence. He is the appellant, and I will permit
18 him to enter it on this appeal.

19 MS. UNDERHILL: Okay.

20 MR. CHARLES PETREKIS: Now, on 6/3 of 1995, I
21 had a petition for Herman S. Esse, the judge,
22 pertaining to this sewer plant.

23 This states, we the residents of Calumet
24 Gardens, Crete Township, Will County, Illinois, we

1 want Will County to reinstate our subdivision,
2 easements, roads needed to operate our water an
3 sewer plants.

4 We want the county to give our water and
5 sewer plants proper zoning which is industrial. We
6 do want any nonconforming zoning for these plants.
7 We want the County of Will to pay for all damages
8 done to our sewer plant. Our sewer lines caused
9 directly and indirectly by the county's illegal
10 vacating of our subdivision and easements.

11 MS. UNDERHILL: I again object, and we
12 haven't -- the relevance of this testimony has not
13 gone to the issue of the administrative citation.

14 MS. EDVENSON: Mr. Petrekis, what is the
15 relevance of this document?

16 MR. CHARLES PETREKIS: What this is -- in other
17 words, the damage was done to this sewer plant by --
18 in other words, there was damages done to the sewer
19 plant, which was done directly and indirectly by the
20 county, which caused problems which is some of this
21 dropping that they're looking at this waste dumped
22 out here and so forth and so on.

23 This was caused by our sewer lines being
24 torn up by the County of Will, and we have no legal

1 action to correct this because these easements are
2 vacated. So technically, even though these
3 easements are being used by the sewer plant because
4 the main line coming to the sewer plant, the county
5 vacated so we have no legal -- we have no legal
6 means of stopping someone from damaging these
7 lines.

8 When they damage these lines, what happens
9 is dirt and debris and stuff go into this sewer
10 plant, which causes the lift pumps and so forth and
11 so on to malfunction. In other words, the dirt and
12 the rocks get into the pumps and seize the pumps.

13 Now, this overflows. So instead of going
14 into the plant, this sewage is just running outside
15 of the plant. Now, when this happens, we act
16 immediately. But to correct some of these lift
17 pumps and so forth and so on, just to get them
18 rebuilt, they are big pumps, centripetal pumps,
19 which might take a week or two to rebuild these. In
20 the meantime, we have a problem. Is what it is is,
21 that is why one of the reasons I'm trying to explain
22 why some of this with these pictures they're taking
23 who caused this problem.

24 MS. EDVENSON: Thank you.

1 MS. UNDERHILL: May I address one more time,
2 Madam Hearing Officer?

3 MS. EDVENSON: Proceed.

4 MS. UNDERHILL: In regards to the information
5 that Mr. Petrekis is stating, there's a civil action
6 going on presently for the attorney general's
7 office. There were counter petitions by
8 Mr. Petrekis, and if you need me to, I can always go
9 get a copy of that.

10 His motion on his petition was dismissed
11 with prejudice either at the beginning of this year
12 or the end of last year. I mean, this is
13 testimony -- this is information that's specifically
14 regarding the sewage treatment plant through the
15 attorney general's office and his permits on his
16 NPDS. It has nothing to do --

17 MS. EDVENSON: So these are the subject of
18 another action?

19 MS. UNDERHILL: Correct.

20 MS. EDVENSON: And are these the basis for any
21 of the citations that we are here today to discuss?

22 MS. UNDERHILL: No, it's not.

23 MS. EDVENSON: All right. Mr. Petrekis, I'm
24 going to ask you to not introduce that document or

1 discuss that issue any further.

2 MR. CHARLES PETREKIS: Yes, Hearing Officer.

3 But this petition is signed by all the people in

4 Calumet Gardens. This isn't a petition from me.

5 This is from all the people in Calumet Gardens, and

6 this is not --

7 MS. EDVENSON: No. This is a petition that is

8 not related to the action we are here today to

9 discuss.

10 MR. CHARLES PETREKIS: Okay.

11 MS. EDVENSON: So we will have to forego

12 discussing it further at this point in time.

13 (Exhibit Nos. B and C

14 marked for identification,

15 5/9/97.)

16 MR. CHARLES PETREKIS: Okay. Now, today, this

17 morning, I've taken pictures, as a matter fact, at

18 approximately 11 o'clock this morning. I've

19 got pictures, Exhibit B and C.

20 Now, this is approximately one block to the

21 west of the sewer plant. These pictures are on

22 State Street. This is right on the road which is a

23 county road which the township garage is

24 approximately two blocks away.

1 MS. EDVENSON: Are you speaking of B or C?

2 MR. CHARLES PETREKIS: B and C.

3 MS. EDVENSON: Both?

4 MR. CHARLES PETREKIS: They are both right next
5 to each other.

6 MS. EDVENSON: Okay.

7 MR. CHARLES PETREKIS: Now, this area it shows
8 pictures of people dumping. There's stuff right
9 alongside of the road, which you can see that the
10 township or someone had dug a big trench across the
11 road to stop them from dumping there. And what they
12 did, they just moved next door and dumped their
13 garbage there.

14 MS. EDVENSON: Mr. Petrekis, would you please
15 show the photographs to Miss Underhill and also to
16 myself?

17 MR. CHARLES PETREKIS: Sure.

18 (Counsel tendered documents.)

19 MS. EDVENSON: You can continue.

20 MR. CHARLES PETREKIS: This area is a problem,
21 has also been a problem. A lot of people dump in
22 this area. Unless we guard this property somehow,
23 this is the only way to stop this dumping.

24 This is the reason that I usually have

1 someone staying by this property. If we don't watch
2 it, people will dump. In this area, they use
3 this -- for some reason, this little area they just
4 use it for a dump. And in order to correct this, we
5 have to have someone living on this property, and in
6 order for us to clean this up, we are working with
7 the EPA to get funds to clean up this property.

8 Is what it is is, I am not neglecting my
9 responsibility as an agent for this utility
10 company. If anybody dumps anything there, I am
11 usually on this case right away, but two years ago,
12 I was in an automobile accident, which turns around
13 I was out of work for a while, and I couldn't get by
14 this plant every day.

15 To this day, I have a hard time getting
16 there because now I've got arthritis that in the
17 wintertime I can't be here. It's a form of
18 rheumatoid arthritis.

19 But I have my sons who watch it for me.
20 Now, someone checks this plant now every day, and at
21 nighttime, if we see somebody dump something, we
22 turn around and we stay there at nighttime to try
23 and catch, you know, and to stop anybody from
24 dumping.

1 We're not really there to arrest anybody or
2 anything. We just don't want them to dump on our
3 property. On the road leading to this property,
4 there are tremendous loads of garbage dumped. This
5 is not our property. This is a vacated road. We
6 can't seal off this road because it's not our
7 property.

8 So, therefore, years ago, I had a cable up,
9 and I had two -- the pipes are still there. Is what
10 it is is, but we had to take this down because this
11 technically isn't our property.

12 I've got a bill here from 4/24/97 for \$152
13 which we had cleaned up some stuff on the property
14 there so we can get to our sewer plant. Is what it
15 is is, and we took it over, and we had it dumped by
16 Star Disposal.

17 The dump that's good now that we used to
18 dump on -- they used to let us dump there some stuff
19 for free since we were a utility. This is closed up
20 now. We can no longer dump there.

21 Now, to dump this stuff, we have to pay \$40
22 per ton. Now, this would be Exhibit E.

23

24

1 (Exhibit No. D marked
2 for identification,
3 5/9/97.)

4 MS. EDVENSON: D?

5 MR. CHARLES PETREKIS: E.

6 MS. EDVENSON: This will be Exhibit D.

7 MR. CHARLES PETREKIS: D. Okay. D, you're
8 right. Sorry.

9 Due to the fact that this is quite
10 expensive, is what it is is, we can only do a little
11 at a time. Is what it is is, the utility company
12 right now is working on paying some other bills.

13 We hope to have this resolved with the
14 commerce commission. I have sent them letters
15 explaining the situation. Hopefully, we can get
16 this resolved this year, and in the meantime, we do
17 have this property secured, and there is no further
18 dumping going on.

19 MS. EDVENSON: Thank you very much,
20 Mr. Petrekis.

21 Miss Underhill, do you have any questions
22 for Mr. Petrekis based on his testimony here today?

23 MS. UNDERHILL: No, I have none.

24 MS. EDVENSON: All right. Mr. Petrekis, are you

1 going to have another witness?

2 MR. CHARLES PETREKIS: Yes. I'm going to have
3 my son, John (sic).

4 MS. EDVENSON: John (sic), would you like to
5 testify here today?

6 MR. MICHAEL PETREKIS: Yeah.

7 MS. EDVENSON: Then let the witness be sworn.

8 (Witness sworn.)

9 WHEREUPON:

10 M I C H A E L P E T R E I K I S ,
11 called as a witness herein, having been first duly
12 sworn, testified and saith as follows:

13 D I R E C T E X A M I N A T I O N

14 by Mr. Charles Petrekis.

15 Q. John (sic), does your father, Charles
16 Petrekis, dump any stuff at the sewer plant?

17 A. No.

18 Q. What do you do for the utility company,
19 and what sort of work do you do for this company?

20 A. I make out the bills, and then I
21 distribute them to the people, and then I take the
22 incoming bills and deposit them for Utilities
23 Unlimited.

24 Q. Okay. And do you go by this sewer

1 plant? Do you visit the sewer plant at all?

2 A. Yes, I do.

3 Q. Okay. And have you ever seen anybody
4 dump there?

5 A. I haven't seen people, but, like, one
6 day I'll be there, and I'll go back there two day
7 later, they'll be new garbage there. But I don't
8 physically see them dumping.

9 Q. Have you ever worked by this sewer
10 plant? Have you ever done any type of work around
11 the sewer plant?

12 A. Not that I recall.

13 Q. Okay. Have you ever walked in the
14 fields to see if there was any junk dumped around
15 the sewer plant?

16 A. Yes, I have.

17 Q. And when was the last time you've done
18 this?

19 A. Last week, Saturday.

20 Q. And what have you noticed?

21 A. I noticed I found fresh garbage, house
22 garbage like milk cartons and stuff like that. It
23 was pretty fresh because you could see that the
24 garbage was there that should have been rotten away

1 was still pretty fresh. And when I went back there
2 last year, it was a little small pile, and it keeps
3 on getting larger every time I go back there.

4 Q. Now, this spot, is this on our property
5 or someone else's?

6 A. It is on someone else's property.

7 Q. How far from our property would it be
8 about, a half a block, you know, approximately?

9 A. About maybe 75 feet to the east.

10 Q. Okay. Did you notice any other dumping
11 going on at our property?

12 A. On our property?

13 Q. Yes.

14 A. Yes.

15 Q. Okay. How long ago did you see any
16 dumping going on at our property?

17 A. I noticed new garbage when I was back
18 there last time. I've noticed --

19 Q. On our property?

20 A. On our property.

21 Q. Okay. And what garbage was that?

22 A. I seen like some shingles that were
23 dumped there before in the back. It was more like
24 on the line, more or less, and then also I seen

1 fresh garbage dumped on our property, pretty close
2 to the sewer plant.

3 Q. Do you have any knowledge of anybody
4 dumping this garbage?

5 A. No.

6 MR. CHARLES PETREKIS: I have no further
7 questions.

8 MS. EDVENSON: Thank you. Miss Underhill?

9 C R O S S - E X A M I N A T I O N
10 by Ms. Underhill

11 Q. It's John, right, John Petrekis, how
12 old are you?

13 A. I'm Michael.

14 Q. Oh, you're Michael. I'm sorry.

15 A. I'm 15.

16 Q. Fifteen years old.

17 And you're an employee of Utilities
18 Unlimited?

19 A. Yes, part time.

20 Q. How long have you been a part-time
21 employee there?

22 A. Very recently, maybe a couple months.

23 MR. CHARLES PETREKIS: How long have you been
24 making out the bills?

1 BY THE WITNESS:

2 A. Oh, making out the bills? I'm going to
3 say maybe a year.

4 BY MS. UNDERHILL:

5 Q. Okay. Are you being paid for your
6 employment?

7 A. Yes.

8 Q. Okay. How much are you making?

9 A. Six an hour.

10 Q. \$6 an hour.

11 And approximately how many hours?

12 A. I don't work each week, but we get
13 bills in every month, so maybe four hours a month.

14 Q. Okay. And you stated in your testimony
15 that you have observed and personally seen fresh
16 household garbage or some open dumping on the
17 property --

18 A. Yes, I have.

19 Q. -- of Utilities Unlimited?

20 Okay. Is there a fence on that property?

21 A. Surrounding our property?

22 Q. Um-hum.

23 A. No, there isn't.

24 Q. Is there a fence into the entrance on

1 your property?

2 A. Yes, there is.

3 Q. Is that opened or closed, do you know?

4 A. When the person that attends that, when
5 he leaves, he'll close the gate and lock it.

6 Q. Okay. Is that at all times?

7 A. Yes.

8 Q. Okay. So there would never be an
9 instance where that gate would be opened when
10 someone is not on there.

11 A. There might be, and the only way that
12 that would be is if the person forgot, but there is
13 other ways that I've seen that you can get back
14 there.

15 MS. UNDERHILL: I have no further questions.

16 MS. EDVENSON: All right. Mr. Petrekis, do you
17 have any further questions just to follow up?

18 MR. CHARLES PETREKIS: Yeah.

19 R E D I R E C T E X A M I N A T I O N

20 by Mr. Charles Petrekis

21 Q. How many other ways is there to get
22 back there, would you say?

23 A. Okay. Sometimes I would explore back
24 there, and I found maybe four.

1 Q. Okay. When you go back and inspect
2 this property, do you charge for this by the hour,
3 or do you do this for free?

4 A. I do this for free, just to look
5 around.

6 Q. And this dumping that goes on on other
7 people's property, how far would you say it was from
8 our property again?

9 A. About 75 feet to the east and also to
10 the west.

11 Q. Okay. From your observation, this
12 dumping that occurred, do you think that this was
13 entering by our road or one of the other four ways.

14 A. It had to be by one of the four roads
15 because the dumping was by the roads that -- these
16 roads are like grass roads, and you can see the
17 tracks, and they're all dumped by the side of
18 roads.

19 Q. Okay. And these roads are entered from
20 our people's property?

21 A. Yes.

22 MR. CHARLES PETREKIS: I have no further
23 questions.

24 MS. EDVENSON: All right. Miss Underhill, I'm

1 going to wish to entertain entering Exhibits B, C,
2 and D into evidence.

3 Would you like to note an objection for the
4 record?

5 MS. UNDERHILL: Yes. Can I please see which
6 ones they are?

7 MS. EDVENSON: That includes the two photographs
8 that are --

9 MS. UNDERHILL: I would object to both those
10 photographs B and C due to the fact on relevancy.
11 Neither of them are the property that's in issue
12 according to the administrative citation.

13 MS. EDVENSON: And Exhibit B is the bill for
14 disposal.

15 MS. UNDERHILL: Right.

16 And in regards to the bill, there was no
17 foundation. Also it's the date of April 24, 1997,
18 which is not, again, the issue of the October 25,
19 1996, administrative citation investigation.

20 So, again, I'd object to that being put
21 into evidence.

22 MS. EDVENSON: Okay. Your objections will be
23 noted for the record, and I will place the exhibits
24 into evidence.

1 Because we are taking originals here,
2 Mr. Petrekis, I will be happy to provide you with
3 copies by mail if you would like.

4 MR. CHARLES PETREKIS: I don't have to have
5 them. I've got copies of the dump thing and the
6 pictures, I turn around -- I look at that every day
7 when I go by that road.

8 MS. EDVENSON: All right. And the young
9 Mr. Petrekis with us is Michael?

10 MR. CHARLES PETREKIS: Yes.

11 MR. MICHAEL PETREKIS: Yes.

12 MS. EDVENSON: Thank you very much, Michael.

13 All right. I believe that ends our
14 testimony today, and the results will be reviewed by
15 all of the members of the Pollution Control Board
16 prior to their decision.

17 The transcript should be received in our
18 offices in eight working days, and you are welcome
19 to come to the office to read the transcript. You
20 can order a copy from either the court reporter or
21 the board, and we can talk to you about the cost of
22 that.

23 I want to thank you for participating in
24 this hearing. I have identified no issues of

1 witness credibility in this case. This concludes
2 our administrative citation hearing for today.

3 MS. UNDERHILL: So there won't be an opportunity
4 for closing statements? I mean, I just want to go
5 from the testimony.

6 MS. EDVENSON: I'm sorry. Please.

7 C L O S I N G S T A T E M E N T

8 by Ms. Underhill

9 Okay. In regards to the closing
10 statement, I believe the County of Will has provided
11 testimony to state that, in fact, Mr. Petrekis is
12 guilty for the violations stated in the Illinois
13 Environmental Protection Act in regards to no person
14 shall cause or allow the open dumping of any waste
15 in a manner which results in any of the following
16 occurrences at the dump sight --

17 MS. EDVENSON: Please slow down.

18 MS. UNDERHILL: Oh, I'm sorry.

19 (Continuing.) -- No. 1, litter and, No. 3,
20 openly burning. And that's under 415 ILCS 5/21 P1
21 and P3.

22 There has been testimony that was stated in
23 regards to Mr. Petrekis being well aware that open
24 burning is, in fact, a violation of the statute.

1 There's been investigators from the IEPA that's
2 delegated through Will County.

3 Both Miss Julie Juntunen and Joy Hinz
4 stated that they walked the property, eyewitnessed
5 the open dumping, and also witnessed open burning
6 spots.

7 From their experience and knowledge, they
8 can testify and they, in fact, have said that is, in
9 fact, a violation of the action.

10 Mr. Petrekis in his testimony did not meet
11 the burden of proof to state that, in fact, had not
12 caused or allowed the open dumping or open burning.
13 In fact, he stated that he is well aware of the open
14 dumping on his property and, unfortunately, has not
15 made an effort to either clean it up until possibly
16 what he showed what's in evidence of April of 1997
17 but are -- he still has not made an effort to clean
18 up or stop the open burning.

19 He has knowingly seen this debris on his
20 property. He is knowingly well aware of the
21 property being dumped on.

22 Also from the evidence through
23 Miss Juntunen, after she had researched the property
24 can clearly state for a fact that the property that

1 she investigated, specifically Utilities Unlimited,
2 Inc., property had the open debris, the junk, the
3 litter, and the open burning spots.

4 In regards to the other testimony, I wanted
5 to state that Mr. Petrekis -- strike that.

6 Basically, in regards to the testimony and
7 the evidence brought forward, I'd like to ask that
8 the board find Mr. Petrekis in violation of those
9 two -- in violation of the act according to those
10 two sections and fine him in the amount of \$500 for
11 each violation, which would come to a total of
12 \$1,000 plus all court costs.

13 Thank you.

14 MS. EDVENSON: Mr. Petrekis, would you like to
15 make a separate closing statement?

16 MR. CHARLES PETREKIS: Yes.

17 MS. EDVENSON: Proceed.

18 C L O S I N G S T A T E M E N T

19 by Mr. Charles Petrekis

20 Okay. As the testimony has said, the
21 states witnesses do not know where the lot lines
22 are, and according to their evidence, this stuff is
23 not -- most of it is dumped on someone else's
24 property.

1 According to their witnesses, they have
2 never seen me burn or dump on this property. They
3 have taken pictures of other people's property and
4 have accused me of causing this to happen without
5 talking to me or asking me where my lot lines are.

6 This clean up action as I have submitted
7 into evidence, I've been aware of for a long time.
8 This is a constant battle that we fight. The same
9 thing as the pictures show, it's not only me. It's
10 everybody in this area.

11 Is what it is is, if people are allowed to
12 dump, and they can't catch them dumping alongside of
13 a road, how could you possibly get dumping way back
14 off the road that cannot be seen from any street.

15 We're doing the best we can to clean up
16 this property and as the evidence showed, we are
17 taking actions to get funds to correct this
18 problem.

19 This is all I have to say.

20 MS. EDVENSON: Thank you very much. This
21 concludes our hearing.

22 MS. UNDERHILL: Thank you.

23

24

1 (Whereupon, the proceedings were
2 adjourned pursuant to agreement
3 to be reconvened sine die.)
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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)

3

4 I, KIM M. HOWELLS, CSR, do hereby state
5 that I am a court reporter doing business in the
6 City of Chicago, County of Cook, and State of
7 Illinois; that I reported by means of machine
8 shorthand the proceedings held in the foregoing
9 cause, and that the foregoing is a true and correct
10 transcript of my shorthand notes so taken as
11 aforesaid.

12

13

14

KIM M. HOWELLS, CSR
Notary Public, Cook County, IL.

15

16

17

SUBSCRIBED AND SWORN TO
18 before me this _____ day
19 of _____, A.D., 1996.

19

20 Notary Public

21

22

23

24