

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

2

3 ILLINOIS ENVIRONMENTAL

4 PROTECTION AGENCY,

5 Complainant,

6 vs.

PCB No.: AC 02-017

7 CHARLES GOODWIN,

8 (HULL/GOODWIN),

9 Respondent.

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13 Proceedings held on March 27th, 2002 at 10:00 a.m., at the

14 Pike County Courthouse, 100 East Washington Street, Pittsfield,

15 Illinois, before Hearing Officer Steven C. Langhoff.

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21 Reported by: Darlene M. Niemeyer, CSR, RPR

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A P P E A R A N C E S

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13 (The hearing exhibits were retained by Hearing Officer Steven C.

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1 P R O C E E D I N G S

2 (March 27, 2002; 10:00 a.m.)

3 HEARING OFFICER LANGHOFF: Good morning, everyone. My name
4 is Steven Langhoff. I am the Pollution Control Board Hearing
5 Officer who has been assigned this matter and will be holding the
6 hearing here today. This is AC 02-17, Illinois Environmental
7 Protection Agency versus Charles Goodwin. For the record, it is
8 Wednesday, March 27th of 2002, and we are beginning at 10:00 a.m.

9 I want to note that there are no members of the public
10 present today. Members of the public are encouraged and allowed
11 to provide public comment, if they so choose.

12 On October 22nd of 2001, the Illinois Environmental
13 Protection Agency, the Agency or the complainant, filed an
14 administrative citation against the respondent, Charles Goodwin.
15 On December 13th of 2001, the respondent filed an amended
16 petition for review. The Board accepted this matter for hearing
17 on December 20th of 2001.

18 At issue in this case are allegations made in the
19 administrative citation filed by the Agency. The violation
20 alleged in the administrative citation is for litter, in
21 violation of 21(p)(1) of the Environmental Protection Act 415
22 ILCS 5/21(p)(1), 2000. The alleged violation occurred at a site
23 located at a facility located in Pike County.

24 I want to take a brief moment to let you know what is going

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1 to happen today and after the proceeding here today. You should
2 know that it is the Pollution Control Board, and not me, that
3 will make the final decision in this case. My job as a Hearing
4 Officer requires that I conduct the hearing in a neutral and
5 orderly manner so that the Board has a clear record before it
6 when it makes its decision. It is also my responsibility to
7 assess the credibility of any witnesses testifying today, and I
8 will do so on the record at the conclusion of the proceedings.

9 We will begin with an opportunity for opening statements
10 from the parties and then we will proceed with the Agency's case
11 followed by Mr. Woodworth having an opportunity to put on a case
12 in his client's behalf. We will conclude with any closing
13 arguments that the parties may wish to make, and then we will
14 discuss off the record a briefing schedule, which will be set on
15 the record at the conclusion of the proceedings.

16 The Board's Procedural Rules and the Act provide that
17 members of the public shall be allowed to speak or submit written
18 statements at hearing. Any person offering such testimony today
19 shall be subject to cross-examination by both of the parties.
20 Any such statements offered by members of the public must be
21 relevant to the case at hand. I will call for any statements
22 from members of the public at the conclusion of the proceedings.

23 This hearing was noticed pursuant to the Act and the

24 Board's rules and regulations and will be conducted pursuant to

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1 Sections 101.600 through 101.632 and Part 108 of the Board's
2 procedural rules.

3 At this time I will ask the parties to make their
4 appearances on the record, beginning with the Agency.

5 MS. RYAN: Michelle Ryan, Special Assistant Attorney
6 General for the Illinois EPA. I have my appearance here. This
7 is your copy and that's the Board's copies.

8 HEARING OFFICER LANGHOFF: Thank you. I will make that
9 part of the record and get that filed.

10 Mr. Woodworth, would you make an appearance on the record,
11 please.

12 MR. WOODWORTH: My name is Dennis Woodworth. I am
13 representing the respondent in this matter, Charles Goodwin. I
14 previously filed an entry of appearance with the previous filings
15 in this matter.

16 HEARING OFFICER LANGHOFF: Thank you. Do we have any
17 preliminary matters, any outstanding or prehearing motions that
18 the parties would like to present before we proceed?

19 MS. RYAN: No.

20 MR. WOODWORTH: No.

21 HEARING OFFICER LANGHOFF: Thank you. Would the Agency
22 like to give a brief opening statement on behalf of her client?

23 MS. RYAN: Yes, thank you. We believe the evidence today

24 will show that on August the 21st of 2001, open dumping resulting

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1 in litter was observed at Mr. Charles Goodwin's property at Hull,
2 on the corner of Sweet and Pleasant Streets, in Pike County,
3 Illinois. That Mr. Goodwin caused or allowed this open dumping
4 resulting in litter. And that there are no defenses to this
5 observance on that date.

6 HEARING OFFICER LANGHOFF: All right. Thank you, Ms. Ryan.
7 Mr. Woodworth, would you like to give a brief opening statement?

8 MR. WOODWORTH: Thank you. We believe that Mr. Goodwin in
9 this case does, in fact, have defenses to the violation as
10 alleged. We believe that the evidence will show here today that
11 Mr. Goodwin was advised by Mr. Grimmett, of the Illinois EPA, to
12 stop any further demolition or removal of items, litter,
13 etcetera, from this property unless, he, and when I say he, Mr.
14 Goodwin, sent in a proper notification of demolition and
15 renovation to the Illinois EPA.

16 Furthermore, Mr. Goodwin was advised that he would need an
17 asbestos inspection to accompany the notification of demolition
18 or renovation. We believe the defense in this case is that Mr.
19 Goodwin was in the process of cleaning up this property after he
20 purchased this property, and that he was stopped by the EPA and
21 has yet been given permission by the Illinois EPA to continue the
22 clean up process that he originally started. So we believe that

23 Mr. Goodwin does, in fact, have a defense to this action.

24 HEARING OFFICER LANGHOFF: Thank you, Mr. Woodworth. Ms.

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1 Ryan, will you put on your case.

2 MS. RYAN: The Agency calls Jan Mier. Should she sit up
3 here?

4 HEARING OFFICER LANGHOFF: Yes, please.

5 (Whereupon the witness was sworn by the Notary Public.)

6 J A N M I E R,

7 having been first duly sworn by the Notary Public, and saith as
8 follows:

9 DIRECT EXAMINATION

10 BY MS. RYAN:

11 Q. Could you spell your name for the record.

12 A. It is Jan, J-A-N, Mier, M-I-E-R.

13 Q. What is your job?

14 A. I am a field inspector for the Illinois Environmental
15 Protection Agency.

16 Q. Do you work out of a particular office there?

17 A. At the Springfield Regional Office.

18 Q. How long have you been an inspector with the EPA?

19 A. I have been an inspector about six years. I have been
20 with the EPA a total of 15.

21 Q. What are your duties as a field inspector?

22 A. We investigate complaints and also do inspections on the

23 regulated community.

24 Q. Is there a particular area that you concentrate your

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1 inspections on?

2 A. I usually handle open dumping and used tires.

3 Q. Approximately how many inspections do you believe you
4 may have conducted in your -- five years, did you say?

5 A. Yes, about five years.

6 Q. As a field inspector?

7 A. Probably about 1,000.

8 Q. What is your educational background?

9 A. I have a bachelor's degree in biology.

10 Q. From?

11 A. From UIS.

12 Q. And do you have any other training besides that
13 bachelor's degree?

14 A. We get training on workshops put on by the Environmental
15 Protection Agency that have --

16 Q. What is an example of the subject matter of those?

17 A. We get training from the attorneys. We also have
18 training through RCRA, and hazardous wastes, that type of thing.

19 Q. Are you familiar with the facility known as Hull/Goodwin
20 on Sweet and Pleasant Streets in Hull, Pike County, Illinois?

21 A. Yes, I am.

22 Q. Where is that property located? Although I may have
23 given that already.

24 A. It is at the intersections of was it Sweet and Pleasant.

10

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1 Q. Who owns that property?

2 A. Charles Goodwin.

3 Q. How many inspections have you personally conducted at
4 that property?

5 A. I have done one.

6 (Whereupon a document was duly marked for purposes of
7 identification as Complainant Exhibit 1 as of this date.)

8 MS. RYAN: Okay. This is the Board's copy.

9 HEARING OFFICER LANGHOFF: Okay. Thank you.

10 Q. (By Ms. Ryan) I am going to show you what I have marked
11 for identification as Exhibit Number 1, and ask you if you
12 recognize that document?

13 A. Yes, I do.

14 Q. What is it?

15 A. That is the inspection report that I wrote.

16 Q. What is the date of your inspection there?

17 A. August 22nd of 2001.

18 Q. I believe I stated during my opening statement that this
19 inspection was done on August the 21st. Was that the incorrect
20 date there?

21 A. Yes, it was. It was done the 22nd.

22 Q. Thank you. Can you please page through that document.
23 A. Uh-huh.
24 Q. Is that a fair, accurate, and complete copy of your

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1 report?
2 A. Yes, it is.
3 Q. Can you describe the property that this report is the
4 subject of, generally speaking?
5 A. It is -- it covers, I would think, about a quarter of a
6 block area. It was an old lumberyard that has been partially
7 demolished or fallen down. I couldn't say which.
8 Q. Are there any buildings on the property?
9 A. There is two or three standing buildings, and then there
10 is some remains of buildings that used to be standing, as well as
11 other debris.
12 Q. There are photographs attached to this report. Who took
13 those photographs?
14 A. I did.
15 Q. What do these photographs show?
16 A. It shows the open dumping of used tires. There is
17 lumber there, shingles. There is a mattress in there and other
18 debris that looks like it came from the building, when the
19 buildings came down.
20 Q. You mentioned tires. Which photos attached here -- now,

21 I understand that the photo file name, the last digit there, is
22 the number of the photograph, so we will use that just so that
23 everyone can follow along.

24 A. Right.

12

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1 Q. Which photo numbers show the tires that you referenced?

2 A. 01, 02, 03, and 04.

3 Q. And from your observations on the property that day
4 could you determine if those were new tires or used tires?

5 A. They appeared to be used tires.

6 Q. It appears also from the photograph that the tires are
7 off the rims; is that right?

8 A. Yes, they are. They contained water.

9 Q. You also mentioned that there was a mattress. Can you
10 identify which photograph the mattress is in?

11 A. The mattress you can see in photo 002, which is sort of
12 sticking out from underneath the lumber there.

13 Q. Is that in the approximate center of the picture there?

14 A. Yes, uh-huh.

15 Q. You mentioned shingles. Which photographs depict the
16 shingles?

17 A. The best picture is 003. It shows an area of about 40
18 by 60 feet of shingles that have fallen on to the ground.

19 Q. Would that be underneath where that person is standing?

20 A. Yes, he is standing right on them.

21 Q. Okay. Then you mentioned other debris. Is there any
22 pictures you can identify that demonstrate what you meant by
23 other debris?

24 A. Well, the other photos 001, 002, and you can see it in

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1 003 and 005, and 007 and 008.

2 Q. Do you recall from your inspection what those materials
3 were?

4 A. They were the remains of a building that were -- that
5 consisted of lumber, shingles, roofing, drywall, that type of
6 thing.

7 Q. Okay. It also appears here from photo 3 next to where
8 the gentleman is standing there seems to be a little green dot
9 there toward the middle. Can you identify what that is?

10 A. No, I cannot.

11 Q. Okay. And then in photograph 5, there looks to be an
12 orange -- maybe a cooler there?

13 A. Yes, those are old coolers.

14 Q. Is that -- a little bit to the left there it looks like
15 there is sort of a box shape. Do you recall what that is?

16 A. I can't really recall.

17 Q. Okay. Do these photographs accurately depict what you
18 saw on the site on that day?

19 A. Yes, they do.

20 Q. What violations did you cite in your inspection report?

21 A. I cited 21(a) for open dumping. And 21(e), disposing of
22 waste into a site that does not meet the requirement of the Act.
23 And 21(p)(1) for litter. 21(p)(7) for construction or demolition
24 debris. And 55(a)(1) for open dumping of used or waste tires.

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1 Q. When was this report generated?

2 A. Approximately four days after I completed the
3 inspection.

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

6 A. Yes, we do.

7 Q. Now, Mr. Woodworth referred to other buildings on the
8 property during his opening statement. Are those buildings
9 visible in these photographs?

10 A. Well, you can see the standing buildings in photo 8.
11 There is a metal shed in photo 006, which is not in violation.
12 And then you can see in the center, from the middle of the
13 courtyard there, the standing building in 005.

14 Q. The buildings in 5 and 8, are those the same building or
15 different buildings?

16 A. Those, I believe, are different. The same as in photo 8
17 as in photo 3.

18 Q. Okay. The allegations at issue in this administrative
19 citation are open dumping resulting in litter. Do those standing

20 buildings have anything to do with those violations?

21 A. No.

22 MS. RYAN: Okay. Thank you. I don't have anything further
23 at this time.

24 HEARING OFFICER LANGHOFF: Okay. Thank you. Mr.

15

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1 Woodworth?

2 MR. WOODWORTH: Thank you.

3 CROSS EXAMINATION

4 BY MR. WOODWORTH:

5 Q. Ms. Mier, Alan Grimmett is also an inspector for the
6 Illinois Environmental Protection Agency; is that correct?

7 A. Yes. He is in the bureau of air, while I am in the
8 bureau of land.

9 Q. Okay. Now, when you did this inspection of this
10 property did you make contact with Mr. Goodwin?

11 A. I tried to reach him after I had been to the site. I
12 went to, I believe, his niece's house.

13 Q. Did you ever conduct an interview of Mr. Goodwin?

14 A. We spoke on the phone.

15 Q. What information did Mr. Goodwin relate to you about
16 this premises?

17 A. Well, he was angry, and he said that he would sell the
18 building. And I said that was his right. I told him that in

19 order for him to demolish any of the buildings he needed to
20 contact Mr. Grimmatt. But I was concerned with the disposal of
21 the waste on the ground, the shingles, the lumber, and the tires.

22 Q. And did Mr. Goodwin, during that conversation, advise
23 you that Mr. Grimmatt had told him that he should not do any
24 further removal, demolition or anything, until a proper

16

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1 notification of demolition and renovation was sent to the
2 Illinois Environmental Protection Agency?

3 A. Yes. He said that he couldn't -- he needed to get an
4 asbestos inspection before he would be allowed to demolish any of
5 the standing buildings or dispose of any of the waste on the
6 ground.

7 Q. He told you that, that Mr. Grimmatt had told him that;
8 is that correct?

9 A. Right.

10 Q. And as far as your file is concerned, is your file a
11 separate file from Mr. Grimmatt's file?

12 A. Yes, it is.

13 Q. So the previous complaints that you referred to in your
14 report of Mr. Grimmatt, or who investigated was Mr. Grimmatt on
15 June 3rd of 2000, that's a whole separate file?

16 A. One of our land inspectors went on that complaint. It
17 was decided that the bureau of air would handle the case at that
18 time. And then we received a second complaint that brought me

19 out to the site.

20 Q. Did you have the opportunity to review Mr. Grimmatt's
21 file in regards to that complaint?

22 A. Yes. I called Mr. Grimmatt after I had done the
23 inspection.

24 Q. So you just talked to him over the phone --

17

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1 A. Yes.

2 Q. -- about the previous complaint?

3 A. Yes, he is in a different building.

4 Q. At that time did he advise you that he had given Mr.
5 Goodwin certain notifications, requirements for owners and
6 contractors during renovation and demolition activities of public
7 or commercial buildings?

8 A. I believe he had said that he had given it to Mr.
9 Goodwin, and had not received anything back yet.

10 Q. Okay. And did he also advise you that he instructed Mr.
11 Goodwin not to do anything further with this property until the
12 proper notification of demolition and renovation was sent in?

13 A. Yes.

14 Q. He also advised that he was waiting on that as well as
15 an asbestos report; is that correct?

16 A. Mr. Grimmatt was waiting?

17 Q. Yes.

18 A. Yes, that's correct.

19 Q. And he further advised you that he met with Mr. Goodwin
20 personally back in June of 2000, and advised him to stop any
21 further activities on this premises; is that correct?

22 A. I am not aware of that.

23 Q. Now, in your report you indicate that there was no
24 recent burning that had taken place and that the lumberyard was

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1 in a partially demolished state?

2 A. That's correct.

3 Q. As far as the partially demolished state, you don't know
4 if Mr. Goodwin caused that demolition, or if nature caused the
5 demolition, or just who did that; is that correct?

6 A. That's correct.

7 Q. As far as any of these items that you see in these
8 pictures, do you have any indication that these items were just
9 recently placed on this property?

10 A. I have no way of knowing that, no.

11 Q. Isn't it a fair statement that in these pictures that
12 are attached to your report there is numerous shrubs, greenery,
13 and so forth, that are growing up in and/or around these items
14 laying on the premises?

15 A. Yes.

16 Q. And as far as the pictures are concerned, is it also a
17 fair statement that just viewing the greenery and items, it does

18 not appear that there would have been any fresh used tires thrown
19 down or any new buildings demolished; is that correct?

20 A. The tires could have been brought in recently. There is
21 some places where they could have brought them in and thrown them
22 on top of the grass. I can't say yes or no on that.

23 Q. Now, as far as any of these tires, you have not
24 determined the source of those tires, have you?

19

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1 A. No.

2 Q. And Mr. Goodwin -- you didn't talk to Mr. Goodwin about
3 those tires, did you?

4 A. Yes.

5 Q. What did Mr. Goodwin tell you about those tires?

6 A. Honestly, I can't remember.

7 Q. Okay. Did Mr. Goodwin ever tell you that this
8 premises -- or he was in the process of cleaning up this premises
9 when he was told to stop by Alan Grimmett?

10 A. I can just remember him saying that he was very confused
11 as to what he needed to do, and he couldn't get any cooperation
12 from the Agency.

13 Q. When you entered this building or this yard, courtyard,
14 as you referred to it, on the outside of any of the buildings or
15 around this area were there any no trespassing signs?

16 A. No.

17 Q. When you were speaking with Mr. Goodwin about the tires
18 and so forth, did he ever tell you that he was the one who placed
19 all these tires on this premises?

20 A. No.

21 Q. Ms. Mier, in your investigation, did you uncover any
22 evidence, whatsoever, whereby you found that Mr. Goodwin was
23 inviting the public to dump items on this premises?

24 A. Other than the fact that it had open access to anyone,

20

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1 no, I didn't.

2 Q. Did you find any evidence that Mr. Goodwin was
3 advertising this place as an open dump?

4 A. No.

5 Q. Did you find any evidence that this facility was, in
6 fact, operating as an open dump?

7 A. Other than that there was waste there, no.

8 MR. WOODWORTH: No further questions.

9 HEARING OFFICER LANGHOFF: Thank you. Ms. Ryan, any
10 redirect?

11 MS. RYAN: Yes, please.

12 REDIRECT EXAMINATION

13 BY MS. RYAN:

14 Q. Ms. Mier, did -- if I could have one second, please.
15 Excuse me.

16 Prior to your inspection, I believe you indicated that the

17 bureau of air and the bureau of land inspector had visited this
18 property in the past?

19 A. That's correct.

20 Q. I believe -- well, I don't recall whether you stated
21 what they found on the property when they went out there. Could
22 you tell us what they found when they went out there?

23 A. I seem to recollect that there was evidence of open
24 burning at that time as well as open dumping.

21

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1 Q. Do you recall from your review of the file or your
2 observations at the site what needed to be addressed at the
3 property before you went out there? By which I mean there was a
4 previous inspection before you became involved in the site?

5 A. Uh-huh.

6 Q. I assume before you went out there you reviewed the file
7 that the Agency had on the property?

8 A. Right. And what was -- from that inspection there was
9 the air violations, and I was to address the land violations.
10 The air violations dealt with getting this notification of
11 demolition. The land violations, which I would handle, contained
12 the open dumping and the material that was waste.

13 Q. The material that you identified earlier in your direct
14 testimony included the building materials laying on the ground,
15 the tires, the coolers and --

16 A. The mattress.

17 Q. The mattress. That was it.

18 A. Right, right.

19 Q. Was there anything required from Mr. Goodwin before
20 those types of materials were removed from his property?

21 A. Not under the land regulations, but a landfill cannot
22 accept this material if it has asbestos.

23 Q. Let me break it down a little bit. Was there anything
24 required of Mr. Goodwin by the Agency before he removed the tires

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1 from his property?

2 A. From the Agency?

3 Q. Right.

4 A. That he file this notification of demolition.

5 Q. Even relating to the tires?

6 A. Not to the tires.

7 Q. That's what I am trying to get at. One type of material
8 at a time here.

9 A. Okay.

10 Q. Was anything required of him before he removed the tires
11 from the property?

12 A. No.

13 Q. Was anything required of him before he removed the
14 coolers and the mattress from the property?

15 A. No.

16 Q. The notification of demolition that you are speaking of
17 related specifically to the building materials on the property;
18 is that correct?

19 A. That's correct, yes.

20 Q. I believe this is called a notification of -- in fact,
21 let me just pull it out and I will tell you what it is called.
22 Notification of demolition and renovation. Does that sound like
23 the appropriate form that the bureau of air asbestos inspector
24 requires before removing this type of material?

23

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1 A. Yes.

2 Q. What does it take to get that form from the Agency?

3 A. A request. I mean -- and I sent it to Mr. Goodwin in a
4 letter again after Mr. Grimmatt had given it to him in the
5 original complaint.

6 Q. So Mr. Grimmatt had given it to him back in 2000; is
7 that correct?

8 A. Yes, that is my understanding.

9 Q. And you sent him one copy thereafter after your
10 inspection?

11 A. Yes, I did.

12 Q. And what was required of Mr. Goodwin with respect to
13 this form, if you know?

14 A. That he have a licensed asbestos inspector come in and

15 then they could complete the form and submit it to the Agency.

16 Q. And whose responsibility is it to have the licensed
17 asbestos inspector inspect the materials?

18 A. The property owner.

19 Q. And is anything required from the Agency in order to
20 obtain that licensed asbestos inspection?

21 A. Only that they use a permitted inspector that is capable
22 of identifying asbestos.

23 Q. But the Agency is not required to approve or --

24 A. Before it is submitted, no.

24

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1 Q. -- help choose the inspector?

2 A. No.

3 Q. Or anything like that?

4 A. (Shook head from side to side.)

5 Q. Do you know, in fact, if Mr. Goodwin has submitted that
6 or has done the asbestos inspection?

7 A. I believe he has in the last week or two.

8 Q. Do you recall whether or not you saw, prior to your
9 inspection, any information relating to an asbestos inspection?

10 A. No.

11 Q. You said when you talked to Mr. Goodwin he was confused
12 as to what he needed to do; is that accurate?

13 A. That's what he said, yes.

14 Q. Did the Illinois EPA ever give Mr. Goodwin any other

15 written information other than the notification form to explain
16 to him what needed to be done on his property?

17 A. I don't know what air sent, but we sent him out some
18 information with the notification when we sent him a letter
19 concerning the corrective action that needed to be taken.

20 MS. RYAN: Okay. I am going to mark these real quick here.
21 (Whereupon said documents were duly marked for purposes of
22 identification as Complainant Exhibits 2, 3 and 4 as of this
23 date.)

24 MS. RYAN: That's your copy. One second here.

25

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1 Q. (By Ms. Ryan) I am going to show you what I have marked
2 as Exhibit Number 2. Can you tell me if you recognize that
3 document? You may want to page through it to make sure you are
4 certain as to which one that is.

5 A. Yes. This is the letter we sent. We send these after
6 an AC is issued telling them what exactly needs to be done.

7 Q. What date was this particular Exhibit 2 sent?

8 A. It was sent out on the signature date of November the
9 15th.

10 Q. Do you know what happened to this --

11 A. The third --

12 Q. -- notification?

13 A. -- page shows that -- we try to send these certified.

14 The third page shows that it was unclaimed. And so then we sent
15 it out again noncertified in December to see if he could accept
16 it that way.

17 Q. Okay. I am going to show you what I have marked as
18 Exhibit Number 3. Is this the second notification that you
19 mentioned that was sent noncertified?

20 A. Yes, this is.

21 Q. Does that explain what needs to be done on the property?

22 A. Yes, it does.

23 Q. Okay. I will show you what I have marked as Exhibit
24 Number 4. Can you tell me, do you recognize that document?

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1 A. Yes, this is letter my supervisor, Dave Jansen, and I
2 drafted to Mr. Goodwin after he expressed that he still did not
3 understand what needed to be done.

4 Q. What is the date of this letter?

5 A. January the 16th.

6 Q. I realize that the Exhibit 4 contains only a letter, but
7 does the letter indicate that additional materials were included
8 with this mailing?

9 A. Yes. We had an informational packet on how do I manage
10 asbestos in my building. We sent out the notification of
11 demolition to him.

12 Q. So Mr. Grimmatt gave Mr. Goodwin the notification of
13 demolition and renovation form back in 2000, and you sent him a

14 copy of the form following your inspection, was that your
15 testimony?

16 A. Let's see. I believe I sent one with the first -- this
17 notice of corrective action.

18 Q. And then you sent another --

19 A. And then we sent it again on --

20 Q. -- in January of this year?

21 A. Yes, with the January 16th letter.

22 Q. Do you happen to know how long Mr. Goodwin has owned
23 this property?

24 A. No, I don't.

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1 MS. RYAN: Okay. I would move for admission of exhibits --
2 I don't believe I moved Exhibit 1 in, so 1 through 4.

3 HEARING OFFICER LANGHOFF: Okay. Any objection?

4 MR. WOODWORTH: No objection.

5 HEARING OFFICER LANGHOFF: Exhibits 1, 2, 3, and 4 will be
6 admitted.

7 (Whereupon said documents were duly admitted into evidence
8 as Complainant's Exhibits 1 through 4 as of this date.)

9 HEARING OFFICER LANGHOFF: Anything further, Ms. Ryan?

10 MS. RYAN: No. Thank you.

11 HEARING OFFICER LANGHOFF: Mr. Woodworth, re-cross?

12 MR. WOODWORTH: Yes.

13

RE CROSS EXAMINATION

14

BY MR. WOODWORTH:

15 Q. Ms. Mier, let's look at the notice of corrective action.

16 There is three notices that were --

17 A. The first one or --

18 Q. Any of them.

19 A. Okay.

20 Q. Isn't it correct that all those notices of corrective
21 action deal with asbestos and asbestos inspections?

22 A. No, item number six deals with the tires.

23 Q. Okay. Now, as far as item number six -- strike that.

24 Prior to your inspection of this premises, did Mr. Goodwin get

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1 any notification from the Illinois Environmental Protection
2 Agency telling him to remove these tires and telling him how to
3 remove these tires?

4 A. Prior to my inspection?

5 Q. Yes.

6 A. No, he did not.

7 Q. Okay. Did you give him information thereafter telling
8 him how he could remove the tires and so forth?

9 A. Yes, I did.

10 Q. Okay. So it was only after the inspection that he was
11 notified on what to do?

12 A. Yes. With the tires, yeah.

13 Q. Now, as far as the tires are concerned, have you been
14 back out to the property to see if those tires are still there or
15 if they have been hauled off?

16 A. No, I haven't.

17 Q. Now, in regards to this notice of corrective action,
18 again, items one through five all deal with this asbestos
19 inspection and the notification of demolition and renovation; is
20 that correct?

21 A. It could be seen as that, yeah. I didn't really
22 separate out the litter that was not asbestos related.

23 Q. Let's go back to the original complaint and inspection
24 done by Mr. Grimmett. You had testified that there were two

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1 inspectors there, the land and department of air, or bureau of
2 air?

3 A. Yeah.

4 Q. It was decided at that time that the bureau of air would
5 handle the investigation?

6 A. Correct.

7 Q. So the bureau of land inspector then left, I assume, and
8 generated no report?

9 A. Correct.

10 Q. At that time the bureau of land, through its inspector,
11 did not give Mr. Goodwin any notice of corrective action

12 concerning those tires?

13 A. I don't even know if the tires were there then. But,
14 no, they did not.

15 Q. And to the best of your knowledge, the bureau of air,
16 through Mr. Grimmett, had provided Mr. Goodwin a notice of
17 demolition and renovation at that time?

18 A. Yes.

19 Q. And also advised him that he needed an asbestos
20 inspection?

21 A. Correct.

22 Q. To your knowledge, no one from the Illinois
23 Environmental Protection Agency advised Mr. Goodwin on how to
24 dispose of these tires or that he should dispose of those tires

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1 prior to your inspection of the premises?

2 A. Correct.

3 Q. And is it also correct that Mr. Goodwin has told you
4 that he is confused as to what he needs to do?

5 A. Yes.

6 Q. And did he tell you that he is confused because he was
7 told by Mr. Grimmett that he needs to send in an asbestos
8 inspection with this notification of demolition, and then you are
9 telling him something else?

10 A. In terms of the building material?

11 Q. Yes.

12 A. No.

13 Q. And the tires?

14 A. Well, the tires are handled differently than the
15 building material. But the tires aren't in the administrative
16 citation.

17 Q. Now, as far as this letter that was sent out to Mr.
18 Goodwin, which would have been back on January the 16th of 2002,
19 and marked as Exhibit Number 4, the letter from David Jansen,
20 does it deal with the removal of the tires and how to remove
21 tires?

22 A. No, because we didn't think there was any confusion on
23 that. I told Mr. Goodwin that he would need to get a licensed
24 tire hauler if he hauled more than 20 tires. If he did not, he

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1 could haul them himself to a disposal facility.

2 MR. WOODWORTH: No further questions.

3 HEARING OFFICER LANGHOFF: Thank you. Is that all, Ms.
4 Ryan?

5 MS. RYAN: No. Sorry.

6 FURTHER REDIRECT EXAMINATION

7 BY MS. RYAN:

8 Q. Ms. Mier, you testified that the bureau of land
9 inspector in 2000 did not complete an inspection report?

10 A. Did she?

11 Q. Do you recall that?
12 A. There was a complaint form that we fill out that
13 sometimes we will just say referred to the bureau of air. I
14 thought that's what happened.
15 Q. Do you recall if she took photographs out at the site?
16 A. I don't recall that, no.
17 Q. Ms. Mier, did you tell Mr. Goodwin anything different
18 from what Mr. Grimmett told him regarding the material that
19 needed an asbestos inspection notification of demolition form?
20 A. I don't believe so.
21 MS. RYAN: Okay. Thank you.
22 HEARING OFFICER LANGHOFF: Anything further?
23 MR. WOODWORTH: Nothing further.
24 HEARING OFFICER LANGHOFF: Thank you, Ms. Mier.

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1 (The witness left the stand.)
2 HEARING OFFICER LANGHOFF: Anything further, Ms. Ryan?
3 MS. RYAN: No. Thank you. We rest.
4 HEARING OFFICER LANGHOFF: Thank you. We will take just a
5 second. Off the record.
6 (Discussion off the record.)
7 HEARING OFFICER LANGHOFF: Okay. Back on the record.
8 Okay. Mr. Woodworth.
9 MR. WOODWORTH: Call Charles Goodwin.
10 HEARING OFFICER LANGHOFF: Thank you.

11 (Whereupon the witness was sworn by the Notary Public.)

12 C H A R L E S E. G O O D W I N,

13 having been first duly sworn by the Notary Public, and saith as
14 follows:

15 DIRECT EXAMINATION

16 BY MR. WOODWORTH:

17 Q. Please state your name.

18 A. Charles E. Goodwin.

19 Q. And, Mr. Goodwin, where do you reside?

20 A. Hull, Illinois.

21 Q. And how long have you resided there?

22 A. Oh, for approximately about a year and a half right now.

23 Q. Prior to residing at Hull, Illinois, where did you
24 reside at?

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1 A. Hutchinson, Kansas.

2 Q. And when did you purchase this property in -- as
3 referred to as the old Hull lumberyard?

4 A. I started trying to buy this in 1998. I talked to the
5 realtor that had the property that belonged to Charles Cosgrow
6 and Richard Davis.

7 Q. Did you ultimately purchase this real estate sometime in
8 1998?

9 A. Yes, I sent my sister the money and she contacted the

10 realtor, and that's when the deal was made.

11 Q. Okay. Now, as far as you inspecting this property, did
12 you inspect this property at the time you purchased the property?

13 A. No, sir.

14 Q. When you got back from Kansas, did you have the
15 opportunity to inspect this property?

16 A. Yes.

17 Q. Okay. When you inspected this property, was the
18 property littered with falling buildings, debris, tires,
19 mattresses, things of that nature?

20 A. Some of the buildings was falling down, yes. And all
21 this other stuff that was on the property was there when I bought
22 the property.

23 Q. Mr. Goodwin, have you dumped any used tires or any of
24 these materials or debris that is depicted in these numerous

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1 pictures in this report?

2 A. No, sir.

3 Q. Have you allowed anyone else to do that?

4 A. No, sir.

5 Q. Have you operated this facility as an open dump at any
6 time?

7 A. No, sir, I haven't.

8 Q. Have you advertised this facility to be an open dump?

9 A. No, sir.

10 Q. Have you encouraged anyone to dump these items on your
11 property?

12 A. No, sir.

13 Q. Is the property essentially in the same condition,
14 concerning the tires and other debris, as when you purchased it?

15 A. Yes, sir.

16 Q. Now, have you done anything, such as placing signs or
17 anything of that nature around this property?

18 A. When I first came back here from Kansas, I turned around
19 and I bought ten "keep out" and "no trespassing" signs and put
20 them up on all of the buildings down there.

21 Q. And to your knowledge are they still there, or has
22 somebody torn them down?

23 A. Not that I know of. I mean...

24 Q. At one point you started to clean up this property; is

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1 that correct?

2 A. Yes, sir.

3 Q. When did you start that process?

4 A. That was back in July -- or June of 19 -- or 2000. I
5 will get it right directly.

6 Q. Now, let me ask you, Mr. Goodwin, as far as your
7 educational background, what is, in fact, your educational
8 background?

9 A. The eighth year.

10 Q. So you made it through the eighth grade?

11 A. Yes.

12 Q. All right. You didn't go to high school; is that
13 correct?

14 A. No, sir.

15 Q. And when you started this process of cleaning up this
16 property, whom did you go to to request permission or permits or
17 whatever that needed to be done?

18 A. I come down here to the Pike County courthouse here. I
19 went to the county clerk, I went to the city clerk, and I went to
20 the tax guy down there, and I asked them what kind of permit I
21 needed to tear them buildings down. They all told me the same
22 thing, you don't need a permit to tear them down. We will come
23 out and re-evaluate your property.

24 Q. Okay. Did you ever obtain any type of building permit

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1 or demolition permit prior to starting any demolition process?

2 A. No, sir.

3 Q. Did you hire a contractor to assist you in tearing down
4 buildings and removing debris and so forth?

5 A. Yes, sir.

6 Q. Who was that person?

7 A. That was John Kindhart.

8 Q. He is located where?

9 A. In Quincy, Illinois.

10 Q. When this process was started, that would have been back
11 in 2000?

12 A. Yes.

13 Q. Did you receive a visit from a Mr. Grimmatt from the
14 Illinois Environmental Protection Agency?

15 A. Yes, I did.

16 Q. And would that have been in June of 2000?

17 A. Yes, sir.

18 Q. And did Mr. Grimmatt and you have a conversation on
19 site?

20 A. Yes, sir.

21 Q. And were you there present in the process of tearing
22 down buildings and so forth?

23 A. Yes, sir.

24 Q. And at that time were you, in fact, burning lumber and

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1 so forth?

2 A. Not that I know of. I found out later that John
3 Kindhart had went to the city and asked if they could burn scraps
4 of lumber over there. And the city give him permission to do
5 that.

6 Q. That would have been back in 2000?

7 A. Yes.

8 Q. Okay. When Mr. Grimmett came upon the premises, did he
9 advise you to stop any further process of cleanup, demolition,
10 etcetera?

11 A. Yes, sir.

12 Q. And in your understanding of what he told you, did you
13 understand that to mean stop all operations, cleanup, demolition,
14 anything?

15 A. Yes, sir.

16 Q. Did he provide you with a booklet entitled,
17 "Requirements for Owners and Contractors During Renovation or
18 Demolition Activities at Public or Commercial Buildings"?

19 A. Yes, sir.

20 Q. Did he also provide to you a form entitled,
21 "Notification of Demolition and Renovation"?

22 A. Yes, sir.

23 Q. Did he instruct you at that time to do nothing further
24 with this property until you received notice back from the EPA

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1 that you had permission?

2 A. Yes, sir.

3 Q. Did you cease further cleanup efforts?

4 A. Yes, sir.

5 Q. Now, did you, on your own, attempt to fill out
6 notifications of demolition and renovation and send those to the
7 EPA?

8 A. I filled out what I could. The rest of it was filled
9 out by Klingner & Associates.

10 Q. That would have been, what, approximately a year after
11 Mr. Grimmett's first visit?

12 A. Whenever it was. He sent me papers to fill out. Now, I
13 am not quite sure what --

14 Q. Let me stop you there. When you said "he sent me
15 papers" for you to fill out, who sent you those papers?

16 A. Alan Grimmett.

17 Q. Okay. So Alan Grimmett from the EPA sent you the papers
18 to fill out, which was the Notification of Demolition and
19 Renovation; is that correct?

20 A. Right.

21 Q. When you say you filled them out the best you can,
22 that's just based upon your knowledge and your understanding of
23 what that form meant?

24 A. Yes, sir.

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1 Q. And did you, in fact, then later have an asbestos
2 inspection done?

3 A. Yes, sir.

4 Q. And that was by Klingner & Associates; is that correct?

5 A. Yes, sir.

6 Q. And that was, what, approximately a year after Mr.

7 Grimmett's first visit?

8 A. I am not right sure just exactly how long it was. I
9 know it was after his deal out there. When he sent me the papers
10 is when I had the guy to come out and do the asbestos inspection.
11 Whenever I first received the papers I did have something that
12 had to be filled out.

13 Q. Okay. Now, you obviously employed my services a few
14 months prior; is that correct?

15 A. Right.

16 Q. When you first were contacted by Mr. Grimmett, were you
17 represented by counsel in any fashion?

18 A. No, sir.

19 Q. You were dealing with the Environmental Protection
20 Agency and Mr. Grimmett on your own; is that correct?

21 A. Yes, sir.

22 Q. Was this a confusing process to you in understanding
23 what his requirements were?

24 A. It sure was.

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1 Q. Okay. Now, did you send to Mr. Grimmett on your own
2 this asbestos inspection conducted by Klingner & Associates?

3 A. Yes, sir.

4 Q. How many times did you do that?

5 A. Three times altogether.

6 Q. And you also had me, through my office, in fact, send in

7 another notification of demolition and renovation concerning this
8 property?

9 A. Yes, sir.

10 Q. And is it also correct that you received a letter back
11 from Mr. Jansen from the Illinois Environmental Protection Agency
12 advising you that that inspection was not adequate?

13 A. Yes, sir.

14 Q. Did you then go and have Klingner & Associates conduct
15 another inspection?

16 A. Yes, sir.

17 Q. And through my office was this inspection forwarded to
18 Mr. Jansen?

19 A. Yes, sir.

20 Q. And as of today's date, have you ever received any type
21 of permit, notification, letter, or otherwise, from the Illinois
22 Environmental Protection Agency that says you have permission to
23 clean up this property?

24 A. No, sir.

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1 Q. You are still waiting on that; is that correct?

2 A. That's what I am waiting on now.

3 Q. Are you willing to clean up your property?

4 A. Oh, yes. I have got -- I have people hired to do it.

5 Q. Okay.

6 A. But I couldn't do nothing until I get permission.

7 Q. Now, let's go back to the initial complaint date when
8 Mr. Grimmett was there, and he talked to you about filling out
9 this notification. Did Mr. Grimmett at any time during his visit
10 there at your site tell you how to dispose of tires?

11 A. No, sir.

12 Q. Did he give you any paperwork telling you how to dispose
13 of tires?

14 A. No, sir.

15 Q. Did he give you any list of persons who are properly
16 licensed to dispose of tires?

17 A. No, sir.

18 Q. Did he at any time during that conversation with you
19 advise you that you needed to clean up old coolers, a mattress,
20 things of that nature?

21 A. No, sir.

22 Q. Did he ever mail you anything in the mail after his site
23 visit telling you how to dispose of these tires and what you
24 needed to do?

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1 A. No, sir.

2 Q. Prior to Ms. Mier coming on to your property without
3 your permission and inspecting this, did the Illinois EPA or any
4 other administrative body advise you that you needed to clean up
5 these tires?

6 A. No, sir.

7 Q. Did anybody from the Illinois EPA or any administrative
8 body give you information on how to properly dispose of these
9 tires?

10 A. No, sir.

11 Q. What about the coolers and these other items that are
12 depicted in these photographs?

13 A. I have no idea on -- nobody told me what I was supposed
14 to do with them or nothing else.

15 Q. Was the only thing that was discussed by you and Mr.
16 Grimmatt at that time was concerning this asbestos report and
17 sending in this notice of renovation and demolition?

18 A. Right.

19 Q. Now, after you received the letter from the EPA, which
20 is titled, "Warning, Corrective Action Required," did you, in
21 fact, hire someone to remove the tires from your property?

22 A. Yes, sir.

23 Q. And prior to that notification or warning of corrective
24 action required, did Ms. Mier provide you with information when

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1 she inspected your property?

2 A. No, sir.

3 Q. Did you even talk to Ms. Mier when she inspected your
4 property?

5 A. This is the first time I have seen the lady.

6 Q. Did you have conversations with her by phone the next
7 day or thereafter?

8 A. Yes, I had a conversation with her on the phone, yes.

9 Q. During that conversation, did you explain to her what
10 Mr. Grimmett had told you?

11 A. I did.

12 Q. Did you also explain to her that you were confused about
13 this entire cleanup process and what was required of you?

14 A. I did. And she told me that they would have to be
15 removed. I hired a guy from Plainville, which is a licensed tire
16 hauler. They take the tires to Macon, Missouri, where they are
17 ground up.

18 Q. So you, in fact, followed her direction and had the
19 tires removed?

20 A. Yes, sir.

21 Q. The tires are now removed from this premises?

22 A. Yes, sir.

23 Q. Now, as far as the other items, the building items and
24 so forth that are in these pictures, you have not done anything

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1 with --

2 A. No, sir.

3 Q. -- those; is that correct? Is it correct that you are
4 still awaiting permission to -- from the EPA so that you can go

5 ahead and finish cleaning up this property?

6 A. Yes, it is.

7 MR. WOODWORTH: No further questions.

8 HEARING OFFICER LANGHOFF: Ms. Ryan?

9 MS. RYAN: Could I have five minutes?

10 HEARING OFFICER LANGHOFF: Sure. Let's take five minutes.

11 We will be back at straight up 11:00.

12 (Whereupon a short recess was taken.)

13 HEARING OFFICER LANGHOFF: Back on the record. It is

14 11:00.

15 Ms. Ryan, any cross-examination?

16 MS. RYAN: Yes.

17 CROSS EXAMINATION

18 BY MS. RYAN:

19 Q. Mr. Goodwin, you said that you sent your asbestos
20 inspection to Mr. Grimmett three different times; is that right?

21 A. Yes, sir -- ma'am.

22 Q. Do you recall when that was that you sent that in?

23 A. One of them was back in 2000, right after he told me I
24 had to have an inspection done on it, when he sent me the

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1 paperwork out, that I had to have that filled out. And the guy
2 that was tearing the building down, I had to have him fill out
3 part of it. I had to fill out part of it. That was sent to him.

4 I didn't certify it. I just sent it to him.

5 Then I am not quite sure how long it was after that that
6 they sent me out another one, and said that one was not good
7 enough or whatever. So I had this inspected again, had the --
8 they had me send it in and turned around and sent it to someplace
9 in Chicago or someplace and had it done. I sent that in to him,
10 and then that still was not good enough. So then I had to have
11 another building inspection done. I had that done around --
12 well, it was in February sometime.

13 Q. February of which year?

14 A. Pardon?

15 Q. Of which year?

16 A. Of this year.

17 Q. This year. Okay.

18 A. And I had that filled out and sent in and I still had
19 not heard anything.

20 Q. Did Klingner & Associates do all three of these
21 inspections for you?

22 A. Yes. Well, the -- they done the first one, and then I
23 had to go to them when they wanted another report on it. I went
24 to Klingner because I had turned my other report over to my

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1 attorney at that time. I went to Klingners and got a copy of
2 their report back from when they sent it off, and I sent that to
3 him, but I sent that by registered mail.

4 Q. Okay.

5 A. And then the last one, I mean, they had to do a complete
6 inspection again.

7 MS. RYAN: Just a second. Sorry. This is the only one I
8 have. This is just a blank form that I am going to show to the
9 witness, but it is going to be yours.

10 (Whereupon said document was duly marked for purposes of
11 identification as Complainant Exhibit 5 as of this date.)

12 HEARING OFFICER LANGHOFF: Okay. Thank you.

13 Q. (By Ms. Ryan) Mr. Goodwin, I am going to show you this
14 package here that I have marked as Exhibit Number 5. Is that the
15 form that Mr. Grimmett gave you back in 2000?

16 A. Yes.

17 Q. When did you submit that form back to the Agency?

18 A. Well, it was shortly after I had filled it out and had
19 the guy that was tearing the building down fill out his part of
20 it. And then I turned around and I sent a copy of what Klingner
21 had -- I had them do. I don't know. I didn't fill any of this
22 out, because I didn't understand it. I had the demolition
23 contractor fill out his part and I filled out the part that they
24 had up here. And the asbestos, Klingner, I guess, filled it out

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1 over here, where it says asbestos removed. Well, that's the
2 contractor. But, anyway, this is the form that they sent me,

3 yeah.

4 Q. Okay. Is that the form that you sent in three different
5 times?

6 A. Yes.

7 Q. And the first two times you received notification that
8 the form was inadequate or that the inspection was inadequate; is
9 that accurate?

10 A. Yes.

11 Q. And this third time did you receive any information
12 back?

13 A. No.

14 Q. The third time you submitted this, if I may say, was
15 approximately -- I wish I could read these forms. That's the
16 print date. Okay. Here it is. Approximately February the 13th
17 of this year, does that sound about right?

18 A. Yes, uh-huh.

19 Q. Okay. You testified earlier that there was -- that you
20 received a letter from Mr. Jansen -- if I could take that back
21 from you.

22 A. Okay.

23 Q. That you received a letter from Mr. Jansen that your
24 inspection was inadequate. I am going to show you again what has

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1 been admitted as Exhibit Number 4. Is that the letter that you
2 were referring to?

3 A. Yes.

4 Q. Okay. Thank you.

5 A. Uh-huh.

6 MS. RYAN: I would move Exhibit Number 5 into evidence.

7 Unfortunately, I just have the one copy.

8 HEARING OFFICER LANGHOFF: All right. Any objection?

9 MR. WOODWORTH: No objection.

10 HEARING OFFICER LANGHOFF: Exhibit Number 5 will be
11 admitted.

12 (Whereupon said document was duly admitted into evidence as
13 Complainant Exhibit 5 as of this date.)

14 MS. RYAN: Oh, I am sorry. That's all.

15 HEARING OFFICER LANGHOFF: Okay. Thank you.

16 MS. RYAN: I thought I had said that.

17 HEARING OFFICER LANGHOFF: Mr. Woodworth, anything on
18 redirect?

19 MR. WOODWORTH: Yes. Thank you.

20 REDIRECT EXAMINATION

21 BY MR. WOODWORTH:

22 Q. Mr. Goodwin, just so the record is clear, when you first
23 were notified by Mr. Grimmett to cease any demolition process,
24 you were given what has been marked as Exhibit Number 5, which

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1 was a packet; is that correct?

2 A. Yes.

3 Q. And that's the notification of demolition and renovation
4 form plus an explanation pamphlet; is that correct?

5 A. Yes.

6 Q. Is it correct that you attempted to send that
7 notification of demolition and renovation in on your own and you
8 just sent that regular mail?

9 A. Yes.

10 Q. You later, then, sent in a notification of demolition
11 and renovation by certified mail?

12 A. Yes.

13 Q. And then is it correct that you, through my office, also
14 sent in another notification of demolition and renovation by
15 certified mail, and that would have been in February of this
16 year?

17 A. Yes.

18 Q. So on three occasions you have sent this in?

19 A. Yes.

20 Q. Now, we have recently submitted the updated inspection
21 conducted by Klingner & Associates; is that correct?

22 A. Yes, sir.

23 Q. That was sent directly to David Jansen through my
24 office?

1 A. Yes, sir.

2 Q. And we provided Ms. Ryan a copy of that as well; is that
3 correct?

4 A. Yes.

5 MR. WOODWORTH: No further questions.

6 HEARING OFFICER LANGHOFF: Thank you. Ms. Ryan?

7 MS. RYAN: Yes.

8 RECROSS EXAMINATION

9 BY MS. RYAN:

10 Q. Mr. Goodwin, do you recall when you submitted this
11 notification on February the 13th of this year, what start date
12 you had for your demolition work on that form?

13 A. No, I am not right sure on that. I can't remember that.

14 Q. Did you, in fact, start doing the demolition work on any
15 date?

16 A. No, I have not started anything yet.

17 MS. RYAN: Okay. Thank you.

18 MR. WOODWORTH: Nothing further.

19 HEARING OFFICER LANGHOFF: Thank you. Mr. Goodwin, you may
20 have a seat.

21 MR. GOODWIN: Pardon?

22 HEARING OFFICER LANGHOFF: You can have a seat over there.

23 MR. GOODWIN: Oh, okay.

24 HEARING OFFICER LANGHOFF: You are finished in that seat.

1 MR. GOODWIN: Okay.

2 (The witness left the stand.)

3 MR. WOODWORTH: No further evidence.

4 HEARING OFFICER LANGHOFF: Okay. Do you have any exhibits
5 that you want to offer? I know you marked some. I just want to
6 make sure that I get them into the record.

7 MS. RYAN: Actually, he didn't refer to any of them by
8 number.

9 MR. WOODWORTH: Actually, I will put these in.

10 MS. RYAN: This is the one that you sent me, right?

11 MR. WOODWORTH: Yes.

12 MS. RYAN: And this is the February 13th one?

13 MR. WOODWORTH: Right.

14 MS. RYAN: Can you get me a copy of that? I don't have
15 that.

16 MR. WOODWORTH: Sure.

17 HEARING OFFICER LANGHOFF: You could mark it either R1 or
18 R2 or A and B, whatever you prefer.

19 MS. RYAN: Maybe put R, because otherwise I will get
20 confused and think it is mine.

21 MR. WOODWORTH: Okay.

22 (Whereupon said documents were duly marked for purposes of
23 identification as Exhibits R1 and R2 as of this date.)

24 MR. WOODWORTH: We will submit Exhibit R1, which is the

1 actual notification of demolition and renovation form that was
2 sent through my office by certified mail to the EPA. And then
3 also Exhibit R2, which is the letter that accompanied -- the
4 letter to David Jansen, accompanying the new inspection report
5 from Klingner & Associates.

6 And I would just be asking permission to go to the circuit
7 clerk's office to make appropriate copies for the Court, Ms.
8 Ryan, and also the court reporter.

9 HEARING OFFICER LANGHOFF: The court reporter doesn't need
10 any. Just one for Ms. Ryan and one for yourself, I would
11 imagine.

12 MS. RYAN: I don't need it today. If you want to send it
13 to me later that is fine.

14 HEARING OFFICER LANGHOFF: Ms. Ryan, any objection?

15 MS. RYAN: No.

16 HEARING OFFICER LANGHOFF: I will admit R1 and R2.
17 (Whereupon said documents were duly admitted into evidence
18 as Exhibits R1 and R2 as of this date.)

19 MR. WOODWORTH: Thank you.

20 HEARING OFFICER LANGHOFF: Anything further, Mr. Woodworth?

21 MR. WOODWORTH: Nothing further.

22 HEARING OFFICER LANGHOFF: Okay. Thank you. At this time
23 I would like to go off the record for just a minute to discuss
24 the availability of the transcript and to discuss the schedule

1 for the submission of briefs for the Board.

2 (Discussion off the record.)

3 HEARING OFFICER LANGHOFF: Back on the record. We have
4 just had an off-the-record discussion regarding the filing of
5 post hearing briefs. The parties have agreed to a briefing
6 schedule. I will go ahead and read that schedule into the
7 record. The transcript of these proceedings will be available
8 from the court reporter by April the 8th of 2002. I will
9 establish a short public comment period of 14 days.

10 The parties know to talk to the court reporter regarding
11 the availability of the transcript. I would like to note that
12 the transcript is usually put on the Board's web site within a
13 few days after its availability. I would like to note that our
14 web site address is www.ipcb.state.il.us.

15 The Agency's brief will be due by April the 24th of 2002.
16 The mailbox rule will apply to the filing. The respondent's
17 brief will be due by May the 15th of 2002, and the mailbox rule
18 will apply to the filing.

19 Any post hearing comments must be filed in accordance with
20 Section 101.628 of the Board's procedural rules. Public comments
21 must be filed by April the 10th of 2002. That is 14 days. The
22 mailbox rule set forth at 35 Ill. Adm. Code 101.102(d) and
23 101.144(c) will apply to these post hearing filings.

24 I want to note again for the record that there are no

1 members of the public present that want to make statements on the
2 record. I am required to make a statement as to the credibility
3 of the witnesses testifying during this hearing. This statement
4 is to be based upon my legal judgment and experience, and
5 accordingly I state that I have found all of the witnesses
6 testifying to be credible. Credibility should not be an issue
7 for the Board to consider in rendering a decision in this case.

8 Mr. Woodworth has indicated that he is going to be making
9 copies of R1 and R2. I am going to let him keep Exhibits R1 and
10 R2. He will be forwarding a copy of the exhibits to my office
11 within seven days and also be providing Ms. Ryan with a copy
12 within seven days.

13 Both parties have reserved their closing arguments for
14 their briefs. At this time I will go ahead and conclude the
15 proceedings. It is Wednesday, March the 27th of 2002, at
16 approximately 11:20 in the morning. We stand adjourned.

17 Thank you all for your participation and everyone have a
18 good day and drive safely.

19 MS. RYAN: Thank you.

20 MR. WOODWORTH: Thank you.

21 (Hearing exhibits were retained by
22 Hearing Officer Steven C. Langhoff.
23 The hearing concluded at approximately
24 11:20 a.m.)

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF MONTGOMERY)

3 C E R T I F I C A T E

4

5 I, DARLENE M. NIEMEYER, a Notary Public in and for the
6 County of Montgomery, State of Illinois, DO HEREBY CERTIFY that
7 the foregoing 55 pages comprise a true, complete and correct
8 transcript of the proceedings held on the 27th of March A.D.,
9 2002, at 100 East Washington, Pittsfield, Illinois, in the case
10 of the Illinois Environmental Protection Agency v. Charles
11 Goodwin, in proceedings held before Hearing Officer Steven C.
12 Langhoff, and recorded in machine shorthand by me.

13 IN WITNESS WHEREOF I have hereunto set my hand and affixed
14 my Notarial Seal this 29th day of March A.D., 2002.

15

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Notary Public and
Certified Shorthand Reporter and
Registered Professional Reporter

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21

CSR License No. 084-003677
My Commission Expires: 03-02-2003

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