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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
vs.) No. AC 04-46
CHRISTOPHER COLEMAN,) (IEPA No. 35-04-AC)
Respondent.)

Proceedings held on September 15, 2004, at 11:00 a.m.

at the office of the Union County Courthouse, 309 West Market
Street, Jonesboro, Illinois, before Carol Sudman, Hearing
Officer, and reported by Holly A. Schmid, Notary Public and
Certified Shorthand Reporter, CSR No. 084-98-254587 for the State
of Illinois.

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A P P E A R A N C E S

HEARING OFFICER CAROL SUDMAN
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794

MS. MICHELLE M. RYAN
Illinois EPA
1021 North Grand Avenue East
Springfield, IL 62974

W I T N E S S

MS. SHEILA WILLIAMS

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1 (September 15, 2004, 11 a.m.)

2 MS. HEARING OFFICER: Good morning. My name is Carol
3 Sudman. I'm a hearing officer with the Pollution Control Board.
4 This is the hearing for AC 04-46, IEPA versus Christopher
5 Coleman. It is September 15, 2004, and we are beginning at 11
6 a.m.

7 I want to note for the record that there are no members
8 of the public present. Members of the public are allowed to
9 provide public comment, if they so choose.

10 At issue in this case is complainant's allegation that
11 Mr. Coleman violated Sections 21 (p)(1) and (p)(7) of the
12 Environmental Protection Act at a site located directly northwest
13 of the intersection of Route 127 and Main Street in Alto Pass
14 Union County.

15 You should know that it is the Pollution Control Board
16 and not me that will make the final decision in this case. My
17 purpose is to conduct the hearing in a neutral and orderly
18 manner, so that we have a clear record of the proceedings. I
19 will also assess the credibility of any witnesses on the record
20 at the end of hearing.

21 This hearing was noticed pursuant to the Act and the
22 Board's rules, and will be conducted pursuant to Sections 101.600
23 through 101.632 of the Board's procedural rules.

24 At this time, I would like to ask the complainant to

1 please make her appearance on the record.

2 MS. RYAN: Michelle Ryan, Special Assistant Attorney
3 General for the Illinois EPA.

4 MS. HEARING OFFICER: And I will note that
5 Ms. Ryan did hand me copies of her appearance to file with the
6 clerk's office, which I will do. I will also note for the record
7 that the Respondent is not present. Ms. Ryan, do you have any
8 information about the Respondent?

9 MS. RYAN: My understanding is that he has moved to
10 Texas.

11 MS. HEARING OFFICER: And you are not expecting him
12 to --

13 MS. RYAN: I'm not expecting him to appear. I've been
14 unable to reach him by phone.

15 MS. HEARING OFFICER: Then we'll go ahead and proceed
16 with this hearing without the Respondent. Ms. Ryan, would you
17 like to give an opening statement?

18 MS. RYAN: Yes. We believe the evidence will show that,
19 on January 13, 2004, the Respondent, Christopher Coleman, caused
20 or allowed open dumping resulting in litter and the deposition of
21 general construction or demolition debris at the site in Alto
22 Pass in Union County, Illinois.

23 MS. HEARING OFFICER: Thank you. You may proceed with
24 your case.

1 MS. RYAN: Our only witness is Sheila Williams.

2 MS. HEARING OFFICER: Would the court reporter please
3 swear in the witness.

4 (At which point in the proceedings, the witness was
5 sworn.)

6 EXAMINATION

7 BY MS. RYAN:

8 Q. Can you state your name.

9 A. Sheila Williams.

10 Q. What is your job?

11 A. I'm an environmental protection
12 specialist.

13 Q. What bureau do you work for?

14 A. Land.

15 Q. How many years have you been an
16 environmental protection specialist for the Bureau of
17 Land?

18 A. Approximately, 12.

19 Q. What are your duties?

20 A. I primarily investigate open dumps. I
21 inspect landfills, transfer stations, compost
22 facilities. I do some RCRA inspections, as well as a
23 little bit of criminal, some criminal investigation
24 work.

1 Q. Can you give us an estimate of how many
2 inspections you've conducted over your years at the EPA?

3 A. Over 1,000.

4 Q. What's your educational background?

5 A. My degree is in biology.

6 Q. What kind of degree is that?

7 A. It is a Bachelor of Arts, I believe. I
8 should know that. That's terrible.

9 Q. Do you have any training, other than your
10 degree?

11 A. Yes. I've had multiple courses through
12 the Agency, including 40-hour hazardous waste
13 operations, as well as an annual eight-hour refresher
14 for that. Courses in ground, water, meth awareness,
15 different landfill classes, asbestos awareness and on
16 and on.

17 Q. Are you familiar with the facility located
18 in Alto Pass known as the Coleman property?

19 A. Yes.

20 Q. Where is that property located?

21 A. It's at the junction of Route 127, and the
22 main road that leads into Alto Pass on the west side of
23 127.

24 Q. On January 13, 2004, who was responsible

1 for the operation of that property?

2 A. I believe that was Christopher Coleman.

3 Q. How many inspections have you conducted at

4 the Coleman property?

5 A. I believe three.

6 Q. I'm going to hand you what I've marked for

7 identification as Exhibit 1. Can you look at that

8 document and tell me if you recognize it.

9 A. Yes. This is the inspection report from

10 the January 13, 2004, inspection.

11 Q. Can you page through that for me.

12 A. Yes.

13 Q. Is what I've handed you a fair, accurate

14 and complete copy of your report?

15 A. I believe so.

16 Q. Can you describe the property, generally?

17 A. It's -- I believe it was a gas station at

18 one time. The main part of it has gravel around it.

19 Like, it's a large open area, and it has two permanent

20 buildings on it, and behind, to the far west, as you're

21 facing it, the back of the property goes into a tree

22 line, and it flows down gradient a little bit.

23 Q. Who took the photographs that are attached

24 to your report?

1 A. I did.

2 Q. Can you describe, basically, what they
3 show.

4 A. They show the scope of the site, and just
5 a various amount of waste that was scattered throughout
6 the site.

7 Q. Looking through your photographs, can you
8 identify any particular photograph, what you would
9 consider general construction, demolition debris having
10 been dumped on this property?

11 A. Photo No. 3, for sure. You can see the
12 windows that are just piled on the ground, some of which
13 are broken. They appear to be old window frames. Some
14 of them are splintered or completely torn apart, and
15 some of the paint on them is -- you can tell it's not
16 fresh. Photo No. 8, you can see what looks to be like
17 pieces of wood that are no longer part of their original
18 structure. Photo No. 10, again, there are pieces of
19 demolition debris, pieces of wood that are just kind of
20 strewn about. Photo 14 there's, again, pieces of wood
21 that's laying on the ground that don't appear to be part
22 of anything being used for anything.

23 Q. Can you tell what the material in
24 photograph No. 16 is, the yellow item on the right side?

1 A. It appeared to be -- I don't know what
2 that is, specifically, but perhaps some kind of a pump,
3 a tank and a pump. I do not know what that is, though.

4 Q. And the rusty item on the left side. Can
5 you determine what that was?

6 A. I believe that is the inner liner of,
7 like, a washing machine.

8 Q. Do these photographs attached to your
9 report accurately depict what you saw at the property on
10 January 13, 2004?

11 A. Yes.

12 Q. When was this report generated?

13 A. That, I don't know. Shortly after the
14 inspection.

15 Q. Would you say within a week, perhaps?

16 A. I really don't know. Sorry.

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

19 A. Yes.

20 MS. RYAN: I would move Exhibit 1 into evidence.

21 MS. HEARING OFFICER: Exhibit 1 is admitted into
22 evidence.

23 MS. RYAN: And that's all we have.

24 MS. HEARING OFFICER: Well, obviously, the

1 Respondent is not here to present any case, so we will
2 proceed with the briefing schedule, which Ms. Ryan and I
3 actually discussed before hearing. The transcript of
4 these proceedings will be available from the court
5 reporter by September 27, 2004, and will be posted on
6 the Board's website. The public comment deadline is
7 October 11, 2004. Any public comment must be filed in
8 accordance with Section 101.628 of the Board's
9 procedural rules. The complainant's brief will be due
10 October 6, and the Respondent's brief, although we are
11 not actually expecting him to file a brief, Respondent's
12 brief is due October 20, and the mailbox rule will
13 apply. Ms. Ryan, would you like to make a closing
14 argument?

15 MS. RYAN: No thank you. I will reserve that
16 for my brief.

17 MS. HEARING OFFICER: Then I will proceed to
18 make a statement as to the credibility of the witness
19 testifying during this hearing. Based on my legal
20 judgment and experience, I find the witness testifying
21 to be credible. At this time, I will conclude the
22 proceedings, and I thank all of you for your
23 participation, and we stand adjourned.

24 (Hearing adjourned at 11:15 a.m.)

