

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

vs.

AC 05-20
(IEPA No. 412-04-AC)
(Administrative Citation)

JOHN GROFF,

Respondent.

Proceedings held on July 18th, 2005, at 12:30 p.m., at the
City Hall in Marion County, 101 South Broadway, Salem, Illinois,
before Carol Webb, Chief Hearing Officer.

Reported by: Beverly S. Hopkins, CSR, RPR
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A P P E A R A N C E S

ILLINOIS POLLUTION CONTROL BOARD
1021 North Grand Avenue East
Springfield, Illinois 62794
(271) 524-8509
BY: CAROL WEBB

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 North Grand Avenue East
Springfield, Illinois 62794
BY: MS. MICHELLE M. RYAN,
Special Assistant Attorney General

1 HEARING OFFICER WEBB: Good afternoon. My name is Carol
2 Webb. I'm the hearing officer with the Pollution Control Board.
3 This is AC 05-20, IEPA vs. John Groff. It is July 18th and we
4 were scheduled to begin at 11 a.m.. We are beginning at 12:30
5 because we had a mixup with the court reporter.

6 I will note for the record that there are several members
7 of the public present. We have some interns from the IEPA and
8 Mr. Groff has brought someone as well. Members of the public are
9 allowed to provide public comment if they so choose.

10 At issue in this case is the EPA's allegation that
11 respondent violated Sections 21(P1), (P2) and (P3) of the
12 Environmental Protection Act at 2503 Barton Road in Junction
13 City, Marion County.

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

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

23 At this time I would like to ask the parties to please make
24 their appearances on the record.

1 MS. RYAN: Michelle Ryan, Special Assistant Attorney
2 General for the Illinois Environmental Protection Agency. I have
3 my paper appearance here today.

4 HEARING OFFICER WEBB: Okay.

5 MS. RYAN: The original is the paper clipped one on top.

6 HEARING OFFICER WEBB: All right.

7 MS. RYAN: I will give you a copy of that as well.

8 HEARING OFFICER WEBB: Mr. Groff is here representing
9 himself, is that correct, Mr. Groff?

10 MR. GROFF: Yes, it is.

11 HEARING OFFICER WEBB: Okay. Are there any preliminary
12 matters anyone would like to discuss before we begin?

13 MS. RYAN: No.

14 HEARING OFFICER WEBB: Okay. Ms. Ryan, would you like to
15 make an opening statement?

16 MS. RYAN: Yes. We believe the evidence will show that on
17 July 29th, 2004, at Mr. John Groff's property violations of open
18 dumping resulting in litter, open burning and the deposition of
19 construction of demolition debris were observed at the site and
20 that there is no defense to these violations.

21 HEARING OFFICER WEBB: Thank you. Mr. Groff, would you
22 like to make any opening comments at this time? You don't have
23 to if you don't want to.

24 MR. GROFF: No.

1 HEARING OFFICER WEBB: No. Okay. Ms. Ryan, you may
2 present your case.

3 MS. RYAN: We call Chris Cahnovsky.

4 HEARING OFFICER WEBB: Mr. Cahnovsky, would you like to
5 have a seat up here by the court reporter in one of those two
6 chairs. The court reporter will swear you in too.

7 (The witness was sworn by the reporter.)

8 DIRECT EXAMINATION

9 QUESTIONS BY MS. RYAN:

10 Q. Can you state your name for the record?

11 A. My name is Christopher Neal Cahnovsky.

12 Q. And what is your job?

13 A. I am the Regional Manager for the Collinsville Regional
14 Field Office for the Illinois Environmental Protection Agency.

15 Q. And what bureau is that with?

16 A. The Bureau of Land.

17 Q. How long have you held that position?

18 A. Fours years.

19 Q. What was your position prior to that?

20 A. I was environmental protection specialist.

21 Q. Is that a field inspector position?

22 A. Yes.

23 Q. How long were you a field inspector prior to being a
24 regional manager?

1 A. I was a field inspector for 12 years.

2 Q. As regional manager, what are your duties in the office?

3 A. My duties are to supervise a field staff of
4 environmental protection specialists who conduct field
5 inspections, review their reports, make sure their reports are
6 consistent with Agency policy and our enforcement management
7 system, and I also conduct inspections.

8 Q. What's your educational background?

9 A. I have a bachelor's degree in animal science from
10 Southern Illinois University in Carbondale and a master's in
11 environmental studies from Southern Illinois University in
12 Edwardsville.

13 Q. Have you had any other training besides your formal
14 schooling?

15 A. Yes. I am a certified hazardous materials manager. I
16 obtained a certification in 1993 through the Institute of
17 Hazardous Materials Management and have been Board of Directors
18 of the Gateway Society of Hazardous Materials Managers, which I
19 received quite a bit of training on hazardous materials. I was
20 also involved with the writing of the Illinois Solid Waste
21 Inspectors Manual.

22 Q. Are you familiar with the facility known as the Groff
23 property in Junction City?

24 A. Yes, I am.

1 Q. Where is that property located?

2 A. In Junction City in Marion County.

3 Q. Is it actually in the city limits there?

4 A. I do not believe it's within the city limits of Junction
5 City.

6 Q. Is it -- Do you know which direction from the city?

7 A. It's south of the city.

8 Q. South of the city. Who owns this property?

9 A. John Groff.

10 Q. Have you ever conducted an inspection there?

11 A. Yes, I have.

12 Q. How many times?

13 A. Just once.

14 Q. Do you recall the date of that inspection?

15 A. It was May 2004. The exact date I don't recall at this
16 moment. I believe it was May 25th.

17 Q. I'm handing you what I have marked as Exhibit 1. Can
18 you tell me do you recognize that document?

19 A. Yes, I do.

20 Q. What is it?

21 A. It is an open dump inspection checklist, the open dump
22 inspection checklist narrative, the open dump inspection site
23 sketch and the photographs that accompany the inspection report.

24 Q. And to what inspection does this report refer?

1 A. This report refers to a June 29th, 2004, inspection
2 conducted by James Baumer.

3 Q. Can I suggest that it may be July 29th?

4 A. I'm sorry, July 29th, 2004, inspection -- inspected by
5 Jay Baumer.

6 Q. Did Jay Baumer complete this report?

7 A. Yes.

8 Q. Why is he not available to testify today?

9 A. Mr. Baumer is on disability. He's been on disability
10 since February.

11 Q. Is his return expected or unknown at this time?

12 A. His return is unknown.

13 Q. Who was Mr. Baumer's supervisor during this inspection
14 in July of 2004?

15 A. I was Mr. Baumer's supervisor.

16 Q. And what role do you play as supervisor in the
17 completion of this inspection report?

18 A. I make sure that this inspection conforms with the
19 Agency policies and the enforcement management system and the
20 administrative citation warning notice and administrative
21 citation guidelines with the Agency.

22 Q. Have you had a chance to look through the document?

23 A. Yes, I have.

24 Q. Is this a fair, accurate and complete copy of the report

1 that you were produced from Jay Baumer?

2 A. Yes, it is.

3 Q. Can you describe the Groff property in general?

4 A. The property is located in a rural setting on Barton
5 Road. There is a creek, drainage ditch that bisects the
6 property. On one side of the property is a residence and there's
7 a small foot bridge which goes into a grassy area and then behind
8 the grassy area is a wooded area.

9 Q. Who took the photographs that are attached to the
10 inspection report?

11 A. James Baumer.

12 Q. And how are they taken?

13 A. Using a digital camera.

14 Q. How are they processed from the digital camera into
15 print form -- sorry -- into the format that we see in the
16 inspection report, the page set up?

17 A. Sure. The -- the photos are downloaded from the digital
18 camera to a desktop computer, which they are put into a J. Pack
19 format, stored on an Agency prescribed procedures and then loaded
20 onto a CD for storage. And then they're from -- from the files
21 they are loaded onto a WordPerfect -- I'm sorry -- a Microsoft
22 Word document and then they are printed out and attached to the
23 inspection report.

24 Q. Does Illinois EPA procedures allow for any editing or

1 enhancing of the photographs from the digital cameras?

2 A. No, they are not allowed to be edited or enhanced.

3 Q. Do you have any reason to believe that the photographs
4 attached to this inspection report were changed in any way from
5 the photographs that were taken at the property?

6 A. No.

7 Q. Based on your previous inspection of the property in May
8 of 2004 and your knowledge of the required procedures for field
9 inspection, do these photographs accurately depict the condition
10 of the Groff property in July 29th, 2004?

11 A. Yes.

12 Q. When was this inspection report generated?

13 A. Mr. Baumer wrote this inspection report on August 3rd,
14 2004.

15 Q. And does Illinois EPA keep these reports in the regular
16 course of its business?

17 A. Yes.

18 Q. If you could page back to the photographs now, I note
19 you have a photograph file name?

20 A. Yes.

21 Q. Can you explain to me what that indicates?

22 A. The photo file name, the first 10 digits is the unique
23 site ID number, then the date on which the photograph was taken,
24 and then the number of the photograph.

1 Q. And the photographs are just numbered sequentially from
2 number one?

3 A. Yes.

4 Q. From each inspection?

5 A. Yes.

6 Q. And can you look at the photograph starting with
7 photograph number one and describe what is shown in the
8 photograph?

9 A. This photograph shows tires on rims located between
10 several rows of fencing.

11 Q. You can continue through the photographs after you're
12 done with each one.

13 A. Sure. Photograph two shows a flatbed trailer with
14 several rolls of fencing on it. Photograph three shows a -- what
15 appears to be a Jeep vehicle. Photograph four shows an area of
16 burned debris, appears to be burned demolition debris consisting
17 of wood, painted wood, tires and landscape material and
18 Styrofoam. Photograph five is a more detailed picture of
19 photograph four which shows burned tire rings around a -- around
20 a wooden stump. Picture six shows the burned area from a
21 different view and shows some tire wire from a burned tire that
22 was not previously shown on other photographs. Photograph seven
23 shows wire rings possibly from burned tires and partially burned
24 lumber and plastic at the edge of the burn area. Picture number

1 eight is the same photo but just at a different view. And
2 picture number nine shows another burned area containing some
3 tire wire and other burn material.

4 Q. Do you know what the other objects in the foreground of
5 that final picture number nine are?

6 A. Appear to be pieces of metal.

7 Q. And you're not familiar where they may have come from?

8 A. No, I'm not.

9 Q. Back on page -- photograph seven and eight --

10 A. Yes.

11 Q. -- can you determine what that blue object is in the
12 picture there?

13 A. From the photograph I cannot positively identify what
14 that -- what that is. It appears to be something that's plastic,
15 a tarp or inflatable swimming pool or something like that.

16 Q. Back to photograph number five, you said this was the --
17 something to the effect of burned tires. I want to know how you
18 make that determination?

19 A. Tires contain a steel belt in them or steel wire where
20 the middle of the tire attaches to the rim. And in my vast
21 experience with many, many tire fires, this is what the remnants
22 of a burned tire look like. When all the rubber is gone, this is
23 the metal debris that is left that holds the tire to the rim.
24 Possibly the other wire is from a steel belting because it looks

1 like it may have been possibly a truck tire or some other tire
2 that had a steel belt in it.

3 Q. Okay. In this photograph there is also some -- what
4 looks like branches on top of the dump and the tire wire --

5 A. Yes.

6 Q. -- is that accurate? Is that -- In your opinion does
7 that appear to be burned at all?

8 A. The branches do not appear to be burned. They appear to
9 be -- appear to have been placed on this area after the fire.

10 Q. And back to photograph number four, outside of the
11 actual burn area, the blackened area, what type of material did
12 you say that was around the outside edge?

13 A. It appears to be tongue and groove lumbar or some other
14 type of similar appearing lumber material, and it looks like
15 there might be some tar paper from roofing and Styrofoam and
16 other painted lumbar.

17 Q. Back in photograph number three, the photograph of the
18 Jeep --

19 A. Yes.

20 Q. -- do you have any information as to whether or not this
21 vehicle is an operable vehicle?

22 A. No, I don't.

23 MS. RYAN: At this time I would move to Exhibit 1 into
24 evidence.

1 HEARING OFFICER WEBB: Any objection, Mr. Groff?

2 MR. GROFF: No.

3 HEARING OFFICER WEBB: Exhibit 1 is admitted into evidence.

4 MS. RYAN: And that's all I have of this witness at this
5 time.

6 HEARING OFFICER WEBB: Okay. Mr. Groff, would you like to
7 cross-examine this witness?

8 MR. GROFF: Yes, I would like to ask a couple things.

9 HEARING OFFICER WEBB: Okay, if you would come closer.

10 CROSS-EXAMINATION

11 QUESTIONS BY MR. GROFF:

12 Q. These pictures that you showed here, they're not the
13 original pictures, are they?

14 A. Well, they're electronic pictures so I would say, yes,
15 they are the original pictures. They are copies of the
16 electronic pictures.

17 Q. These are the first pictures taken?

18 A. The original -- From the original inspection?

19 Q. From the first inspection?

20 A. No, those are from a subsequent inspection.

21 Q. Okay. The pictures from the original, or first ones,
22 showed a little more stuff in it. This here's showing the
23 trailer that's got tires and the wiring on it in the first
24 picture?

1 A. Yes, sir.

2 Q. And the Jeep, are they -- is it against the law to have
3 that stuff sitting on a property?

4 A. If the tires are scrap tires, a resident is allowed to
5 have up to 12 tires prior to them having to notify. And at the
6 time of the original inspection there were -- were many tires
7 there plus some appeared to have been burned so the burned ones
8 you're not allowed to have.

9 Q. Okay.

10 A. But the fencing, the fencing appears to be usable and in
11 my opinion the fencing was not part of the open dumping.

12 Q. Says in here -- These papers are different than the ones
13 I've got. The first papers I received it had in there where if I
14 made the corrections to the property, fixed up what I did and I
15 sent papers showing where I sent off the tires and had them
16 disposed of, yet I still have to go to court on this. Jay Baumer
17 is the one that told me that if I did all the corrections,
18 everything would have been taken care of, and now Jay Baumer is
19 not even here today for me to question on this. It's all taken
20 word of something else.

21 HEARING OFFICER WEBB: Well, Mr. Groff, you will have an
22 opportunity to testify. Right now I'm just asking you if you
23 have any questions for this witness? You will have an
24 opportunity to make all those statements.

1 MR. GROFF: All right. I don't have any more.

2 HEARING OFFICER WEBB: You don't have any more questions.

3 All right. Any redirect?

4 MS. RYAN: Yes.

5 REDIRECT-EXAMINATION

6 QUESTIONS BY MS. RYAN:

7 Q. Mr. Cahnovsky, can you -- I've handed you what I marked
8 as Exhibit 2, can you tell me if you recognize this document?

9 A. Yes, I do.

10 Q. What is it?

11 A. It's an administrative -- it's an open dumping
12 administrative citation warning notice dated June 7th, 2004.

13 Q. Can you page through the document for me?

14 A. Yes.

15 Q. Is this a fair, accurate and complete copy of the
16 administrative citation warning notice that was sent to Mr.

17 Groff?

18 A. Yes, it -- yes, it is.

19 Q. And this was sent following your initial inspection but
20 prior to Mr. Baumer's second inspection; is that correct?

21 A. Actually the May 25th inspection was conducted by James
22 Baumer. He was --

23 Q. I apologize.

24 A. I was there with him because he was new and I was

1 training him so he completed this administrative citation warning
2 notice.

3 Q. Okay. But it was done between the two inspections --

4 A. Yes.

5 Q. -- that following the first and before the second?

6 A. Yes, it was, yes.

7 Q. And why was this notice sent to Mr. Groff?

8 A. It is -- The May 25th, 2004, inspection showed
9 violations of the Illinois Environmental Protection Act and the
10 administrative -- the open dump administrative citation warning
11 notice as sent to the property owner to -- to alert them that the
12 violations exist and provide corrective actions which they must
13 take to correct the violations.

14 Q. Can you tell me does it -- does it give instructions as
15 to how to -- to come into compliance with the Act?

16 A. Yes, it outlines that the respondent must immediately
17 cease all open dumping, do not dispose of any waste by open
18 burning, cease all open burning. And by July 5th, 2004, remove
19 all waste to a permitted landfill or transfer station. And by
20 July 5th, 2004, remove all waste -- I'm sorry, I just repeated,
21 that's the same one. And then remove all the tires. And loads
22 of 20 tires or more need to be transported by a registered tire
23 transporter and do not open burn tires. And by July 11th, 2004,
24 submit all copies and receipts to the Illinois EPA showing proper

1 disposal.

2 Q. Based on your attendance at the May 25th, 2004,
3 inspection and your review of the photographs in the July 29th,
4 2004, inspection, was there any additional evidence of open
5 burning occurring between those two inspections?

6 A. Yes, there was.

7 Q. And can you determine what type of material appears to
8 have been open burned during that time?

9 A. During that time it appeared to be construction or
10 demolition debris consisting of wood, painted wood and other
11 demolition construction debris material and tires were burned.

12 MS. RYAN: I would move Exhibit 2 into evidence.

13 HEARING OFFICER WEBB: Is there any objection, Mr. Groff?

14 MR. GROFF: No.

15 HEARING OFFICER WEBB: Okay. Exhibit 2 is admitted into
16 evidence.

17 MS. RYAN: That's all I have.

18 HEARING OFFICER WEBB: Okay. Mr. Groff, would you like to
19 ask this witness any questions about the new items Ms. Ryan just
20 brought up about Exhibit 2?

21 MR. GROFF: No.

22 HEARING OFFICER WEBB: Okay. Thank you very much, sir.
23 Mr. Groff, you may come testify, if you wouldn't mind setting up
24 here. And I understand you are John S. Groff?

1 MR. GROFF: That's correct.

2 HEARING OFFICER WEBB: Okay. The court reporter will swear
3 you in.

4 (The witness was sworn by the reporter.)

5 HEARING OFFICER WEBB: You may just go ahead and make your
6 statement.

7 MR. GROFF: I don't know what to do about this. I did send
8 papers in telling on this reply to the citation, citation, of
9 where I disposed of the tires. And I sent in a copy of the paper
10 that showed where I disposed of them and I gave the reason why I
11 was burning. I was burning stumps out of the property and was
12 for the -- the wood and stuff is from a shed that I tore down on
13 the property and I've been burning trees that I cut down. And
14 that's what the burn sites are. And I'm still cutting trees down
15 and I'm disposing of them by burning them. I didn't think there
16 was a law against burning trees and wood, stuff that I -- off of
17 my own property.

18 HEARING OFFICER WEBB: Is there anything else you'd like to
19 say about the items that were in the photographs?

20 MR. GROFF: Well, as for that trailer, that fence wire and
21 stuff, I've -- I've got a fence put around my property and that
22 is part of the fence that goes around the property. And the
23 tires on the trailer are tires that goes to our other trailers
24 that we have. The Jeep is a antique Jeep. And it's -- it runs

1 and moves and I've just got it sitting up there. The burn spots
2 are the same burn spots. I haven't burned no more tires since I
3 got the letters. And as for the big pile in the first pictures,
4 they were burned before I even got any letters from the EPA.
5 Because I work on -- I'm away from home all the time. I'm only
6 home a few days a week and I don't get my mail as quick as what
7 they -- the paper states. So a lot of it I've already had it
8 taken care of before I even got the papers. I guess that's all I
9 have to say about it.

10 HEARING OFFICER WEBB: Okay. Ms. Ryan, do you have any
11 questions for Mr. Groff?

12 MS. RYAN: Yes.

13 CROSS-EXAMINATION

14 QUESTIONS BY MS. RYAN:

15 Q. Mr. Groff, in your petition for review you said you were
16 burning the stump by using tires and dimensional lumber; is that
17 correct?

18 A. And tree limbs.

19 Q. And you're saying you didn't burn any tires since the
20 first inspection?

21 A. Since that first inspection.

22 Q. But you did burn dimensional lumber since that first
23 inspection?

24 A. No, the two piles that was in the first inspection,

1 first pictures, these aren't the pictures that I have at home.

2 Q. Okay.

3 A. And there was two piles of lumber that they're talking
4 about. Well, I burned them before I even got any papers from the
5 EPA, so they were already burned up.

6 Q. But since the inspection, the first inspection occurred,
7 you burned them?

8 A. Yeah.

9 Q. Okay. But before you got paperwork from the IEPA?

10 A. Yes.

11 Q. I understand. And do you farm on your property, Mr.
12 Groff?

13 A. No, I don't.

14 Q. And you said you burned a shed --

15 A. Yes.

16 Q. -- in that area?

17 MS. RYAN: Okay. That's all I have.

18 HEARING OFFICER WEBB: Okay. Is there anything else you'd
19 like to explain about any of the questions that she just asked
20 you?

21 MR. GROFF: No, there hasn't been no open dumping of any
22 trash or anything like it -- like one of these things says. I
23 don't have trash on the property but most of my property is
24 already been a dump site. The water is washing away a lot of the

1 dirt and underneath is glass particles and tin cans that I keep
2 picking up. And every time it rains, it washes more out, so
3 apparently it was a dump site before I even bought the property.
4 The only burning I've done is in them three burn sites that shows
5 in the picture, and most of that is just to burn up the stumps
6 that I cut down. And I've got about 20 other tree stumps that
7 I've cut down and I'm still cutting down trees to make it clear
8 out to be where grass will grow. That's it.

9 HEARING OFFICER WEBB: Do you have any further questions
10 about anything?

11 MS. RYAN: No.

12 HEARING OFFICER WEBB: Okay, okay. Mr. Groff, you may step
13 down. Now I understand you brought -- Is this gentleman, your
14 father?

15 MR. GROFF: Yes, that's my dad.

16 HEARING OFFICER WEBB: Would you like to call him to
17 testify or would he like to make -- Sir, would you like to make a
18 public comment? Would you like to speak at all?

19 MR. ROBERT GROFF: No.

20 HEARING OFFICER WEBB: You said no?

21 MR. GROFF: The only thing I want to know is if it's
22 against the law for people to trespass on private property, that
23 is posted and they never contacted me. They come onto my
24 property, trespassed onto my property without permission and my

1 yard is posted no trespassing. How is that possible for them to
2 come on my property?

3 HEARING OFFICER WEBB: You may make that argument in your
4 post-hearing brief. The Board has addressed this issue
5 previously. But you may certainly bring it up in your -- in your
6 post-hearing brief and I'll explain to you when we're off the
7 record how that is and how you can go about doing that. So if
8 there are -- I think we're through with you. I don't think
9 anyone has any further questions for you. Let's go off the
10 record for a moment.

11 (A discussion was held off the record.)

12 HEARING OFFICER WEBB: We've just had an off-the-record
13 discussion regarding post-hearing briefs and the parties have
14 agreed to a briefing schedule as follows: First, the transcript
15 of these proceedings will be available from the court reporter by
16 July 28th and will be posted on the Board's website. The public
17 comment deadline will be August 5th. And any public comment must
18 be filed in accordance with Section 101.628 of the Board's
19 procedural rules. The complainant's brief is due by August 11th
20 and the respondent's brief is due by August 26th, and the mailbox
21 rule will apply. Ms. Ryan, do you -- I didn't ask you, did you
22 want to file a reply brief, if needed?

23 MS. RYAN: If necessary, I will probably only need another
24 week or so.

1 HEARING OFFICER WEBB: Okay. How about September 2nd?

2 MS. RYAN: That's fine.

3 HEARING OFFICER WEBB: At this time I would like to ask --
4 oh, I'm sorry, Ms. Ryan, would you like to make a closing
5 argument?

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

7 HEARING OFFICER WEBB: And, Mr. Groff, do you have a
8 closing argument that you'd like to make?

9 MR. GROFF: No.

10 HEARING OFFICER WEBB: At this time I will ask again if
11 there any members of the public that would like to make
12 statements on the record? And seeing none, I will proceed to
13 make a judgment as to the credibility of the witnesses testifying
14 during this hearing. Based on my legal judgement and experience,
15 I find all of the witnesses testifying to be credible. At this
16 time I will conclude the proceedings. We stand adjourned and I
17 thank all of you for your participation.

18 MS. RYAN: Thank you.

19 HEARING OFFICER WEBB: Thank you.

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STATE OF ILLINOIS

COUNTY OF FAYETTE

C E R T I F I C A T E

I, BEVERLY S. HOPKINS, a Notary Public in and for the County of Fayette, State of Illinois, DO HEREBY CERTIFY that the foregoing 24 pages comprise a true, complete and correct transcript of the proceedings held on the 18th day of July, A.D., 2005, at the City Hall, Marion County, Salem, Illinois, in the case of IEPA versus John Groff, in proceedings held before Hearing Officer Carol Webb, and recorded in machine shorthand by me.

IN WITNESS WHEREOF I have hereunto set my hand and affixed by Notarial Seal this 24th day of July, A.D., 2005.

Beverly S. Hopkins
Notary Public and
Certified Shorthand Reporter and
Registered Professional Reporter

CSR License No. 084-004316