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ILLINOIS POLLUTION CONTROL BOARD

July 5, 2006

COUNTY OF JACKSON, )

Complainant, )

) AC 06-32

) (Administrative Citation)

V. )

)

DAVID SKIDMORE, )

Respondent. )

Proceedings held on July 5, 2006, at 11:00 a.m., at  
Jackson County Health Department 415 Health Department  
Road, Murphysboro, Illinois, before Carol Webb, Chief  
Hearing Officer.

Volume I

Reported by: Angela R. Kelly, CSR

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A P P E A R A N C E S

ASSISTANT STATE'S ATTORNEY JACKSON COUNTY

By: Daniel W. Brenner

Asst. State's Attorney, Civil Division

Jackson County

Courthouse

Murphysboro, IL 62966

JACKSON COUNTY HEALTH DEPARTMENT

By: Don Terry

Environmental Compliance Inspector

P.O. Box 307

Murphysboro, Illinois 62966-0307

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E X H I B I T S

NUMBER

MARKED



6 County V. Skidmore. It is July 5, 2006, and we are  
7 beginning at 11:00 a.m.

8 I will note for the record that there are no  
9 members of the public present. Members of the public are  
10 allowed to provide public comment if they so choose.  
11 Mr. Skidmore does have two witnesses with him that will  
12 be testifying today, and there are no other members of  
13 the public present.

14 At issue in this case is the county's  
15 allegation that respondent violated Sections 21(p)(1),  
16 (p)(3) and (p)(7) of the Environmental Protection Act at  
17 a site in Ava, Jackson County.

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

5

1 This hearing was noticed pursuant to the Act  
2 and the Board's rules and will be conducted pursuant to  
3 Sections 101.600 through 101.632 of the Boards'  
4 procedural rules.

5 At this time, I would like to ask the  
6 parties to make their appearances on the record.

7 MR. BRENNER: Daniel Brenner, Assistant  
8 State's Attorney.

9 MR. TERRY: Don Terry, Environmental  
10 Compliance Inspector with the Jackson County Health  
11 Department.

12 HEARING OFFICER WEBB: And Mr. Skidmore,  
13 you're here representing yourself; is that correct?

14 MR. SKIDMORE: That's correct.

15 HEARING OFFICER WEBB: Mr. Brenner, would you  
16 like to give an opening statement?

17 MR. BRENNER: The only opening I have is that  
18 the evidence will show what our complaint is, the  
19 allegations of our complain that was filed before the  
20 Pollution Control Board, Administration Citation Action  
21 06-32. That's all I have.

22 HEARING OFFICER WEBB: Okay. Mr. Skidmore,  
23 you may make an opening statement, if you like, or you  
24 can simply reserve your argument for your testimony.

6

1 MR. SKIDMORE: I'll just reserve.

2 HEARING OFFICER WEBB: Okay. Mr. Brenner, you  
3 may call your witness.

4 MR. BRENNER: I call Don Terry, please.

5 HEARING OFFICER WEBB: Would the court  
6 reporter please swear in the witness.

7 DON TERRY, having been first duly sworn,  
8 examined and testified as follows:

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

10 By Mr. Brenner:

11 Q. What is your name and occupation.

12 A. My name is Don Terry, and I'm an environmental  
13 compliance inspector for Jackson County Health  
14 Department.

15 Q. How long have you been doing this occupation?

16 A. Three years.

17 Q. Tell us briefly what you do?

18 A. My job is to investigate situations that pertain  
19 to illegal opening dumping and opening burning within  
20 the county.

21 Q. Have you received any special training for this?

22 A. Yes, I have.

23 Q. What was that training?

24 A. It was the Illinois EPA solid waste inspector

7

1 training course.

2 Q. And do you have any specific licenses or  
3 certifications pertaining to this?

4 A. I do have a certificate from Illinois EPA that  
5 I'm a certified inspector for nonhazardous solid waste  
6 management sites.

7 Q. Does the health department have a delegation  
8 agreement with the Illinois Environmental Protection  
9 Agency?

10 A. We do.

11 Q. Tell us what that delegation agreement allows  
12 for?

13 A. It allows us to investigate and enforce certain

14 aspects of the Environmental Protection Act within the  
15 county.

16 Q. When you refer to us, who are you talking about?

17 A. Those trained inspectors working for the Jackson  
18 County Health Department.

19 Q. And is that affiliated with the county of  
20 Jackson?

21 A. Yes, it is.

22 Q. Does that agreement provide for enforcement by  
23 the health department in certain types of open dumping  
24 violations?

8

1 A. Yes, it does.

2 Q. Is this present administrative enforcement action  
3 pursuant to that delegation?

4 A. Yes, it is.

5 Q. Are you familiar with the respondent David  
6 Skidmore?

7 A. Yes, I met Mr. Skidmore.

8 Q. Did you inspect his site on February 28, 2006  
9 identified with the cite code of 07708005012?

10 A. Yes, I did.

11 Q. Where generally is this site located?

12 A. It is approximately a mile north of Ava, Illinois  
13 on Illinois State Route 4?

14 Q. Who owns the site at the time of your inspection?

15 A. According to the Jackson County Assessor's

16 Office, David Skidmore owned it.

17 Q. On that day, what did you observe through your  
18 inspections?

19 A. The day of the inspection, it was a partly cloudy  
20 day, the temperature was in the high 60s, so visibility  
21 was very good. I observed a waste pile to the north of a  
22 building which was on the site, and I also observed a  
23 waste pile to the south, both of which showed open  
24 burning had been occurring, and on the day of this

9

1 inspection, I also observed an abandon mobile home,  
2 which was missing a door, a window, and material had  
3 spilled out from it.

4 Q. Do you remember what was in that waste pile?

5 A. I observed ash and charred metal, general  
6 construction demolition debris, specifically, lumber I  
7 believe.

8 Q. Could the debris and the waste pile you referred  
9 to and the abandon mobile home be seen from a common,  
10 public area?

11 A. Yes.

12 Q. What is that public area?

13 A. State Route 4.

14 Q. How far from the debris pile to state highway  
15 would you say?

16 A. The furthest pile, probably forty to fifty yards.

17 Q. Is it visible with the naked eye?

18 A. Yes.



19 Q. I'm now going to show you what I've already  
20 identified as Complainant's Exhibit 1, and I'm going to  
21 give a copy to the Respondent and ask you if you will,  
22 this is multipages, it's comprised of one, two, three,  
23 four, five pieces of paper, can you tell us what that  
24 exhibit represents?

10

1 A. Yes, those are the photos I took during the  
2 February 28, 2006 inspection of the site, showing  
3 different waste piles, the material included within the  
4 waste pile, and also the abandon mobile home, which was  
5 on the site.

6 Q. Who took those pictures?

7 A. I took those pictures.

8 Q. And do the photos accurately and fairly depict  
9 the sites's condition as you observed them that day?

10 A. Yes, they do.

11 Q. I want to turn your attention to Exhibit 1, the  
12 very last exhibit that's marked on the last page marked  
13 as enforcement photo number five, it's a big blow up  
14 picture, which is that?

15 A. That a picture of a attention note that I had  
16 left during the field visit to site. The field visit  
17 was in September of 2005, I had taken a binder clip, I  
18 observed a waste pile and took a binder clip and wrote a  
19 note indicating that the material could not be burned,  
20 and should be taken to the landfill, and clipped that to

21 a piece of metal that was in the pile.

22 Q. That was the remnants of your note, is that your  
23 note?

24 A. Yes, this is what we found on inspection February

11

1 28.

2 MR. BRENNER: Judge, I ask that Complainant  
3 Exhibit No. 1 be admitted into the record, please.

4 HEARING OFFICER WEBB: Mr. Skidmore, do you  
5 have any objection?

6 MR. SKIDMORE: As to what?

7 HEARING OFFICER WEBB: My taking people's  
8 Exhibit No. 1.

9 MR. SKIDMORE: No, only thing is the last  
10 exhibit we're talking about has never been seen on the  
11 property, and I would like to have that exhibit to send  
12 it to an investigator to see if that has traces of  
13 propane on it, because I'll guarantee you that was lit  
14 by a lighter, and not burned in that pile.

15 HEARING OFFICER WEBB: Well, if you don't  
16 have any objection to the photographs, I'm going to  
17 admit these into evidence then. People's Exhibit 1 is  
18 admitted into evidence.

19 Q. (By Mr. Brenner) Thank you. Mr. Terry, I'm now  
20 going to show you what I've already marked for  
21 identification purposes as People's Exhibit No. 2, and  
22 I'm also going to give a copy to Mr. Skidmore. I'm  
23 going to ask you Mr. Terry, if you could briefly look

24 through that document, and tell me what that document

12

1 is?

2 A. This is my inspection report which I generated  
3 after my inspection of the site on February 28.

4 Q. And that report accurately identifies what you  
5 observed that day?

6 A. Yes, it does.

7 Q. Were the notes you took in that exhibit, were  
8 they taken contemporaneously at the time of your  
9 inspection?

10 A. The notes basically came from notes I took at the  
11 site in the field notebook, and also reflects what I saw  
12 from the photos that I took.

13 Q. Did you prepare all the documents comprised in  
14 Exhibit 2?

15 A. Yes, I prepared all of them.

16 Q. In your opinion, were any of the violations you  
17 noted in your inspection report due to uncontrollable  
18 circumstances?

19 A. Not that I'm aware of, no.

20 Q. Has the site been issued a permit by Illinois EPA  
21 to store the waste items noted in your inspection?

22 A. No, they have not.

23 MR. BRENNER: That's all the questions I have  
24 for you, Mr. Terry. Thank you. I move to admit people's

13

1 Exhibit No. 2.

2 HEARING OFFICER WEBB: Do the respondents  
3 have a copy of this?

4 MR. BRENNER: Yes.

5 HEARING OFFICER WEBB: Okay. Any objection to  
6 this, Mr. Skidmore, my admitting People's Exhibit 2?

7 MR. SKIDMORE: No, I don't.

8 HEARING OFFICER WEBB: Okay. Exhibit No. 2 is  
9 admitted into the record.

10 MR. BRENNER: And I have no more questions  
11 for this witness.

12 HEARING OFFICER WEBB: Mr. Skidmore, do you  
13 have any cross-examination for Mr. Terry?

14 C R O S S E X A M I N A T I O N

15 By Mr. Skidmore:

16 Q. One. Did you ignore the no trespassing signs  
17 when you went on the property? There are at least six  
18 of them on the property.

19 A. I did observe the no trespassing signs, but  
20 because the waste piles were visible from the road, I  
21 believe I had the authority to enter and do the  
22 investigation.

23 Q. Okay. To answer on the first one where you said  
24 you first come out in February and talked to me about

14

1 it, yes we were burning limbs, there was some building  
2 debris, and when you informed me that the only thing I

3 could burn was limbs, yard waste, the rest I'd have to  
4 bring in a dumpster to take care of, yes, I did that,  
5 but I did burn limbs, trees like I questioned about the  
6 what is it called, the water waste place, lagoon, you  
7 told me the trees had to be cut out, because that's the  
8 way the lagoon works. I brought two truckload of tires  
9 to the tire --

10 HEARING OFFICER WEBB: Mr. Skidmore, do you  
11 have any questions, or is this leading up to a question?  
12 You will have an opportunity to present your evidence.

13 MR. SKIDMORE: Yes, it is. It's leading to a  
14 question.

15 Q. (By Mr. Skidmore) The question is, did you not  
16 tell me I could burn trees, limbs, and yard waste?

17 A. Yes, we did.

18 Q. And after I talked to you, I actually handed the  
19 property over, a lot of the stuff, you know, I know  
20 about, like when the place was bought through court for  
21 nonpayment and stuff like that, from Steelville, I  
22 couldn't do anything with the trailer, and I think I  
23 even told you everything in that trailer and that  
24 trailer I'm not supposed to touch. Actually, one day we

15

1 were cleaning out the trailer, and the police were  
2 called, and I was being charged with theft on my own  
3 property, because I didn't give the guy a 60 day notice  
4 that I wanted it cleaned out so I could start cleaning

5 the place up. There is a police report on that. I'm  
6 aware you came out there, I'm aware you told me what my  
7 limitations were, I've been doing everything I can to  
8 comply with this. And so, the rest of the questions are,  
9 the rest of things would have to be related to my sister  
10 Doris, because I open leased it to her, and she done all  
11 the hiring and firing of people to clean it up.

12 HEARING OFFICER WEBB: Mr. Skidmore, again,  
13 you're testifying, and you will have an opportunity to  
14 make your testimony under oath, but right now I'm just  
15 wanting to know if you have any questions for Mr. Terry.

16 Q. (By Mr. Skidmore) You did make several  
17 observations when the Glaspers owned it and sent them  
18 letters, correct?

19 A. Correct.

20 Q. And were those such burn piles there when the  
21 Glaspers --

22 A. There, yeah there were burn piles there, yes.

23 Q. And were they ever formerly charged or brought  
24 before this board?

16

1 A. I believe an administrative citation was issued  
2 to them, yes.

3 Q. So they were never brought before this board for  
4 this?

5 A. A hearing was not held, no.

6 MR. SKIDMORE: Okay. Okay. I have really no  
7 further questions.

8 HEARING OFFICER WEBB: Okay, any redirect?

9 MR. BRENNER: No, we'll rest.

10 HEARING OFFICER WEBB: Okay, thank you very  
11 much. Mr. Skidmore, as soon as the court reporter  
12 swears you in, I will let you proceed with your  
13 testimony.

14 DAVID SKIDMORE, having been first duly  
15 sworn, examined and testified as follows:

16 HEARING OFFICER WEBB: Go ahead and put down  
17 your testimony.

18 MR. SKIDMORE: Okay. So, I bought this  
19 property that we're talking about in December, I think  
20 it was 2004, and it was a sale from the bank at an  
21 auction repossessed here in Murphysboro, and when I  
22 bought it, I assumed I had full responsibility to come  
23 in and do any clean up or anything. I verbally told  
24 Mr. Glasper, Elmer Glasper, to get what he wanted off

17

1 the property so I could start cleaning it up, all the  
2 way, let's see, in March, of 2005, and in which he  
3 basically moved out of state before that, and his son  
4 was in the area, and he moved stuff from the house to  
5 this trailer, that was all their property was in the  
6 trailer, this mobile home. After that, he boarded up the  
7 doors and the windows, so nobody could steal anything.  
8 Well, with that, I went into the property and started  
9 cleaning up, taking out all kinds of debris, it was just

10 unimaginaire everything that was in there, and  
11 Mr. Glasper called the police, and they threatened me  
12 with theft for going in the property and taking things  
13 out without his permission, even though it was my  
14 property. There should be a police report on that, I  
15 can get it and bring it one of these days. So that  
16 halted everything. In between, the trailer was always  
17 boarded up and then we had a problem with theft.

18 HEARING OFFICER WEBB: Did you believe that  
19 they were coming back for the items?

20 MR. SKIDMORE: Yes, they were.

21 HEARING OFFICER WEBB: Did they tell you  
22 when?

23 MR. SKIDMORE: No, just like one day my  
24 mother drove by and saw a truck there and a guy was

18

1 taking stuff out of the trailer, and putting it in the  
2 truck, picking stuff he wanted and leaving stuff and  
3 made it a mess. I actually got an order of the police  
4 department to arrest anybody that trespasses on the  
5 property, and like your particular one here, like I got  
6 several reports from where people had stolen, and like  
7 on dump sites on this one page, people's Exhibit No. 1.

8 HEARING OFFICER WEBB: I have a question.  
9 Did you ask them to take the stuff, or did you want them  
10 to take it, or did you not want them to take it?

11 MR. SKIDMORE: No, I wanted to get it out of  
12 there, I wanted to move the trailer out.



13 HEARING OFFICER WEBB: So the trespassing  
14 signs weren't for them, they were for --

15 MR. SKIDMORE: They were actually for  
16 anybody. I told them to notify me when they were going  
17 to come to get stuff, I said Tony, his name was Anthony  
18 Glasper, I said if you come get stuff, let me know, I  
19 told the police arrest anybody that don't own the  
20 property there.

21 HEARING OFFICER WEBB: I'm with you.

22 MR. SKIDMORE: We had so much problems.  
23 Actually this one page, Exhibit 1, dated February 2006,  
24 you can see there's some home interior sheet were right

19

1 next to, you see like six garbage bags, you'll see the  
2 yellow ties on them.

3 MR. BRENNER: It's photo number eight.

4 MR. SKIDMORE: There's a little Igloo cooler,  
5 that in fact, I called the police somebody had come out  
6 there and dumped five or six bags of debris on that  
7 woodpile, and you know, I had no idea where those came  
8 from, but on the next page where the trailer is, all  
9 that stuff out of there was either due to Mr. Glasper  
10 coming and getting the stuff out, or looting, we had a  
11 lot and lot of theft where people tore that door off. I  
12 don't know how many times, I would say at least six  
13 times I've nailed the doors shut, and then a few days  
14 later, the door was back open, and the last time they

15 actually tore it off the hinges.

16                   Also, there were several automobiles, I  
17 don't see any pictures of those, there were several  
18 automobiles on the property. It took Steelville Bank,  
19 from January, February, March, I think it was April, May  
20 Steelville Bank came and took a tractor, a brush hog, a  
21 1939 Cadillac, and a Mitsubishi truck, I think was  
22 everything they took, those belonged to Steelville Bank,  
23 and they wouldn't let me do anything with them. I think  
24 it was \$800 for storage charges for keeping them on the

20

1 property after I had purchased it. And then there was  
2 several cars that Mr. Glasper had there that he again,  
3 refused to come and get after I sent him several letters  
4 and notified his son that eventually, I ended up taking  
5 them to Carco for scrap. I can submit those two  
6 pictures, two forms originally taken by the health  
7 department as exhibits of what it looks like when I  
8 purchased it, and put the cars and with the burn piles  
9 and things. You have no objection to that.

10                   MR. BRENNER: No objection.

11                   HEARING OFFICER WEBB: Okay, since there's  
12 no objection, I will go ahead and admit your photo  
13 sheets into evidence. I'm going to keep this, you don't  
14 need this.

15                   MR. SKIDMORE: Just several months that I was  
16 not even able to do anything legally, you know, with  
17 Mr. Glasper's burn pile, I was cleaning that stuff up,

18 taking metal he had in there out and taking it to Carco.  
19 I have quite a few receipts from Carco the, what do they  
20 call it? The salvage or, same thing, I was very limited  
21 in what I could do with the trailer, except nail the  
22 doors back shut, and then I had to call the police out  
23 several times, and I think actually two people were  
24 sited taking stuff off the property. We had their

21

1 license number and name, but the police would not follow  
2 up on it, we actually caught people stealing, and still  
3 wasn't able get anything done.

4 I would, you know, I was not trying to  
5 create a dump, I actually tried to clean the property  
6 up, between getting dumpsters in and then getting them  
7 out, I think there was a total of three dumpsters.

8 MS. SKIDMORE: Five dumpsters.

9 MR. SKIDMORE: Five dumpsters brought in,  
10 five dumpster loads of stuff brought in, and hauled out,  
11 and then there was 30 foot dumpsters brought in. But  
12 yes, I did burn lumber and stuff, not lumber, but wood.  
13 There was trees that were cut down in the area, and just  
14 some basic yard waste and old firewood that was  
15 underneath the trailer, and the trailer was disassembled  
16 and the aluminum was taken to Carco, the wood was put in  
17 dumpsters, the insulation was put in dumpsters. All the  
18 debris, the steel and the aluminum was hauled to Carco.

19 The trailer no longer exists. I have

20 pictures of what it looks like now, and also my sister  
21 had hired at least one contractor that we told him there  
22 was no burning or no dumping. He was supposed to pile  
23 his construction debris right, well he just took his  
24 debris and laid it wherever. So we had had a lot of

22

1 problems with our contractor coming in and removing  
2 windows, put windows in, and left the windows laying  
3 wherever. The construction materials he used, I forget  
4 what's it's called, lumber, you know he would cut his  
5 wood to fit, just drop it wherever. I had to go out  
6 there several times, restack the materials. When the  
7 dumpster got there, I could throw it in the dumpster and  
8 have it hauled away.

9 I've done everything I could, you know,  
10 possibly to get the material hauled off, and cleaned up,  
11 I didn't intentionally do anything that I shouldn't do,  
12 what I was instructed by the health department, and I  
13 always complied with them, you know, I always was  
14 sociable to them. I found out what I can do and can't  
15 do. They're fully aware of when they had the tire pick  
16 up, that I brought at least two truckloads of tires to  
17 them, that I found on the property. And I have pictures  
18 here I would like to submit what the property looks like  
19 now. If you would allow me.

20 MR. BRENNER: When did you take those photos.

21 MS. SKIDMORE: The date is on the back.

22 MR. BRENNER: 4-20-06.

23 MS. SKIDMORE: And we've had pictures since  
24 then.

23

1 MR. BRENNER: We have no objection.

2 MR. SKIDMORE: And I have receipts for  
3 dumpsters, and I have receipts for Carco that it's a  
4 type of salvage yard where you bring your metals and  
5 stuff to them.

6 MS. SKIDMORE: Recycling center.

7 HEARING OFFICER WEBB: Mr. Skidmore, I'll  
8 take your photos as an exhibit, since Complainant does  
9 not object.

10 MR. SKIDMORE: I think I've already sent  
11 Springfield my copy of receipts from Carco Recycling,  
12 and for my dumpsters.

13 HEARING OFFICER WEBB: Is that it?

14 MR. SKIDMORE: I believe it is, other than if  
15 my mother and my sister want to add anything.

16 HEARING OFFICER WEBB: In a minute. I do want  
17 to give Mr. Brenner the opportunity to cross examine.

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

19 By Mr. Brenner:

20 Q. I want to make sure I'm clear about this, Mr.  
21 Skidmore. In any of the photos of our Exhibit No. 1,  
22 Complainants Exhibit No. 1, are you saying you did not  
23 burn any of those piles.

24 A. No, I did not burn any of these piles,

1 absolutely.

2 Q. You did not burn any of those piles?

3 A. No, I did not.

4 Q. Can you explain on photo number five which is the  
5 enlarged photo number five, why that note is in  
6 condition that it's in?

7 A. I have never seen that note, I swear to you as  
8 I'm sitting here, other than the first picture I got, a  
9 copy of this, that's the first time I've seen, the first  
10 time I've been aware of it.

11 Q. Do you recall an instance when Mr. Terry came out  
12 to your place, and you were burning?

13 A. That was the first time we met, yes.

14 Q. What were you burning at that time?

15 A. At that time there was cardboard, actually, like  
16 birthday cardboard, like a big stork saying a baby is  
17 here, there were several cardboard structures like  
18 Popeye Olive Oil, just big stand up movie posters, and  
19 there was ceiling tiles, and I think there was some  
20 construction, like two by fours, broken ceiling tiles,  
21 the one by twos, and there was a lot of it was the same  
22 burn pile that Mr. Glasper had. So basically I told the  
23 boys just pile it up there by the dumpster, one of them  
24 took the notion to burn it, the cardboard, then the very

1 next day, Mr. Terry was there, and informed me that I

2 could not do any open burning other than trees or yard  
3 waste.

4 Q. So there were other burn piles other than those  
5 depicted in those photos that we submitted in our  
6 Exhibit No. 1?

7 A. Yes, there were.

8 Q. But none of those depicted in our Exhibit No. 1  
9 are yours?

10 A. No, they are not.

11 Q. You did not burn any on those?

12 A. No.

13 Q. Contribute to those?

14 A. No, I did not.

15 Q. Do you know when that was Mr. Terry come out  
16 there and observed you burning?

17 A. No.

18 Q. Would that have been February 28, 2006?

19 A. I would say probably February, because it was  
20 shortly after.

21 MR. BRENNER: Okay, thank you, I have no  
22 other questions.

23 HEARING OFFICER WEBB: Thank you.

24 Mr. Skidmore, I see you have two witnesses here with you

26

1 today. Who would like to testify first.

2 MS. SKIDMORE: I'd like to testify.

3 HEARING OFFICER WEBB: And you are Sondra

4 Skidmore, and you're David's Skidmore's mother.

5 A. MS. SKIDMORE: I'm both their mother.

6 SONDRA SKIDMORE, having been first duly  
7 sworn, examined and testified as follows:

8 MS. SKIDMORE: I've been with them since day  
9 one when my son bought the property, and then my  
10 daughter wanted to buy it from him. There was a lot of  
11 things that we could not do because of the Glaspers,  
12 like he said, they wanted to arrest him for trespassing,  
13 we couldn't move any of our stuff. They finally come in  
14 and picked the stuff they wanted, and just dragged the  
15 rest of the stuff out in the yard. We've throwed this  
16 stuff back in there, we could not remove the trailer  
17 until they got what they wanted out of it, so we had a  
18 lot of problems with that.

19 In the meantime, we spent \$4,192.55 worth of  
20 labor, dumpsters and we had three different people there  
21 cleaning up the debris. We had asked the people that  
22 were working, the construction guys, not to put the  
23 debris outside until we got a dumpster, which they did  
24 not, they went ahead and put it out there.

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1 We've had to have, like I said, five  
2 different dumpsters. We had to hire somebody to take  
3 the debris and put it in the dumpster, because the  
4 construction people didn't do this. We have receipts  
5 from Carco, where all those junk cars and that, when we  
6 were allowed to move some of them, there even was some



7 old boats there, all kind of stuff there. And we worked  
8 pretty hard with it.

9                   He has a condition he's on disability, he  
10 can not work on it. My daughter, she's a truck driver,  
11 she's out of town. Just my husband and I were doing the  
12 work, what we could, when we could go out there, just  
13 like on weekends, I had met with him one day, my husband  
14 and I, but what we were burning there was boxes and  
15 boxes of different kinds of paper, there was some  
16 clothes in it too, we just put it on top of the burn  
17 pile that was already in existence in that big one, with  
18 all the metal. That was already there. There was  
19 cabinets, toilets, all kinds of stuff, but it was  
20 already there. And I wasn't aware at the time, until my  
21 son had told me, what we can't do, but we had already  
22 done it then. Then he came out and talked to us, I  
23 talked to you, I explained to you we wouldn't do this my  
24 more, that's when we started getting the dumpsters, but

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1 at the time we couldn't get no dumpsters until we got  
2 the Glaspers out, to get their stuff out. It was like  
3 six or seven months before we could actually get their  
4 property out of the inside, out on the outside, because  
5 it was, is such, well you can see how bad it was. The  
6 first one I give you the one that you don't have  
7 photographs of, o it has Glaspers on it, yeah. That's  
8 what the property looked like when we bought it.

9                   We had several, several people that said  
10 that if they need to testify, or if we need to put up a  
11 petition saying how much the property has been cleaned  
12 up, that they would be glad to testify or they would  
13 write a petition up showing how much we've done here.

14                   We're worked really hard, not trying to give  
15 anybody in any trouble, we've done what we thought we  
16 could do. The old trailer, we give it to somebody to  
17 move it, they got it about 20 foot away, it collapsed on  
18 them. We knew they wouldn't be able to move it, we  
19 explained to them it have to be tore down there. It  
20 cost us almost \$2,000 just to get somebody to finish  
21 tearing it down and put it in the dumpster, because they  
22 wouldn't listen, see, but we've worked pretty hard. I  
23 don't think we deserve this kind of a fine that they're  
24 giving us, I really don't. I think we've done the best

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1 that we can through the law. My daughter bought it, and  
2 like I said, she's tried to work with it very much.  
3 We've had three different people that worked there, that  
4 we're hired, and they really put the whammy to us, stole  
5 off of us, brought their own trash from another site  
6 that they were working on, and left it there at our  
7 place. Like that had insulation, some old paneling and  
8 stuff, that wasn't even from our building. It's mainly  
9 what I have to say.

10                   HEARING OFFICER WEBB: Thank you,  
11 Mr. Brenner?

12 MR. BRENNER: I have no questions.

13 HEARING OFFICER WEBB: Okay, thank you very  
14 much. Ms. Harrison?

15 MS. HARRISON: Yes, ma'am.

16 HEARING OFFICER WEBB: Your name is Doris  
17 Harrison, and you're Respondent's sister; is that  
18 correct?

19 MS. HARRISON: Yes.

20 HEARING OFFICER WEBB: And you'd like to give  
21 some testimony?

22 MS. HARRISON: Yes.

23 HEARING OFFICER WEBB: Okay, the court  
24 reporter will swear you in.

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1 DORIS HARRISON, having been first duly  
2 sworn, examined and testified as follows:

3 MS. HARRISON: Basically, it's the same thing  
4 as my mother said, you know, we've all -- we haven't  
5 made it an open dump, or open fire burning place. We  
6 have been doing nothing but cleaning this trashy place  
7 up. I would like to have it where it looks good, and  
8 I've had plenty of comments about the way it looks now.

9 As far as the construction, it's been a, you  
10 know, heck with guys coming in that we have hired  
11 contractors coming in. They were also coming there a  
12 couple times and they brought some of their stuff from  
13 this other, whatever you want to call it, their

14 construction site to here, to help work on stuff. They  
15 never took it away. I mean, we've never added to this  
16 place, okay, as far as bringing, making it a dump or  
17 anything, but, basically that's what I've got to say.  
18 We've been working hard on cleaning it.

19 HEARING OFFICER WEBB: Thank you.

20 Mr. Brenner?

21 MR. BRENNER: No questions for her.

22 HEARING OFFICER WEBB: Okay. Mr. Skidmore,  
23 you have nothing further to present; is that correct?

24 MR. SKIDMORE: I believe you have all the

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1 copies of the dumpsters and removal, we have the  
2 receipts for all of the Carco and all the dumpsters, and  
3 all the people that we hired to work, and that's  
4 basically it.

5 HEARING OFFICER WEBB: Let's go off the  
6 record to discuss the briefing schedule.

7 (Whereupon, a discussion was held off the  
8 record.)

9 HEARING OFFICER WEBB: We've just had an off  
10 the record discussion regarding post hearing briefs. The  
11 parties have agreed to a briefing schedule as follows.  
12 The transcript of these proceeding will be available  
13 from the court reporter by July 17, and will be posted  
14 on the Board's web site. The public comment deadline is  
15 July 31. Any public comment must be filed in accordance  
16 with Section 101.628 of the Board's procedural rules.

17                   The Complainant's brief is due by September  
18 8, Respondent's brief is due by October 23, and  
19 Complainant's reply, if needed, is due by November 6.  
20 The mailbox rule will apply.

21                   Mr. Brenner, would you like to make any  
22 closing arguments at this time?

23                   MR. BRENNER: No, I'll waive those in light  
24 of my brief.

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1                   HEARING OFFICER WEBB: All right, Mr.  
2 Skidmore, would you like to make any closing arguments  
3 at this time?

4                   MR. SKIDMORE: Only thing is just I've tried  
5 to comply with everything I could, with everyone.

6                   HEARING OFFICER WEBB: Okay, thank you.  
7 Seeing no members of the public to present any further  
8 statements, I will proceed to make a statement as to the  
9 credibility of the witnesses testifying during this  
10 hearing. Based on my legal judgement and experience, I  
11 find all of the witnesses testifying to be credible.

12                   At this time, I will conclude the  
13 proceedings. We stand adjourned, and I thank all of you  
14 for your participation.

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1 STATE OF ILLINOIS )  
2 MARION COUNTY )

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5 I, ANGIE R. KELLY, a Notary Public in and for the  
6 County of Marion, State of Illinois, and St. Louis City,  
7 State of Missouri, DO HEREBY CERTIFY that appeared  
8 before me on July 5, 2006 at the offices of Jackson  
9 County Health Department, 415 Health Department Road,  
10 Murphysboro, Illinois, a hearing for the Illinois  
11 Pollution Control Board was held.

12 IN WITNESS WHEREOF, I have hereunto set my hand and  
13 affixed my Notarial Seal this 16th day of July, 2006.

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Angie R. Kelly

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My Commission Expires September 27, 2009

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