

ILLINOIS POLLUTION CONTROL BOARD
October 30, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-159
)	(Enforcement - Land, Air)
GARY SIMMONS, individually, and)	
LAWRENCE COUNTY DISPOSAL)	
CENTRE, INC., and Illinois corporation,)	
)	
Respondents.)	

HEARING REPORT

On October 29, 2008, a hearing in this matter was held at the City Hall Civic Center in Lawrenceville, Lawrence County. Attorney Phillip McQuillan appeared on behalf of the complainant. Respondent Gary Simmons appeared *pro se*, and Lawrence County Disposal Centre, Inc. was not represented.

Witness Credibility

3 witnesses testified during the hearing:

Mr. Bob Gher
Mr. Christian Liebman
Mr. Gary Simmons

Based upon my legal judgment, experience, and observations at hearing, I find that the credibility of witness is not an issue in this matter.

Exhibits

The complainant and respondent offered exhibits as evidence at hearing. An exhibit list itemizing the offered exhibits and summarizing their status is attached to this order. Neither party objected to the admission of any exhibits.

Briefing Schedule

The transcript is due November 10, 2008. Complainant will file its brief by December 10, 2008. Respondent indicated that he did not intend to file a brief, but if he changes his mind, he may file his brief by December 29, 2008. The mailbox rule will apply.

IT IS SO ORDERED.

Carol Webb

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509

PCB 06-159
October 29, 2008 Hearing

Exhibit List

Exhibit	Description	Status
People's Exhibit #1.1	Solid Waste Landfill Inspection Checklist (SWLIC) dated 2/19/01	Admitted
People's Exhibit #1.2	SWLIC dated 5/9/01	Admitted
People's Exhibit # 1.3	SWLIC dated 7/5/01	Admitted
People's Exhibit #1.4	SWLIC dated 11/12/01	Admitted
People's Exhibit #2.1	SWLIC dated 5/10/02	Admitted
People's Exhibit #2.2	SWLIC dated 11/8/02	Admitted
People's Exhibit #3.1	SWLIC dated 2/20/03	Admitted
People's Exhibit #3.2	SWLIC dated 4/3/03	Admitted
People's Exhibit #3.3	SWLIC dated 9/9/03	Admitted
People's Exhibit #4.1	Landfill Groundwater Record Review dated 2/6/04	Admitted
People's Exhibit #4.2	SWLIC dated 5/11/04	Admitted
People's Exhibit #4.3	SWLIC dated 11/9/04	Admitted
People's Exhibit #4.4	Letter from inspector to respondent regarding the inspection on 11/9/04	Admitted
People's Exhibit #4.5	Narrative Inspection Report from 11/9/04	Admitted
People's Exhibit #5.1	SWLIC dated 1/6/05	Admitted
People's Exhibit #5.2	SWLIC dated 5/11/05	Admitted
People's Exhibit #5.3	SWLIC dated 9/8/05	Admitted
People's Exhibit #6.1	SWLIC dated 5/17/06	Admitted
People's Exhibit #7.1	SWLIC dated 2/16/07	Admitted

People's Exhibit #8	Letter to respondent from IEPA dated 5/17/99	Admitted
People's Exhibit #9	Violation Notice dated 2/27/01	Admitted
People's Exhibit #10	Violation Notice Dated 5/14/01	Admitted
People's Exhibit #11	Violation Notice dated 7/13/01	Admitted
People's Exhibit #12	Violation Notice dated 11/23/02	Admitted
People's Exhibit #13	Letter from Steve Hedinger to inspector dated 8/24/01	Admitted
People's Exhibit #14	Compliance Commitment Rejection dated 9/18/01	Admitted
People's Exhibit #15	NONE	
People's Exhibit #16	Invoice	Admitted
People's Exhibit #17	NONE	
People's Exhibit #18	NONE	
People's Exhibit #19	Complaint filed with Board	Admitted
People's Exhibit #20	Affidavit of Custodian of Business Records	Admitted
Respondent's Exhibit #1	Letter from Respondent to Phillip McQuillan dated 6/28/06	Admitted

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on October 30, 2008, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on October 30, 2008:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



Carol Webb
Hearing Officer
Illinois Pollution Control Board
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P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
webbc@ipcb.state.il.us

PCB 2006-159
Phillip McQuillan
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, IL 62706

PCB 2006-159
Gary Simmons
2101 South Sievers Road
Vincennes, IN 47591

PCB 2006-159
Lawrence County Disposal Centre, Inc.
c/o National Registered Agents, Inc.
200 West Adams Street
Chicago, IL 60606