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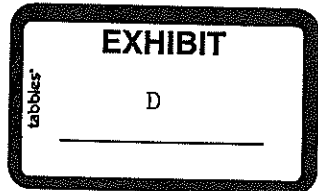
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
)

vs.)AC2012-051

NORTHERN ILLINOIS) (IEPA No.
SERVICE COMPANY,) (87-12-AC)
Respondent.) (Administrative
) (Citation)

The discovery deposition of WILLIAM
HOFF, taken in the above-entitled cause before DIANE
HROMEK, C.S.R. and Notary Public at the Law Offices of
Peter DeBruyne, P.C., Rockford, Illinois on the 22nd day
of October, 2013, at the hour of 2:42 o'clock p.m.



1 PRESENT:

2

3

THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

4

BY: MR. SCOTT B. SIEVERS

5

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Appeared on behalf of the Complainant.

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PETER DeBRUYNE, P.C.

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Appeared on behalf of the Respondent.

18

19 ALSO PRESENT:

20

MS. DONNA SHEHANE

21

22

23

24

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1 WILLIAM HOFF,
2 after having first been duly sworn, deposes and saith
3 as follows:

4 EXAMINATION
5 BY MR. SIEVERS:

6 Q. Mr. Hoff, could you state your name and spell
7 it for the court reporter, please?

8 A. William Hoff, H-o-f-f.

9 Q. Do you go by "William"?

10 A. I go by "Will."

11 Q. Have you ever had your deposition taken before?

12 A. Yes, I have.

13 Q. Sorry to hear that.

14 A. So am I.

15 Q. Have you had it taken more than once?

16 A. Yes.

17 Q. So you are familiar with the question and
18 answer format, with me posing questions to you and you
19 answering on the record, correct?

20 A. Yes.

21 Q. The court reporter can't very well take down
22 um's and ah's and gestures, so I would ask --

23 A. Yes and no.

24 Q. Try to answer verbally for the court reporter

1 and for -- and the transcript's benefit.

2 A. Sure.

3 Q. Also, let me finish my question before you
4 answer it so the court reporter can keep straight,
5 separated on the transcript, okay?

6 A. Sure.

7 Q. And if I pose a question to you that you do not
8 understand, will you agree that you will not answer that
9 question and that you will tell me that you do not
10 understand the question?

11 A. Yes.

12 Q. Very good, okay.

13 Are you employed?

14 A. Yes.

15 Q. Where are you employed?

16 A. Northern Illinois Service Company.

17 Q. And what is your title there?

18 A. Superintendent.

19 Q. How long have you been -- have you held that
20 position?

21 A. Eight years.

22 Q. And what are your duties as superintendent?

23 A. General management of field operations,
24 scheduling, field engineering -- things of that nature.

1 Q. I took the deposition, just moments ago, of
2 Mr. Paul Munson, and I think from just at least was that
3 he was sort of the inside guy gathering up the business
4 and you were the outside guy executing the business,
5 isn't that a fair characterization?

6 A. Yes, it is.

7 Q. It's a generalization?

8 A. Yes, it's accurate.

9 Q. Oh, alright.

10 Obviously, you know Paul Munson, correct?

11 A. Yes.

12 Q. And you know, how would you describe your
13 relationship with him within the structure of Northern
14 Illinois Service Company?

15 A. My relationship with him?

16 Q. He is not your supervisor, is he?

17 A. He is not my supervisor. It is -- we are
18 fairly equal.

19 Like you said earlier, I run the field
20 operations, he runs the office, essentially. We
21 communicate on a daily basis.

22 Q. Who is your supervisor?

23 A. My supervisor is my boss, the owner, Wayne
24 Klinger.

1 Q. And do you supervise anyone?

2 A. I do.

3 Q. How many people do you supervise?

4 A. 25 to 30.

5 Q. I believe Mr. Munson testified that there are
6 approximately 30 employees of the company, so would that
7 be -- is that correct?

8 A. It varies on a seasonal basis. At times we are
9 up to 50. At times we are down to 25, so --

10 Q. Would it be accurate to say that you supervise
11 then the vast majority of the employees at Northern
12 Illinois Service Company?

13 A. Yes.

14 Q. What is the highest level of schooling that you
15 have?

16 A. Bachelors degree in civil engineering.

17 Q. Where did you get that?

18 A. Purdue University.

19 Q. And when was that?

20 A. May of 2003.

21 Q. Do you have any sort of bachelors degree in
22 civil engineering, is that correct?

23 A. Yes.

24 Q. Do you have any certifications?

1 A. I am a licensed engineer intern.

2 Q. Okay. I actually know what that is.

3 And so that's the route you take to
4 become a PE, ultimately, correct?

5 A. That's correct.

6 Q. A professional engineer?

7 A. Yes, that's correct.

8 Q. Do you have any -- any training that is -- any
9 formal training that is specific for your job besides
10 the degree you testified to and your certification?

11 A. No formal training other than week-long courses
12 in aggregate gradation, software training, things of
13 that nature, but no other formal training, no.

14 Q. Do you have any education or training in
15 environmental matters?

16 A. No, outside of just an environmental
17 engineering course I took in college.

18 Q. Okay. Was that part of the -- since you
19 mentioned it, was engineering, would that be part of the
20 engineering curriculum?

21 A. It was part of the civil engineering.

22 Q. Do you recall what sort of matters you covered
23 from that course?

24 A. A variety of air, water, a lot of waste water

1 treatment plant design and things of that nature.

2 Q. Are you aware that this litigation concerns an
3 inspection that was conducted on March 14, 2012?

4 A. Yes.

5 Q. Okay. And you were -- that inspection, that
6 was done by the Illinois Environmental Protection
7 inspector Donna Shehane?

8 A. Yes.

9 Q. Were you present for that inspection?

10 A. I recall being there and I recall her in the
11 yard but I wasn't very present. I was on site but not
12 engaged in the inspection.

13 Q. So you did not accompany Inspector Shehane
14 during the course of her inspection?

15 A. That is correct.

16 Q. Did you observe her during the course of her
17 inspection?

18 A. Just out of the corner of my eye, just driving
19 by.

20 Q. Do you recall what you observed her doing or
21 what you observed her doing during her inspection?

22 A. I believe she was driving through the yard.

23 Q. Did you see Inspector Shehane at any other time
24 on the yard other than when she was, on that date, March

1 14, 2012, other than driving through the yard?

2 A. No.

3 Q. Have you spoken to Inspector Shehane about her
4 inspection on that date, March 14th, 2012?

5 A. I have not.

6 Q. Have you had conversations with Paul Munson
7 about that -- about the inspection and the results of it
8 from that date?

9 A. Yes.

10 Q. How many conversations have you had?

11 A. Numerous. Don't recall.

12 Q. Do you recall -- do you recall when you had
13 those conversations?

14 A. Immediately, I believe that day, and --
15 subsequently.

16 Q. Do you recall the content of those
17 conversations?

18 A. No, other than corrective action.

19 MR. DeBRUYNE: Well objection, just for everybody,
20 on the basis --

21 MR. SIEVERS: I know what -- I will change the
22 question.

23 MR. DeBRUYNE: Yeah, I just want to --

24 MR. SIEVERS: Sure -- no.

1 MR. DeBRUYNE: Okay, we won't want to shortcut
2 this.

3 BY MR. SIEVERS:

4 Q. Other than communications you had in the course
5 of meeting with Mr. DeBruyne, as your attorney, do you
6 recall other content of the conversations you have had
7 with Paul Munson concerning the subject of this case?

8 A. Yes.

9 Q. And what conversations have you had?

10 A. Conversations regarding the results of the
11 inspection and what corrective actions were desired by
12 the EPA.

13 Q. Specifically, what do you recall from those
14 conversations?

15 A. Cleanup of tires and landfill debris,
16 supposedly, that was -- those were concerns that were
17 brought up.

18 Q. Do you recall any other aspects of those
19 conversations?

20 A. I don't, specifically, no.

21 Q. After the March 14th 2012 inspection, after
22 Miss Shehane had left, you spoke with Mr. Munson at that
23 time, is that correct?

24 A. Yes.

1 Q. And did you talk about the results of the
2 inspection?

3 A. Yes.

4 Q. Did you agree to take any action as a result of
5 that inspection?

6 A. I believe so, yes.

7 Q. What action did you agree to take?

8 A. To clean up some broken pallets and pipe that
9 were in the yard and clean up some loose tires, I
10 believe. I think that was from that inspection.

11 Q. What was -- where was the broken pallets and
12 pipe?

13 A. Where were they?

14 Q. Yes.

15 A. On the site?

16 Q. Yes.

17 A. I believe they were along the south property
18 line, the south wall of our site.

19 Q. And what were those materials doing there?

20 A. They were -- they had been placed there from --
21 they were packaging material from our shop and also
22 packaging material from job sites that had been brought
23 back, and some of the pipe was scrap pipe from job sites
24 that we bring back and load.

1 Q. Okay. And what action was taken concerning
2 that material?

3 A. It was hauled to a landfill.

4 Q. Do you know when that was?

5 A. I don't, specifically, but I know it was
6 shortly thereafter.

7 Q. And what action was done concerning the tires?

8 A. They were taken to a tire disposal facility.

9 Q. Did you observe the pallets and the pipe
10 material?

11 A. Yes.

12 Q. And how were they -- how are they situated on
13 the site?

14 A. Thrown in a pile. Basically just piled up,
15 essentially.

16 Q. Was there other material in the pile?

17 A. I am sure there was but by and large packaging
18 material and scraps of pipe and some silt fence removed
19 are from projects, things like that, I believe.

20 Q. Do you recall anything else being in that pile?

21 A. Not specifically.

22 Q. Did you observe the tires that were at issue
23 after that inspection?

24 A. I did.

1 Q. And how many tires were there?

2 A. I don't recall the specific number.

3 Q. Did you observe water that accumulated inside
4 the tires?

5 A. I didn't.

6 Q. What did you observe about the tires?

7 A. I observed some that were set up for our
8 demolition ball. They were chained to our ball for
9 shock absorption, and a stack that was there for future
10 tires for that and then, also, a stack of tires that we
11 accumulate often from demolition sites, and we bring
12 them back to our yard, and then dispose of them, and
13 there was a pile of them. I don't recall how many.

14 Q. Okay. Were there any brand new tires that were
15 on your site at that time?

16 A. Not outside that I know of, not any brand new
17 that I know of.

18 Q. Would you characterize the tires as used tires?

19 MR. DeBRUYNE: Objection. Asks for a legal
20 conclusion.

21 The witness may answer. You can answer.

22 THE WITNESS: Primarily, yes, used, yes.

23 MR. SIEVERS: Okay.

24 THE WITNESS: Some still in condition that can be

1 used again. Some not.

2 BY MR. SIEVERS:

3 Q. Some of them are worn?

4 A. Yes.

5 Q. Were some of them damaged?

6 A. I'm sure, but I didn't inspect them,
7 specifically.

8 Q. When the tires you are testifying about, were
9 any of them mounted on a vehicle?

10 A. No.

11 Q. They were not on a wheel rim?

12 A. I don't recall specifically. Sometimes they
13 are, sometimes they are not.

14 Q. I am going to show you what has been previously
15 marked as Exhibits 1 and 2.

16 (Document first
17 referenced.)

18 BY MR. SIEVERS:

19 Q. If Inspector Shehane were to testify that
20 Exhibits 1 and 2 truly and accurately depicted the tires
21 that she observed on site at the Northern Illinois
22 Service Company on March 14th, 2012, would you have any
23 reason or basis to disagree with her testimony or
24 contradict it?

1 A. No.

2 Q. And if Inspector Shehane were to testify that
3 Exhibits 1 and 2, that the tires -- strike that.

4 If Inspector Shehane were to testify that
5 Exhibits 1 and 2 show that water had accumulated in the
6 tires and that she had observed water had accumulated in
7 those tires firsthand during the course of her March
8 14th, 2012 inspection, would you have any reason to
9 contradict her testimony or disagree with it?

10 A. No.

11 Q. I am handing you what has previously been
12 marked as Exhibit 3.

13 (Document first
14 referenced.)

15 BY MR. SIEVERS:

16 Q. If Inspector Shehane were to testify that
17 Exhibit 3 truly and accurately depicts tree material on
18 the property at Northern Illinois Service Company on
19 March 14th, 2012, would you have any reason to disagree
20 or contradict her testimony?

21 A. No.

22 Q. Were you aware, were you aware that there were
23 tree -- there was tree material that had been -- had
24 been cut down that was on the Northern Illinois Service

1 Company property on March 14th, 2012?

2 A. Yes.

3 Q. And do you know the source of that material?

4 A. Our site.

5 Q. Okay. Do you know how long that material had
6 been on your site after having been cut down?

7 A. I can't recall if it was from that winter and
8 fall before or that spring but we cleared trees along
9 the highway and that was where those came from.

10 Q. Okay. Do you know what came with that
11 material?

12 A. It came with it?

13 Q. No, what came of it?

14 A. Oh, we hauled it to a site where we were
15 grinding trees and mixing them with a tree removal, and
16 another site. I can't recall -- I think it was the
17 Renaissance site.

18 Q. I am handing you what has previously been
19 marked as Exhibit 4.

20 (Document first
21 referenced.)

22 BY MR. SIEVERS:

23 Q. If Inspector Shehane were to testify that that
24 exhibit shows drums of materials containing -- strike

1 that.

2 If Inspector Shehane were to testify that
3 Exhibit 4 truly and accurately depicts drums that she
4 observed on the Northern Illinois Service Company site
5 on March 14th, 2012, would you have any reason to
6 disagree or contradict her testimony?

7 A. No.

8 Q. Were those drums on the Northern Illinois
9 Service Company site that day?

10 A. Yes.

11 Q. I understand that they contain mastic, is that
12 right?

13 A. That is correct.

14 Q. And that is material you use in the course
15 of -- strike that.

16 Mastic is a material that you use,
17 Northern Illinois Service Company uses in the course of
18 its business?

19 A. Yes.

20 Q. It's materials or supplies?

21 A. Yes.

22 Q. I am handing you what has previously been
23 marked Exhibit 5.

24 (Document first

1 referenced.)

2 BY MR. SIEVERS:

3 Q. If Inspector Shehane were to testify that
4 Exhibit 5 truly and accurately depicted materials she
5 observed on the Northern Illinois Service Company site
6 or property on March 14th, 2012, would you have any
7 reason to contradict or dispute her testimony?

8 A. No.

9 Q. Have you seen the material depicted in Exhibit
10 5 before?

11 A. Yes.

12 Q. Were you testifying about that earlier in your
13 testimony today?

14 A. Yes.

15 Q. And what is that material that is shown in that
16 exhibit?

17 A. These are used semi tires that are used for
18 shock absorption when we swing these large hard steel
19 balls, demolition wrecking balls.

20 Q. Where do the tires come from?

21 A. Typically off of our trucks -- once they
22 are beyond a useable point for being on a truck.

23 Q. Is there a point where the tires, even for this
24 use, have to be replaced, discarded and replaced?

1 A. Yes.

2 Q. What happens to prompt that?

3 A. They actually break. The steel inside them
4 rips, and then we replace them with new used tires.

5 Q. Okay. The tires that are shown in Exhibit 5,
6 are they on any wheel rims?

7 A. Not that I see, no.

8 Q. And you are familiar with this equipment?

9 A. Yes.

10 Q. Are those tires as part of this equipment on
11 any wheel rims at all?

12 A. No.

13 Q. Okay. And at the time, material in Exhibit 5,
14 that is stored outdoors on the premises by Northern
15 Illinois Service Company, is that right?

16 A. Yes.

17 Q. I am handing you what has previously been
18 marked as Exhibit 6.

19 (Document first
20 referenced.)

21 BY MR. SIEVERS:

22 Q. If Inspector Shehane were to testify that
23 Exhibit 6 truly and accurately depicts a pile of
24 material that she observed at Northern Illinois Service

1 Company on March 14th, 2012, would you have any reason
2 to disagree or contradict her testimony?

3 A. No.

4 Q. Is the pile that is shown on Exhibit 6 the pile
5 where you saw -- you testified earlier about palettes
6 and piping, is that correct?

7 A. Correct.

8 Q. Is that, does Exhibit 6 show that material as
9 you recall it being?

10 A. Yes.

11 Q. And you recall it being like this as in Exhibit
12 6 on March 14th, 2012?

13 A. More or less, yes.

14 Q. Okay. Tell me -- tell me about or I would like
15 to talk to you about what Northern Illinois Service
16 Company does.

17 A. Sure.

18 Q. And can you tell me, you know, what kind of
19 operations it's involved in?

20 A. Primarily commercial excavation work,
21 commercial and residential demolition work, commercial
22 and municipal sewer, water and drainage work and we also
23 recycle concrete, asphalt and masonry materials and
24 we -- we own two quarries and operate five.

1 Q. Demolition, then, is part of your operations?

2 A. Yes, a large part.

3 Q. What percentage would you say of your
4 operations does demolition constitute?

5 A. It varies year to year. Some years as little
6 as 25 percent; some years, as much as 50 percent.

7 Q. This material in Exhibit 6, do you know the
8 origin of that material?

9 A. There are multiple origins of that material.

10 Q. Okay. What origins are there?

11 A. Primarily from our shop and job sites.

12 Q. Okay. Which shop are you referring to?

13 A. We have a shop, it's not in this picture, but
14 attached to our our office where we work on our
15 equipment.

16 Q. So it's --

17 A. It's a repair shop.

18 Q. Would that be primarily for vehicles?

19 A. Vehicles and heavy equipment.

20 Q. Okay. And so some of this material that is
21 shown in Exhibit 6 would come from that shop?

22 A. Yes.

23 Q. But some of the material in Exhibit 6 would
24 also come from some of your work sites, is that right?

1 A. That is correct.

2 Q. What kind of work sites?

3 A. Our -- our commercial excavation and
4 underground sites.

5 I see PVC pipe here. I see a lot of
6 packaging materials for pipe and for fittings.

7 Q. What other materials do you recognize on that?

8 A. I see silt fence here that comes from
9 excavation sites. It's -- an erosion control measure.

10 I see just a lot of packaging and wood
11 materials that -- the type of things we get off of our
12 underground sites when we ship material.

13 Q. Okay.

14 Where would the wood come into play?

15 A. The wood pallets?

16 Q. Okay, let's start with the wood pallets, yes.

17 A. Well, wood pallets would come from, we have
18 shipped water main fittings, for example, they come on a
19 pallet.

20 Q. Would they come to the Northern Illinois
21 Service Company site itself or would it come to a work
22 site?

23 A. It would come, sometimes, to our site,
24 sometimes to a work site.

1 Q. So the fact that there are pallets in this
2 pile, doesn't mean that they necessarily came from
3 Northern Illinois Service Company's actual yard, they
4 could also come from the work site?

5 A. They may come from the yard. We have a lot of
6 stuff that is shipped to the yard, and a lot is shipped
7 on pallets. Almost everything we receive at our yard
8 comes on pallets.

9 Q. Is that because of the size of the equipment?

10 A. Right. Everything we handle is heavy or big
11 or -- needs a forklift.

12 Q. Is there dimensional lumber that is in this
13 pile?

14 A. I do see some, a lot on the left side of the
15 picture, yes.

16 Q. Would that have come from a work site or from
17 your yard and shop?

18 A. If I recall, we poured concrete that year and
19 that looks like form lumber from concrete.

20 Here I see a big chunk of lumber. That
21 is a cribbing we use at our recycling plant on site.
22 This big 12 by 12 piece of oak.

23 Q. Is that to block wheels?

24 A. We block the equipment in the air. We actually

1 raised it up to -- a height issue.

2 Q. Where was the concrete poured?

3 A. Other concrete was poured, I think is sitting
4 on concrete actually on some of this.

5 But I am not completely certain.

6 We poured to the east that year, by our
7 east shop.

8 Q. So it was on the premises?

9 A. Yes.

10 Q. And that Exhibit 6, did you see any concrete
11 chunks or brick?

12 A. I see a few small pieces, yeah.

13 Q. And do you see any plastic?

14 A. I see plastic pipe, plastic silt fence. I see
15 some plastic visqueen.

16 Q. Where would the plastic materials come from?

17 A. The pipe would come from an underground job.

18 Other visqueen, if I recall, we covered
19 the concrete we poured that year. I think that's
20 probably where we came from -- the silt fence came from
21 a project site.

22 Q. So the pipe and what was the last?

23 A. The silt fence.

24 Q. The silt fence, those would have come from work

1 sites that were off site?

2 A. Correct.

3 Q. Not from the actual Northern Illinois Service
4 Company site?

5 A. Correct.

6 Q. So the other materials did come from the yard?

7 A. Yes.

8 Q. Okay. And by "yard," you understand me
9 referring to the work area that is actually on the
10 premises at Northern Illinois Service Company?

11 A. I do, I understand.

12 Q. Okay. Does Northern Illinois Service Company
13 use vehicles in the course of its operations?

14 A. Yes.

15 Q. How many vehicles?

16 A. Probably 30.

17 Q. What sorts of vehicles?

18 A. Everything from pickup trucks to heavy semis.

19 Q. They all use tires?

20 A. Yes.

21 Q. Do they all get serviced in that shop?

22 A. Yes.

23 Q. The materials that are depicted in Exhibit 6,
24 how long had some of those materials been on the site as

1 of March 14th, 2012?

2 MR. DeBRUYNE: Objection, ambiguous.

3 The witness can answer.

4 THE WITNESS: I don't recall specifically how long
5 they have been there but usually not more than a month
6 or two.

7 BY MR. SIEVERS:

8 Q. Okay. So would it be correct that some of the
9 materials depicted in Exhibit 6 were on -- on the site
10 at Northern Illinois Service Company for at least a
11 month?

12 A. Possibly. I don't -- I don't know,
13 specifically.

14 Q. Okay. You don't know how long the materials
15 were there, is that correct?

16 A. I don't, that's correct.

17 Q. Would you know -- is there someone employed at
18 Northern Illinois Service Company that would know how
19 long those materials had been there?

20 A. Nobody would know better than I do. Nobody
21 knows specifically how long those had been there.

22 Q. Okay. Okay. I am going to hand you what has
23 been previously marked as Exhibit 7.

24 (Document first

1 referenced.)

2 BY MR. SIEVERS:

3 Q. And then I am going to call your attention to
4 page 5 of Exhibit 7, and I'd like for you to read from
5 where it says, "Narrative Inspection Report Document"
6 all the way down to this last paragraph where it says,
7 "I left the property at about 9:55 am."

8 A. Okay.

9 Q. If you could read through that and once you are
10 done doing that, let me know, and then -- well, what I
11 am going to ask you after you are done reading that, I
12 am going to ask you which paragraphs, if any, contain
13 any facts, and I am not asking for legal conclusions,
14 any facts that you have reason to disagree with or
15 contradict, okay?

16 A. Okay.

17 MR. DeBRUYNE: He hasn't asked a question.

18 THE WITNESS: I am sorry. Go ahead.

19 MR. SIEVERS: So you are done reviewing?

20 THE WITNESS: Yes, I am done reviewing.

21 MR. SIEVERS: Okay.

22 BY MR. SIEVERS:

23 Q. And what I am specifically asking is we will
24 begin with the first paragraph.

1 A. Uh-huh.

2 Q. Are there any facts that are set forth in the
3 first paragraph of page 5 of Exhibit 7 with which you
4 disagree or refute?

5 MR. DeBRUYNE: Objection, no foundation.

6 MR. SIEVERS: You may answer.

7 MR. DeBRUYNE: The witness may answer.

8 THE WITNESS: No.

9 BY MR. SIEVERS:

10 Q. Now, let's move on to the second paragraph.
11 Are there any facts set forth in that second paragraph
12 on that same page with which you disagree or have reason
13 to believe are inaccurate?

14 MR. DeBRUYNE: Objection, no foundation as to the
15 witness's ability to answer the question due to time and
16 location he has testified to and on the basis of legal
17 conclusion inasmuch as some of the terms in that
18 paragraph have -- are defined in the Illinois
19 Environmental Protection Act and associated regulations.

20 The witness may answer.

21 THE WITNESS: No.

22 MR. SIEVERS: Okay.

23 BY MR. SIEVERS:

24 Q. Let's move on to the third paragraph on that

1 same page. Are there any facts set forth in that third
2 paragraph which you have reason to believe are
3 inaccurate or you have information that contradicts
4 those facts?

5 MR. DeBRUYNE: Objection, foundation. The witness
6 may answer.

7 THE WITNESS: No.

8 BY MR. SIEVERS:

9 Q. Now, as to the fourth paragraph, are there any
10 facts set forth in that paragraph with which you have
11 reason to believe that the facts are incorrect or you
12 have information that contradicts them?

13 MR. DeBRUYNE: Objection, no foundation for this
14 witness to answer the question and on the basis of legal
15 conclusion and that there are terms in that paragraph
16 which have definitions in the Illinois Environmental
17 Protection and associated regulations. The witness may
18 answer.

19 THE WITNESS: Yes.

20 BY MR. SIEVERS:

21 Q. Okay, which facts?

22 A. That it is open, dumped waste.

23 It's -- I don't think that it was dumped
24 waste, it was not intended to be disposed of on our

1 site. It was -- um -- things that were set out in the
2 back of a truck and into a pile so that we could dispose
3 of them properly. I don't think it was "dumped" there
4 for disposal.

5 And the sentence about "off-site
6 generated waste for disposal," it was not intended to be
7 disposed of at that site.

8 BY MR. SIEVERS:

9 Q. Are there any other facts in that paragraph
10 with which you disagree or you believe are inaccurate?

11 A. Yes.

12 "Mr. Munson stated 'he tries to tell the
13 guys' not to dump the materials from demolitions but
14 they don't always listen." We do not dump materials
15 from demolitions. I think Paul does not understand that
16 but -- it was not -- demolition material does not, would
17 not ever get dumped there. It was -- so I believe that
18 last the sentence in the fourth paragraph is inaccurate.

19 Q. Okay. Any other facts in that paragraph with
20 which you disagree or you have reason to believe that
21 those facts are inaccurate?

22 A. No.

23 Q. Let's move on to the next two paragraphs which
24 would be -- let's see -- the 5th and 6th paragraphs.

1 A. Uh-huh.

2 Q. Do you have any reason to believe any of the
3 facts set forth in there are inaccurate or you have
4 information at hand that contradicts those ascertions?

5 MR. DeBRUYNE: Objection, no foundation, and the
6 paragraphs contain, use terms that require the witness
7 to give a legal conclusion.

8 THE WITNESS: Yes.

9 BY MR. SIEVERS:

10 Q. Which ones?

11 A. I believe that the first sentence is inaccurate
12 and was -- misunderstood. It's, as I say, Mr. Munson
13 stated that the piles were fly dumped there. If those
14 piles, and I think they refer to exhibit, which -- I am
15 not sure which exhibit, but the piles of tree material,
16 that those were piles that were generated from our site
17 and they weren't fly dumped. I think we have had
18 problems in the past of fly dumping and I think that's
19 what Mr. Munson thought but those were not fly dumped
20 piles.

21 Q. Any other facts in those two paragraphs which
22 you believe are inaccurate or you have contrary
23 information?

24 A. No.

1 Q. Okay.

2 MR. SIEVERS: I don't believe I have anything
3 further.

4 MR. DeBRUYNE: Okay, I have no further questions.

5 MR. SIEVERS: Thank you for your time.

6 MR. DeBRUYNE: I want to the reserve signature on
7 that.

8 THE WITNESS: Okay -- thanks.

9 MR. SIEVERS: Let me get you the exhibits here.

10

11 (Whereupon the deposition ended at 3:20
12 o'clock p.m., and further deponent saith not.)

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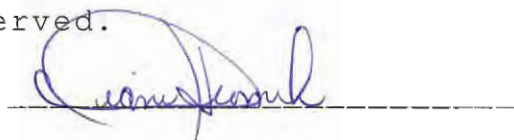
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Court Reporter Certificate

I, Diane Hromek, a Certified Shorthand Reporter in the State of Illinois, #084-000942, do hereby certify that heretofore, to-wit, that on October 22, 2013, in the case of Illinois Environmental Protection Agency, Complainant versus Northern Illinois Service Company, before the Illinois Pollution Control Board, No. AC 12-51, said witness, WILLIAM HOFF, was first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by said witness, WILLIAM HOFF, was reported stenographically by me in the presence of said witness and afterwards reduced to text via computer, and the foregoing is a true and correct transcript of the testimony so given by said witness.

I further certify that there were present at the taking of this deposition Mr. Scott B. Sievers, who appeared on behalf of the petitioner; and Mr. Peter DeBruyne, who appeared on behalf of the respondent.

I further certify that the witness signature process was reserved.



Diane Hromek

Certified Shorthand Reporter

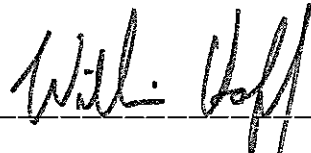
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WITNESS SIGNATURE PAGE

STATE OF ILLINOIS
UNITED STATES OF AMERICA


I hereby certify that I have read the foregoing transcript of my deposition, given at the time and place aforesaid, and I do again subscribe and make oath that the same is a true, correct and complete transcript of my deposition so given as aforesaid as it now appears.



Signature of Witness

SUBSCRIBED AND SWORN TO
before me this 8th day of NOVEMBER AD, 2013.





Notary Public.

WINNEBAGO County, State of IL

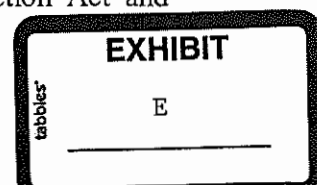
STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)

Illinois EPA v. Northern Illinois Service Co.
Illinois Pollution Control Board
Case No. AC 2012-051

AFFIDAVIT

I, DONNA SHEHANE, under oath, state that I have personal knowledge of the statements contained in this affidavit, that I am over 21 years of age and of sound mind and body, and if called to testify, I would testify as follows:

1. I am employed as an Inspector within the Field Operation Section of the Division of Land Pollution Control within the Illinois Environmental Protection Agency ("Illinois EPA") Bureau of Land, and have been so employed since February 2008. My job title is Environmental Protection Specialist III.
2. I have been employed in the private sector as a solid waste engineer and as a chemist.
3. I have earned a Bachelor of Science degree in chemistry from the University of Illinois at Champaign-Urbana as well as a Master's Degree in Environmental Engineering from the Illinois Institute of Technology in Chicago.
4. On March 14, 2012, and in my capacity as an Illinois EPA Inspector, I conducted an inspection at the Northern Illinois Service Company facility located at 4781 Sandy Hollow Road, Rockford, Winnebago County, Illinois (hereafter "the Site").
5. During the course of my inspection, I made observations of the Site and the materials upon it and took photographs of some of those materials. I also subsequently spoke to Northern Illinois Service Company staff about my observations.
6. Following my inspection, I drafted a report concerning the inspection that included observations I had made, provisions of the Environmental Protection Act and



related regulations I understood to have been violated, and photographs I had taken that documented the violations I observed.

7. In the course of my inspection, I observed four (4) large tires at the southwest corner of the Site. The tires were not mounted on a vehicle or a wheel rim and appeared worn and damaged. Further, the tires were not covered or protected from the weather. No present or future use for the tires was apparent, and the tires appeared to have been discarded and disposed on the Site. I observed that water had accumulated in the tires, and I photographed two (2) of the tires in which water had so accumulated. Those photographs are true and accurate depictions of the tires as they appeared on the Site during my March 14, 2012 inspection and were attached as Exposures #001 and #002 to the report I prepared as a result of my inspection. In addition, those photographs were Exhibits 1 and 2 in the discovery depositions of Will Hoff and Paul Munson in this litigation. No alterations or deletions have been made to those photographs.
8. In the course of my inspection, I observed a pile of material on the ground and in the yard area of the Site. The pile of material included, among other items, plastic sheeting, wooden pallets, and construction or demolition debris including concrete chunks or brick. The material was not covered or protected from the weather. No present or future use for the material was apparent, and the material appeared to have been discarded and disposed on the Site. I photographed the pile of material. That photograph fairly and accurately depicts the pile of material as it appeared on the Site during my March 14, 2012 inspection and was attached as Exposure #004 to the report I prepared as a result of my inspection. In addition, that photograph

was Exhibit 6 in the discovery depositions of Will Hoff and Paul Munson in this litigation. No alterations or deletions have been made to that photograph.

9. At the time of my inspection on March 14, 2012, neither Northern Illinois Service Company nor the Site was a tire storage or tire disposal site registered with the Illinois EPA.
10. At the time of my inspection on March 14, 2012, neither Northern Illinois Service Company nor the Site was a sanitary landfill permitted to operate by Illinois EPA.
11. At the time of my inspection on March 14, 2012, neither Northern Illinois Service Company nor the Site was a waste transfer station permitted to operate by Illinois EPA.

I have read the foregoing and affirm that the facts contained herein are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Donna Shehane

DONNA SHEHANE

Inspector

Field Operation Section

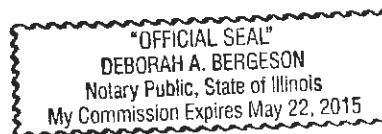
Division of Land Pollution Control

Bureau of Land

Illinois Environmental Protection Agency

Subscribed and sworn to before me
this 22 day of JANUARY, 2014.

Deborah A. Bergeson
Notary Public



STATE OF ILLINOIS
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
vs.)
)
NORTHERN ILLINOIS SERVICE)
COMPANY,)
)
Respondent.)

CERTIFIED
COPY

CASE NO. AC 12-51

DEPOSITION OF
DONNA SHEHANE

The deposition of Mrs. Donna Shehane taken on behalf of the respondent before Julie M. Andreoni Castree, Certified Shorthand Reporter and Registered Professional Reporter at 9:05 a.m., October 22, 2013, in the offices of Attorney Peter DeBruyne, P.C., 838 North Main Street, Rockford, Illinois.

A P P E A R A N C E S

SCOTT B. SIEVERS, Special Assistant Attorney General, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, Springfield, Illinois, appearing for the complainant.

EXHIBIT
F

1 PETER DeBRUYNE, Attorney at Law (Peter DeBruyne,
2 P.C.), 838 North Main Street, Rockford, Illinois,
3 appearing for the respondent.

4 ALSO PRESENT: Paul Munson,
5 Northern Illinois Service Company
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ATTORNEY

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Mr. DeBruyne.	4
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E X H I B I T S

EXHIBIT NO.

MARKED

Shehane Deposition Group Exhibit No. 1	24
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Shehane Deposition Exhibits Nos. 5 and 6.	41
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1 MR. DeBRUYNE: Let the record show this is the
2 discovery deposition of Donna Shehane taken pursuant to
3 notice, the Supreme Court Rules, Code of Civil Procedure,
4 and the rules of the Pollution Control Board.

5 Can we stipulate it's unnecessary to call the
6 court reporter to testify to the authenticity and accuracy
7 of the deposition at the hearing?

8 MR. SIEVERS: No, I don't think it's -- I mean, I
9 have no plans or need to call her.

10 MR. DeBRUYNE: What about signature? Do you know
11 if you want to waive it or not waive it?

12 MR. SIEVERS: No, we haven't discussed that yet.
13 Can we go off the record for a second?

14 (Discussion held off the record.)

15 MR. SIEVERS: We won't waive signature then.

16 DONNA SHEHANE,
17 having been first duly sworn, was examined and testified as
18 follows:

19 EXAMINATION

20 BY MR. DeBRUYNE:

21 Q. Would you state your name, please?

22 A. Donna Shehane.

23 MR. DeBRUYNE: Shehane. I am glad you pronounced
24 that for me. Donna, is this the first time you've had your

1 deposition taken?

2 THE WITNESS: No.

3 MR. DeBRUYNE: Just a few words so that we have a
4 good transcript. The court reporter takes down audible
5 answers, not nods or uh-huhs or things like that. That sort
6 of confuses the record. So if you could answer audibly to
7 my questions, that would be appreciated.

8 And in the course of the deposition if I'm asking
9 a question that's confusing or misuses a term, let me know
10 so that we have a good record. I know that there are a lot
11 of technical terms in the Environmental Protection Act and
12 the regulations; and to the extent possible, I want to make
13 sure that we're talking about the same terms, whether they
14 are in the Act or the regulations and that we understand it
15 the same way.

16 You're likely to know more about it than I am. So
17 you can lead me wherever you want to lead me if I'm going
18 wrong on this. Is that all right?

19 THE WITNESS: That's fine.

20 BY MR. DeBRUYNE:

21 Q. Are you a Mrs. or a Ms.?

22 A. Mrs.

23 Q. Mrs. Shehane?

24 A. Correct.

1 Q. Can you tell me how long you've worked for the
2 EPA?

3 A. It will be six years next February.

4 Q. What is your job title there?

5 A. Environmental protection specialist 3.

6 Q. Prior to working for the EPA, did you have any
7 education or training that helped you in your job for the
8 EPA?

9 A. Yes. I worked for county governments where I was
10 a delegated inspector to the Illinois EPA.

11 Q. All right. That's because counties can enforce
12 the EPA?

13 A. Yes. They have delegation agreements with the
14 EPA, certain counties do.

15 Q. Did you have any training or education that
16 allowed you to do that work for the county?

17 A. Yes. I received training to become a certified
18 Illinois EPA inspector.

19 Q. Where did you receive that training?

20 A. That was on-the-job training with an inspector
21 that was already certified.

22 Q. So you have worked for the EPA for six years, and
23 do you have an office someplace?

24 A. Yes; in Rockford.

1 Q. In Rockford?

2 A. Yes.

3 Q. All right. Where do you live?

4 A. I live in Mokena, Illinois.

5 Q. So do you commute to Rockford every day to do your
6 work?

7 A. I commute, yes, but not every day.

8 Q. In your Rockford office give me the structure of
9 the Rockford office.

10 A. Well, I work for the bureau of land. So the
11 bureau of land is situated there. There's also a public
12 water supply, bureau of water, and one person from the
13 bureau of air.

14 Q. Is your supervisor in Rockford?

15 A. Yes.

16 Q. Who is that?

17 A. Dave Retzlaff, R-e-t-z-l-a-f-f.

18 Q. Is he with the bureau of land only, or is he over
19 all these other --

20 A. Bureau of land only.

21 Q. You've worked for the bureau of land for six
22 years?

23 A. Not quite six, but it will be in February.

24 Q. That was your first job, though, with the bureau

1 of land with the EPA?

2 A. Yes.

3 Q. And with the Rockford office?

4 A. Yes.

5 Q. Has Mr. Retzlaff been your supervisor for six
6 years?

7 A. Yes.

8 Q. Now, during that six years -- let me go back.
9 Sorry. Let me withdraw the question.

10 When you first went to work for the EPA, what
11 instruction or training did you have regarding how to
12 perform your job?

13 A. My initial job was with the used tire unit, so
14 I received training with a used tire inspector for a number
15 of months.

16 Q. So that was your first job?

17 A. Right.

18 Q. Used tires. Then did it expand after that from
19 used tires to something else?

20 A. Just recently I've been put into the -- it's
21 called CCDD, clean construction and demolition debris
22 program.

23 Q. All right. How recently?

24 A. Beginning of August.

1 Q. Of this year?

2 A. Yes.

3 Q. So this proceeding has to do with an inspection
4 you conducted in March of 2012. You're aware of that?

5 A. Yes.

6 Q. And that was while you were with the used tire --
7 did you call it a division?

8 A. Used tire unit.

9 Q. Used tire unit.

10 A. Yes.

11 Q. But this particular complaint and citation has to
12 do with more than used tires. You're aware of that?

13 A. Yes.

14 Q. So did you have any training prior to March, 2012,
15 on things other than used tires?

16 A. Yes.

17 Q. What training was that?

18 A. That was a previous 11 years with the county
19 delegated inspection system.

20 Q. So when you were with the county, were you working
21 directly for a county?

22 A. Yes.

23 Q. What county was it?

24 A. I worked for DuPage County, Will County, and

1 Kankakee County.

2 Q. While you were there, you received training on
3 areas other than tires?

4 A. Yes.

5 Q. When I say "areas other than tires," that's under
6 the Environmental Protection Act?

7 A. Yes.

8 Q. So what did that training consist of?

9 A. That was visiting various solid waste management
10 facilities along with a certified inspector; and then once I
11 was trained, I performed those inspections on my own.

12 Q. When you say a solid waste management facility,
13 I'm thinking of a garbage dump. Why don't we get on the
14 same wavelength there. Solid waste management facility,
15 what is that?

16 A. That includes open dumping sites, landfills,
17 permitted landfills, transfer stations, compost facilities.

18 Q. Let's go slowly there. An open dumping site, a
19 landfill?

20 A. Correct.

21 Q. Landfills. Then what else is there?

22 A. Transfer stations.

23 Q. Transfer station. Sounds like we're talking about
24 buses, but we're not. Then the next one? You had another

1 one.

2 A. Compost.

3 Q. Compost sounds like what people do in their
4 backyard. Compost, all right. So that's the training that
5 you received and that you had possession of in March of
6 2012 when you did your inspection of Northern Illinois
7 Service?

8 A. Yes.

9 Q. Now, you say that you inspected -- what are these
10 called, these management?

11 A. Solid waste management.

12 Q. Solid waste management facilities; that's where
13 you got your experience. What are they? Describe what they
14 are.

15 A. Facilities that either store, treat, dispose of
16 solid waste, municipal solid waste.

17 Q. So here in town we used to have something run by,
18 I think, William Charles. It has a new name now. What's
19 the name of that? That's what I'm thinking of.

20 A. Winnebago Landfill?

21 Q. Winnebago Landfill; right. Is that what you're
22 talking about?

23 A. That's an example of a landfill, yes.

24 Q. So was your experience limited to solid waste

1 management facilities when you were working for the
2 counties? Is that what you always inspected?

3 A. Yes.

4 Q. So you didn't inspect when you were working for
5 the county residences?

6 A. Yes.

7 Q. You did?

8 A. Because I'm including unpermitted facilities as
9 well, permitted and unpermitted facilities.

10 Q. All right. So let's go back to when you first
11 started work for the EPA. It's in the land division or land
12 bureau here in Rockford.

13 A. Yes.

14 Q. I want to be real general. I'm going to be wrong
15 or ambiguous about this, but I want you to sort of guide me
16 in here. When you do your job -- as I look around town, I
17 see houses and they've got stuff in front of their house
18 maybe on garbage pickup day; maybe it isn't. Maybe they've
19 got some trees or branches in the front yard. Then I see
20 businesses, and they might have some junk somewhere. There
21 are landfills. There are manufacturing facilities. There's
22 all this sort of stuff.

23 I guess if I went around all these places I could
24 find tree limbs. I could find garbage ready to be picked

1 up. I could find like at my own house I put the papers out
2 in a bag and all sorts of different combinations and
3 different businesses, residences, et cetera. So to me it's
4 sort of a mishmash in my mind. If I said, gee, I'm working
5 for the Environmental Protection Agency, I'm going to make
6 sure everything is spic and span. I would go out and say
7 things don't look spic and span.

8 So right away I'm sort of really confused about
9 how you would go about your job. So guide me a little bit
10 as to what you do when you're looking for violations of the
11 Act.

12 A. Well, we have a number of facilities that are
13 assigned to us. It's not all just driving around randomly
14 looking for sites. We have a list that we have to inspect.
15 But, then again, if we are out and we see a violation, we
16 can stop and investigate it further.

17 Q. So is it generally that there are landfills -- or
18 let me put it another way -- permitted facilities that are
19 on your list to look at?

20 A. Yes, the permitted facilities are on our list.

21 Q. All right. Then so we have -- in my mind there
22 are two categories that you're looking at in your job.
23 There's permitted facilities, and then there's other stuff
24 that you might see as you're driving by.

1 MR. SIEVERS: Objection. I think that
2 mischaracterizes her testimony.

3 BY MR. DeBRUYNE:

4 Q. I said that I wasn't -- I just want you to guide
5 me in. I'm trying to get the categories in my mind. I
6 understand permitted facilities. Then I am going to go on
7 and ask you how much time in your normal day you spend. So
8 maybe you can clarify for me your answer.

9 A. Well, there's the permitted facilities and also
10 the tire storage sites is another list. If they're a tire
11 storage site, we have a list of those to inspect; and we
12 also get citizen complaints. People call up asking us to
13 investigate something, and then there's also something we
14 might see or encounter in the field.

15 Q. Now, if you can do this for me, in terms of the
16 percentage of time you spend in your day among these four
17 categories, how much time do you spend on each?

18 A. Well, now that I've changed into a new program.

19 Q. You just changed.

20 A. I just changed in August.

21 Q. So let's forget that because we're not concerned
22 with that. Prior to August how much time would you have
23 spent?

24 A. I would say on the tires, 60 percent of my time.

1 Q. All right.

2 A. Then the permitted facilities, oh, 15. Complaints
3 and what we encounter in the field would be the remaining
4 25.

5 Q. 25 percent?

6 A. Yes.

7 Q. Now, you mentioned that when you had training at
8 the county, you had training on open dumping sites,
9 landfills, transfer stations, and compost. Okay. So when
10 you say open dumping site, what do you mean?

11 A. A site that's not permitted to receive waste to
12 store or treat or dispose of waste.

13 Q. So would that include residences?

14 A. Yes.

15 Q. So let me give you an example. When you say open
16 dumping, open dumping of waste, we can get to what waste is,
17 but if I put my garbage out on Wednesday night, let's
18 stipulate that that's waste for the purposes of the
19 question; okay. You drive by. I put it out at 4:30 at
20 night. You're still on duty. You drive by at 4:30 and see
21 it out there, and can you issue me a citation?

22 MR. SIEVERS: Objection. It calls for a legal
23 conclusion.

24 MR. DeBRUYNE: You can answer.

1 A. If it was containerized in a garbage can, no, I
2 wouldn't.

3 BY MR. DeBRUYNE:

4 Q. Let's say it's not containerized, but it's in a
5 plastic bag. It's in a plastic bag tied up and cinched up,
6 and you know as you drive by that garbage pickup is the next
7 day. Is that an open dump?

8 A. No, I would not consider that open dumping.

9 Q. Why wouldn't you consider that open dumping?

10 A. Because --

11 MR. SIEVERS: Objection. Again, there's a legal
12 definition for open dumping. You're calling for her to
13 characterize what is actually a legal conclusion.

14 MR. DeBRUYNE: Well, you can answer. He hasn't
15 instructed you not to answer.

16 A. If it was contained inside that bag, that would be
17 what I would base my decision on.

18 BY MR. DeBRUYNE:

19 Q. All right. When you say it's contained -- so does
20 your decision on whether it's open dumped have anything to
21 do with whether what we agree is waste is going to be
22 removed to another site?

23 MR. SIEVERS: Objection. I don't know what the
24 predicate statement of "what we agree that waste is."

1 MR. DeBRUYNE: Well --

2 MR. SIEVERS: It's vague.

3 BY MR. DeBRUYNE:

4 Q. We're talking about for purposes of the
5 conversation whatever garbage I have from my house and I put
6 in this plastic bag. We agreed that it's waste just for the
7 purpose of the question. It's a hypothetical.

8 But my question to you is: In your decision
9 whether to cite me for open dumping, does your decision have
10 anything to do with whether that bag is going to be removed
11 to another site?

12 MR. SIEVERS: I'm going to object. I think she
13 already testified that that would not be open dumping.

14 MR. DeBRUYNE: No. She said it wouldn't be open
15 dumping. You said it wouldn't be open dumping because I put
16 it in a containerized bag. Maybe I can expand this a little
17 bit.

18 BY MR. DeBRUYNE:

19 Q. You drive by, and let's say the garbage is in a
20 plastic bag. It's also in a steel can. Okay. I put it out
21 there, and I leave it there. You drive by every day. I
22 leave it there for a year. Do you ever consider citing me
23 for open dumping?

24 A. Yes.

1 Q. Why?

2 A. I know we have gotten complaints from people who
3 say the garbage has been sitting out there for a long time.
4 It begins to smell and becomes a nuisance.

5 Q. So now let's go back again. So there is some --
6 in your decision making there is -- I don't want to put
7 words in your mouth. Is there some consideration given as
8 to whether that material that's sitting out there is going
9 to be taken away to -- let's agree on this -- to a
10 legitimate permitted waste site or dump, a landfill?

11 A. Well, not necessarily.

12 Q. But, I mean, in other words, if you go around town
13 in the city of Rockford, there are garbage pickup days,
14 right?

15 A. Right.

16 Q. So I'm just sort of saying as a common sense
17 factor if you drive around or people say, "Hey, there's
18 garbage out," do you say, "Well, yeah, it's out tonight
19 because in that area there's pickup the next day"? I mean,
20 is that a consideration in whether you would issue a
21 citation?

22 A. I guess I would say open dumping doesn't
23 necessarily depend on whether it is going to be taken away.

24 Q. But is it a consideration?

1 A. It could be.

2 Q. So let me go from there. You've been working here
3 in Rockford six years. Have you ever cited anyone,
4 residential or a business, for open dumping for having
5 refuse or waste out on the curb on the night before the
6 pickup date?

7 A. I don't think so.

8 Q. Now, when you received your training, what were
9 you taught regarding what a landfill was?

10 A. A permitted sanitary landfill?

11 Q. Yes.

12 A. It's a facility permitted by the Illinois EPA to
13 receive waste, and it involves a lot of different
14 regulations.

15 Q. Then are there other areas that you would consider
16 to be unpermitted landfills?

17 A. Yes.

18 Q. An unpermitted landfill, would that have the same
19 definitions or descriptions of a permitted landfill except
20 it doesn't have a permit?

21 A. Yes.

22 Q. When I think of a landfill, I think of, again,
23 some area that's designated to receive garbage or refuse.
24 That's what I think of. Is that what you're saying?

1 A. A permitted landfill.

2 Q. A permitted landfill?

3 A. Yes.

4 Q. If you have an unpermitted landfill, is that the
5 same type of thing where people are just saying, okay;
6 basically throwing a bunch of garbage in an area?

7 A. An unpermitted landfill would be receiving waste
8 without a permit, including something open dumped on the
9 ground.

10 Q. When you say waste, are you saying -- would that
11 include waste from the person's own activities?

12 A. Generated on their own site?

13 Q. Yes.

14 A. Yes.

15 Q. Is that against the law to have a landfill
16 receiving waste from your own activities if you don't have a
17 permit?

18 MR. SIEVERS: Objection. Calls for a legal
19 conclusion.

20 BY MR. DeBRUYNE:

21 Q. Do you know whether it's against the law?

22 A. Yes.

23 Q. You do know, or it is against the law?

24 A. It is against the law.

1 Q. What's a transfer station?

2 A. A transfer station is a facility where off-site
3 waste is brought in, it's deposited on the ground, stored
4 for some amount of time, and then taken back off for further
5 disposal.

6 Q. And compost, what is that?

7 A. Compost is a facility. A compost facility
8 receives landscape waste and manages it so that it degrades
9 into a usable compost product.

10 Q. Let's go to now Northern Illinois Service Company
11 and events surrounding Northern Illinois Service Company. I
12 received documents from the EPA as a result of a document
13 request, and I have selected from those documents various
14 citations or inspection reports where you were involved.

15 It looks like to me like the first one was in the
16 year 2009, and it may have been before that time. My first
17 question for you regarding Northern Illinois is whether you
18 recall why you inspected or called on Northern Illinois
19 Service Company the first time you did so?

20 A. Yes, I do. I pass it on Route 20 frequently. I
21 did see tires. I saw tires on the other side of the fence,
22 and I had never been there before. So I thought they were
23 managing tires, so I investigated.

24 Q. Do you recall, was this the '09 inspection where

1 you saw the tires?

2 A. Yes.

3 Q. When you were driving on 20, are you driving west
4 to east or east to west?

5 A. I do both directions.

6 Q. So did you see the tires just one day, and then
7 the next day you went there, or what did you do?

8 A. I believe I had seen them several times, and then
9 I had time and decided to go investigate.

10 Q. Did you talk to Mr. Retzlaff about whether you
11 should investigate before you did?

12 A. I don't remember that.

13 Q. Do you have discretion in your job to do
14 inspections on your own without consulting with him?

15 A. Yes.

16 Q. How often back in '09 would you do that? Would
17 you do a -- you've given me 25 percent of complaints and
18 then you see an encounter. Would that just fall into this
19 category?

20 A. Approximately, yes.

21 Q. So you don't recall any communication you had with
22 anyone before you inspected?

23 A. No.

24 Q. Now, did you receive any training from the EPA

1 regarding whether you needed to go to court before you went
2 on a site or whether you could just knock on the door and go
3 on the site?

4 A. No. We received some guidance on that.

5 Q. What was the guidance you received?

6 MR. SIEVERS: Objection. I think it calls for
7 attorney-client privileged communications.

8 MR. DeBRUYNE: Are you instructing her not to
9 answer?

10 MR. SIEVERS: I am instructing her not to answer
11 if she is about to testify as to what an attorney told her;
12 but if she received information or training or instruction
13 from somebody other than an attorney, then I'm not and she
14 may testify to that.

15 A. I think I've received from both attorneys and
16 field operation people.

17 BY MR. DeBRUYNE:

18 Q. If you can just tell me what the field operation
19 people told you about this.

20 A. That if we were asked to leave a site, we had to
21 leave, you know, immediately.

22 Q. All right.

23 A. That's really about it.

24 Q. All right. That's fine.

1 MR. DeBRUYNE: I think at this point we will mark
2 an exhibit. You can mark this Shehane Deposition Exhibit
3 No. 1, maybe Group Exhibit No. 1.

4 (Shehane Group Exhibit No. 1 was marked for
5 identification by the court reporter.)

6 BY MR. DeBRUYNE:

7 Q. Mrs. Shehane, I'm showing you Shehane Group
8 Deposition Exhibit No. 1 for identification. You can see
9 the numbers on the bottom are marked. They start at 069 in
10 the bottom right corner.

11 A. Uh-huh.

12 Q. Those are numbers that were put on by the EPA
13 in this document production, and so I don't think they have
14 significance as far as how these documents were prepared.
15 It appears to me in this group the numbers 069 to 078 are a
16 report that has been done, and then the numbers 079 through
17 085 are photographs of pictures that were taken. Is this a
18 report that you prepared?

19 A. (Peruses document.) Yes.

20 Q. Was this the time that we've just talked about,
21 the first time that you saw tires on the site? Is this the
22 inspection resulting from what you observed?

23 A. Yes.

24 MR. SIEVERS: Objection; compound.

1 BY MR. DeBRUYNE:

2 Q. So let's go to 076. That's your Narrative
3 Inspection Report.

4 A. (Complies.)

5 Q. This basically looks like a type-up of what you
6 did at the time. If you look at the second paragraph on
7 Document 076, it says you introduced yourself to Paul Munson
8 and then Munson allowed you access to the yard area. Do you
9 see that?

10 A. Yes.

11 Q. Do you recognize to my left Mr. Paul Munson?

12 A. Yes.

13 Q. So before we get into any detail on this report,
14 can you tell me basically the way you put a report like this
15 together? Because I'm seeing the form on the first page 069
16 that says Tire Storage Site Inspection Checklist. Then I
17 want to say the next section is your narrative inspection
18 report. Then the next section is digital photographs. That
19 looks like it's on a form, also.

20 So just mechanically how does -- when you inspect,
21 how does something like this get put together and maybe
22 chronologically would be the best way and you can just walk
23 me through it. I can see out at the site. I've been there.

24 MR. SIEVERS: Objection; compound.

1 MR. DeBRUYNE: Yeah, it's compound.

2 BY MR. DeBRUYNE:

3 Q. I know it's compound, but I want you to help me.
4 Walk me through this.

5 A. This is the typical order an inspection report
6 would be put together. There would be a cover page, the
7 inspection checklist, narrative comes next, site sketch and
8 pointing out where the pictures were taken and then the
9 attached photos.

10 Q. So I'm looking at boxes that are checked. I see
11 typing, et cetera. I'm assuming you don't have a typewriter
12 on your back or a computer, do you?

13 A. No.

14 Q. So when does this -- you're looking around. This
15 is sort of a complicated report. When does this get put
16 together?

17 A. Back at the office in my office.

18 Q. In Rockford?

19 A. Yes.

20 Q. So I'm going to put words in your mouth. You take
21 them right out if they're not right. So you're out there.
22 You have a camera. You take pictures. You might make a
23 sketch at the site that's in this report, and you might take
24 notes. Then you go back to the office. Maybe at the end of

1 the day you type it up. Is that generally how it is, how
2 you put it together?

3 A. Yes, that's generally how it is.

4 Q. So do you have a pencil and paper with you and
5 take notes, or don't you take notes and you just rely on
6 your memory?

7 A. Both.

8 MR. SIEVERS: Objection; compound.

9 BY MR. DeBRUYNE:

10 Q. Both? So you take some notes, and you remember
11 some stuff. Then as far as the narrative thing goes, you
12 type that up when you get back to the office; is that
13 right?

14 A. Yes.

15 Q. As far as the checklist goes, do you have this
16 checklist with you when you're out there?

17 A. Generally not, no.

18 Q. You don't; okay. Then do you type in -- for
19 example, if we look at 069, under Description they have the
20 row is No. 1. It cites Section 21(k). Then there's an X in
21 a box to the right. Is that something you type in back at
22 the office? I mean the X.

23 A. Just the X.

24 Q. Yeah. The other stuff is all part of the form?

1 A. Yes.

2 Q. So in this particular document you're able from --
3 and I take it from looking at your narrative, I see in
4 Paragraph 1 of your narrative you say that there's no permit
5 that you can find on a tire storage facility. No. 2 is you
6 have a brief encounter with Mr. Munson, and he allows you
7 access to the yard. Then over on the next page you talk
8 about you talked to Munson again.

9 But what I see from this is you concluded from
10 what you observed the alleged violations that we see
11 starting with 069. You didn't get to that conclusion from
12 talking with Mr. Munson. It was basically you looked on the
13 computer to see if they had a tire permit or whatever we
14 would call it, tire waste permit.

15 MR. SIEVERS: Is that a question?

16 BY MR. DeBRUYNE:

17 Q. And then you observed. Then you went back,
18 and you completed the Tire Storage Site Inspection
19 Checklist; is that right?

20 MR. SIEVERS: I'm going to object to the compound
21 and vague nature of that question.

22 A. Could you clarify the question?

23 BY MR. DeBRUYNE:

24 Q. Sure. I'm wondering if you look at the sheet 069,

1 I'm asking about this -- well, I will ask about this
2 particular one, 069 through 075. I call this the Tire
3 Storage Site Inspection Checklist. All right. So as we
4 look through this, there are Xs for various alleged
5 violations.

6 I'm saying it appears to me that you reached the
7 conclusion on these violations from observing the site and
8 looking at your computer to see if Northern had a permit; is
9 that correct?

10 A. Yes; but I also talked to Mr. Munson regarding
11 what I had seen.

12 Q. But your narrative says as far as talking to
13 Mr. Munson in the second paragraph on 076, you introduced
14 yourself to him and explained the reason for your visit.
15 Then he allowed you access. Then there's no more talk of
16 Munson until we get to the second page where you tell him
17 that the facility is considered a tire storage facility, and
18 then you explain something. Then he stated to you that
19 S.T.A.R. Used Tire picks up their tires. They tried to
20 dispose of some waste tires.

21 My question really is: Is that pretty much the
22 gist of the conversation you had with Munson?

23 A. Yes.

24 Q. So it was focused on tires mainly, the

1 conversation with him?

2 A. Yes.

3 Q. All right. So when we see these other violations
4 that you have marked down, that's from your inspection, your
5 observation of what you saw?

6 A. Yes.

7 Q. So let's just generally talk about the tires. In
8 the pictures I think there are -- I want to call them a
9 bunch of tires because I don't want to be very specific now
10 because I don't have to be. I am looking for you to help me
11 out here a little bit.

12 For example, on Page 081 there's a bunch of tires
13 in a pile, and you've had extensive training in this tire
14 deal. So describe generally what Northern did wrong with
15 respect to the tires.

16 A. They were storing used tires in an amount more
17 than 50. You're required to register with the agency in
18 that case, and there's a \$100 annual fee to be a tire
19 storage site.

20 Q. So, again, I want to be -- maybe I will be a
21 little bit compound here, but I'm trying to cut through it
22 and maybe save some time and make sure I understand this.
23 I see one part of the regulations it says, gee, if you have
24 a tire, you don't want to have water collect in it. It may

1 be that's mosquitos or whatever. We don't want water in
2 tires. That's one part; we don't want that.

3 The other part is you can't have more than
4 50 tires, or you need a permit. So I'm thinking it might be
5 something like this: If you have 25 tires, you still don't
6 want water to collect in them; and if you're going to have
7 more than 50 tires, you've got to get a permit. But in any
8 case, you don't want water to collect in these tires. Is
9 that sort of the gist of this tire deal?

10 A. Correct. Water is not good.

11 Q. Then the over 50, what is that? That's just a
12 regulation that says if you're going to have more than 50,
13 you need a permit of some sort?

14 A. It's not a permit. You have to register.

15 Q. You have to register; all right. Then if you
16 register, is the idea that then it will pop up on your
17 computer. Okay; I'm going to go check this because they
18 store tires. In your normal work you'd say are they doing
19 it right? Are they covered, or are they whatever?

20 A. Correct.

21 Q. If they don't register, then you don't know. If
22 they do register, then you can go check them?

23 A. Yes.

24 Q. Generally what's the problem with tires

1 environmentally?

2 A. Water accumulation and the breeding of disease-
3 carrying mosquitos.

4 Q. How about chemically with the tires? Any concern
5 about that, the chemicals in tires, as far as you know?

6 A. No.

7 Q. What's the 14-day rule on tires? Is there some
8 rule about 14 days.

9 A. Tire storage sites per the regulations are allowed
10 14 days from generation of a receipt to control the water
11 accumulation; to either cover them or drill holes in them or
12 some way keep the water out.

13 Q. Would you, please, look at the stamped number 074
14 on the bottom right-hand corner of that sheet of the
15 exhibit?

16 A. (Complies.)

17 Q. I see that at the top you've marked a violation of
18 21(a) of the Act, allow the open dumping of other waste and
19 then 21(d)(2), conducted a waste storage operation in
20 violation of any regulation and then 21(e), dispose, treat,
21 store, or abandon any waste at a site which does not meet
22 the requirements of this Act. Then it goes on to 21(p),
23 open dumping of waste in a manner resulting in litter.
24 That's marked.

1 Then if we go on down, we have under your --
2 across from your No. 51 then you've apparently put in with
3 your pencil or pen, 52 and 53, violation of Regulation
4 812.101(a) and then the Act 21(d)(1) and 21(p)(7). Those
5 relate generally to operating a landfill; conducting a
6 waste-storage, waste-treatment, or waste-disposal operation
7 without a permit; then causing or allowing the open dumping
8 of any waste. Then it goes on from there.

9 So looking at that, let's start with this landfill
10 deal. What was it that you observed that made you conclude
11 that Northern was operating a landfill?

12 A. I observed waste on the ground.

13 Q. Is that enough for you to conclude that there's a
14 landfill there? Because in my mind I can have -- we've
15 talked about this. I'm putting my garbage out. It could be
16 waste. Am I included in my house of operating a landfill,
17 or is there something more?

18 MR. SIEVERS: Objection; vague and compound.

19 A. That's enough for me to conclude it's an
20 unpermitted landfill.

21 BY MR. DeBRUYNE:

22 Q. Let's just say there's one tire, and we talked
23 about my plastic bag full of garbage. I know it's like,
24 let's say, two cubic feet or something like that. If you

1 saw one tire in my garbage bag out there at Northern, would
2 you put down that's a landfill?

3 A. Could you repeat that?

4 Q. Yeah. I'm trying to get to -- here's what I have
5 in my mind. I have in my mind that a landfill is a big
6 thing, like William Charles or Winnebago Landfill we talked
7 about.

8 A. Yes.

9 Q. A big area, landfill, et cetera. Then I see,
10 well, if something is like that and doesn't have a permit,
11 it's an unpermitted landfill. But what it isn't is like if
12 you have one tire and a little two-cubic foot plastic bag
13 full of garbage, that wouldn't be a landfill. There's
14 something in relation to the size or mass or complexity of
15 what you're looking at that makes it a landfill or not. I'm
16 just asking: Is that what's in your mind, or is it not in
17 your mind?

18 MR. SIEVERS: Objection; again, vague and
19 compound.

20 MR. DeBRUYNE: You can answer.

21 A. I would disagree in that a landfill can be
22 something smaller. If it's waste on the ground, it's an
23 unpermitted landfill.

24 BY MR. DeBRUYNE:

1 Q. All right. Is any kind of waste, any bit of
2 waste? Doesn't make any difference as to volume?

3 A. Technically, yes.

4 Q. Technically, yes, it makes no difference?

5 A. Yes.

6 Q. It makes no difference?

7 A. It makes no difference.

8 Q. So every time you see waste, you can fill out it's
9 a landfill? So let me just jump to the conclusion. If you
10 go around and you inspect these sites, do you always -- when
11 you see waste, for example, here in No. 53, you say "Cause
12 or allow the open dumping of waste in a manner resulting in"
13 and then we get to the definition of general construction,
14 clean construction debris. Every time you fill that out, do
15 you also fill out it's a landfill?

16 MR. SIEVERS: Objection; again, compound.

17 A. Yes.

18 BY MR. DeBRUYNE:

19 Q. So the landfill is sort of an automatic. When you
20 see waste, when you make out these forms, it's going to be a
21 landfill-type thing, right?

22 A. Generally, yes.

23 Q. I just want to understand what you're doing.

24 Can we look at 079 of this exhibit, the lower right-hand

1 corner?

2 A. (Complies.)

3 Q. So here we have your exposures 001 and 002 from
4 your camera. Then you have typed your comments on the
5 right. You typed that in, I take it?

6 A. Yes.

7 Q. And did you type that in just from your
8 observation, not from talking to Mr. Munson?

9 A. Correct.

10 Q. You make out this report. This is called a Tire
11 Storage Site Inspection Checklist. Is this a form that you
12 keep back at the office?

13 A. Yes.

14 Q. All right. Once you've completed this form, it's
15 dated September 15, '09 -- I have got other documents here
16 that relate to what happened after that; but what do you do
17 with this form once you complete it?

18 A. We put together the inspection report and give it
19 to our supervisor for his review.

20 Q. That would be Mr. Retzlaff?

21 A. Yes.

22 Q. And do you remember talking to Mr. Retzlaff about
23 this report?

24 A. Not particularly, no.

1 MR. DeBRUYNE: Will you mark this as No. 2?

2 (Shehane Deposition Exhibit No. 2 was marked for
3 identification by the court reporter.)

4 BY MR. DeBRUYNE:

5 Q. Okay. I'm showing you what's marked as Shehane
6 Deposition Exhibit No. 2. This is a -- was this the
7 December 1 letter? What is the date of that?

8 A. October 2nd, 2009.

9 Q. Do you remember seeing this document before today?

10 A. Yes.

11 Q. Who drafted the document?

12 A. The cover letter?

13 Q. Yes.

14 A. They're pretty much pre-drafted on a computer. We
15 just fill in the pertinent information.

16 Q. When I look at Mr. Munson and all the rest of that
17 down to David Retzlaff, that's pre-drafted?

18 A. Yes; just changing the violation notice number.

19 Q. Okay. Then you put the name in, Munson?

20 A. Yes.

21 Q. But do you know who prepared it; was it
22 Mr. Retzlaff or you?

23 A. I prepared it.

24 Q. You prepared it. Then did you mail it out?

1 A. No.

2 Q. Who mailed it out?

3 A. The Springfield division mailed it out down in
4 Springfield.

5 Q. So that's mailed out. Then I'm going to show
6 you . . .

7 MR. DeBRUYNE: Would you mark this as Shehane
8 Deposition Exhibit No. 3?

9 (Shehane Deposition Exhibit No. 3 was marked for
10 identification by the court reporter.)

11 BY MR. DeBRUYNE:

12 Q. This is a multi-page exhibit. The numbers on it
13 are 051, 052, 053. The first page is a Status of Violations
14 Worksheet. The next two pages are apparently a letter from
15 Paul Munson to you. So tell me what this first page is,
16 Status of Violations Worksheet.

17 A. When we receive correspondence from a facility, we
18 fill out one of these worksheets just kind of summarizing
19 the outstanding violations and whether the response itself
20 put the facility back into compliance or whether we have to
21 actually go out there and do a follow-up.

22 Q. So if I look at the letter from Mr. Munson, that's
23 his proposed resolution then dated November 18; and then
24 you've got on your Status of Violations November 19 date

1 reviewed. So would you have been looking at his letter of
2 November 18th when you completed this on November 19th?

3 A. Yes.

4 Q. Then when I look at that, you have Outstanding
5 Violations -- the columns are Outstanding Violations, Date
6 Reviewed, Schedule for Compliance Date, which happened to be
7 November 30th, and then Compliance Achieved, which is an N,
8 no; Follow-Up Needed is Y, yes. Am I reading that
9 correctly?

10 A. Correct.

11 Q. Then you've got at the bottom, "Facility will be
12 reinspected to verify compliance."

13 A. Correct.

14 Q. Then you did go back, didn't you, and look at it?

15 A. Yes, I did.

16 Q. Did you also see whether Northern had obtained a
17 used or waste tire permit as part of your compliance
18 investigation?

19 A. Yes, I did.

20 Q. Did they?

21 A. Yes.

22 MR. DeBRUYNE: This (indicating) will be

23 No. 4.

24 (Shehane Deposition Exhibit No. 4 was marked for

1 identification by the court reporter.)

2 BY MR. DeBRUYNE:

3 Q. I now show you Shehane Deposition Exhibit No. 4.
4 That is a two-page document. Can you tell me what this
5 document is?

6 A. It's a letter from Paul Purseglove that we have
7 accepted the proposed compliance commitment agreement.

8 Q. Did you draft this letter?

9 A. Yes. Well, it's also a template that we follow.

10 Q. It's a template. Who is Mr. Purseglove?

11 A. The manager of the field operations down in
12 Springfield.

13 Q. In Springfield; all right. By the time of this
14 letter had you done your compliance inspection?

15 A. December 1st? I don't think so. I think it was
16 after this.

17 Q. Eventually, though, you did do an inspection; and
18 you concluded that they had come into compliance?

19 A. Yes.

20 Q. How long after December 1st did you do that?

21 A. I think it was in December of 2009; same month.

22 Q. Now, do you recall -- okay.

23 MR. DeBRUYNE: If you could mark this one as 5 and
24 mark this one as 6?

1 (Shehane Deposition Exhibits Nos. 5 and 6 were
2 marked for identification by the court reporter.)

3 BY MR. DeBRUYNE:

4 Q. I'm showing you what has been marked as Shehane
5 Deposition Exhibits Nos. 5 and 6. Can you tell me what
6 those documents are?

7 A. This is the inspection report from my follow-up
8 inspection of January 5th, 2010.

9 Q. So let's go to 040, your Narrative Inspection
10 Report Document.

11 A. (Complies.)

12 Q. Let's look at the third paragraph and the sentence
13 reading "Photo 2 reveals a pile of metal on-site which
14 Mr. Munson stated was the result of crushing concrete with
15 rebar." Then the last paragraph concludes with, "No
16 apparent violations were observed." So in connection with
17 Photo No. 2 -- and Photo No. 2 is on Document 043 -- you
18 typed "Pile of metal extracted from concrete crushing."
19 Okay. Now, that is not a violation; is that correct?

20 A. Correct.

21 Q. Why is that not a violation?

22 A. I didn't cite that because you're allowed to take
23 in concrete with protruding rebar if it's going to be
24 crushed and recycled.

1 Q. Then you have some pictures. Look at Document
2 044.

3 A. (Complies.)

4 Q. You have, you know, "Several used tires on site
5 without prevention of water accumulation." Then you say in
6 your Narrative Inspection Report that you advised Munson
7 that he had 14 days to do something with the tires to
8 prevent accumulating water. So I take it from this that
9 you're saying, okay; we see some tires. Not very many, but
10 you have to get those things covered up within 14 days. You
11 say no apparent violations because you don't know if 14 days
12 had passed or et cetera. Is that about right?

13 A. Correct.

14 Q. Then Exhibit No. 6 is just a blown-up view of the
15 pictures we see in your Narrative Inspection Report -- not
16 your Narrative Inspection Report but your Tire Storage Site
17 Inspection Checklist.

18 A. Yes.

19 Q. In your Narrative Inspection Report in the second
20 paragraph, the last sentence you type "He also gave me two
21 receipts showing that dumped construction and demolition
22 debris from the property had been disposed at Orchard Hills
23 Landfill on November 18, 2009." Was that significant for
24 you in concluding that the violation had been satisfied?

1 A. Yes; and seeing that it was gone.

2 Q. Is there anything -- as far as the receipt showing
3 disposal of debris, is there anything significant in your
4 inspections that somebody shows you, look, here's a receipt
5 we got from a landfill for this stuff? Is that a
6 significant thing in your normal inspections?

7 A. Yes.

8 Q. Why is it significant?

9 A. We verify whether waste was disposed of properly.

10 Q. Now, do you recall returning to Northern Illinois
11 Service for another inspection?

12 A. Yes.

13 Q. The next one I have in date order is December
14 of 2011. Does that ring a bell as to the approximate date?

15 A. Yes; that's correct.

16 Q. Do you remember what motivated you to return for
17 an inspection?

18 A. They were a registered tire storage site --

19 Q. Yes.

20 A. -- now. So we go back to reinspect those.

21 MR. DeBRUYNE: Let's take a couple of minutes'
22 break. I want to make sure I have these exhibits in the
23 right order.

24 (Shehane Deposition Exhibits Nos. 7 and 8 were

1 marked for identification by the court reporter.)

2 BY MR. DeBRUYNE:

3 Q. I want to show you what has been marked as Shehane
4 Deposition Exhibit No. 7 and Shehane Deposition Exhibit
5 No. 8. Can you tell me what these documents are?

6 A. This is an inspection report and photos from my
7 December 7, 2011, inspection.

8 Q. Now, this inspection says Open Dump Inspection
9 Checklist.

10 A. Correct.

11 Q. The other one we looked at said something about
12 tire inspection?

13 A. Correct.

14 Q. So your motivation was to go out and check for
15 tires, correct, or to see if they were operating their tire
16 facility correctly?

17 A. Correct.

18 Q. So why did you select this form open dump instead
19 of your tire inspection checklist?

20 A. Because the major issue I observed during this
21 inspection was the open dumping.

22 Q. Can you look please at the document stamped
23 017. It's the third page in on Deposition Exhibit No. 7.

24 A. (Complies.)

1 Q. The only reference I find to Mr. Munson is in the
2 second paragraph. It says, "I drove onto the property at
3 approximately 10:40 a.m. and met with Mr. Paul Munson in the
4 office. Mr. Munson allowed me access to the yard to conduct
5 an inspection." Do you see that?

6 A. Yes.

7 Q. Now, there's no reference to any communication
8 with Munson other than that. Did you have any communication
9 with him?

10 A. I don't recall if I went back in the office
11 afterwards or not.

12 Q. So regarding your Open Dump Inspection Checklist,
13 is it correct to conclude that when you completed this, you
14 completed it from your observation of what you saw and not
15 from any questioning of people at the site?

16 A. Correct.

17 Q. Exhibit No. 8, can you tell me what that is?

18 A. Photographs that I took during the inspection.

19 Q. Are these the same photographs as are attached to
20 Exhibit No. 7 except they're more clear views?

21 A. Yes.

22 MR. DeBRUYNE: Mark these 9 and 10, please.

23 (Shehane Deposition Exhibits Nos. 9 and 10 were
24 marked for identification by the court reporter.)

1 BY MR. DeBRUYNE:

2 Q. I'm showing you what has been marked as Shehane
3 Deposition Exhibits 9 and 10. 9 appears to be a
4 Notification & Registration Form. Can you tell me if you've
5 seen that document before?

6 A. (Peruses document.) Yes, I have seen it.

7 Q. What is that document?

8 A. It's a registration form for a tire storage site.

9 Q. This one, it looks like, says "Less than 50 tires
10 are stored at any one time." It's marked "Exempt." Now, do
11 you receive this form as a normal part of your compliance
12 activity?

13 A. It actually goes to Springfield.

14 Q. Yes.

15 A. And is logged in a computer there.

16 Q. Do you receive it first, or does it go to
17 Springfield?

18 A. To Springfield.

19 Q. Let's look at No. 10, Exhibit No. 10. Do you
20 recall receiving this?

21 A. (Complies.) Yes.

22 Q. Was this part of your compliance activity?

23 A. Yes.

24 Q. Why is this significant?

1 MR. SIEVERS: Objection; mischaracterizes her
2 testimony.

3 A. I believe I was given this disposal receipt to
4 show that tires had been disposed at some point.

5 BY MR. DeBRUYNE:

6 Q. Was that significant for you?

7 A. Yes, it matters.

8 Q. With respect to this form, Exhibit 9, it says
9 "Less than 50 tires are stored at any one time." Then it's
10 marked "Exempt." What does that mean as far as your
11 inspection goes?

12 A. That means that if there's less than 50, he's not
13 a tire storage site and doesn't have to pay the \$100 for the
14 year.

15 MR. DeBRUYNE: Can you mark this as 11?

16 (Shehane Deposition Exhibit No. 11 was marked for
17 identification by the court reporter.)

18 BY MR. DeBRUYNE:

19 Q. Now, I want to show you what's been marked as
20 Shehane Deposition Exhibit No. 11. Can you identify that
21 document?

22 A. That is the cover letter for the December, 2011,
23 inspection. It's an Open Dump Administrative Citation
24 Warning Notice.

1 Q. Who drafted this?

2 A. Again, a template with particulars filled in by
3 me.

4 Q. Now, this is a warning notice. It's not a
5 citation itself. Why was a warning notice given instead of,
6 say, a citation?

7 A. Well, we generally give a warning notice before a
8 citation. It's part of our process.

9 Q. So is that an informal rule or a formal rule that
10 you have warnings come before citations?

11 A. It's an informal rule. It's generally followed.

12 Q. So it appears to me the sense of this is here's a
13 warning, do the following things; and that's what they are
14 saying; is that correct? If you do the following things,
15 then you won't be issued a citation?

16 MR. SIEVERS: Objection. The document speaks for
17 itself.

18 A. Correct.

19 BY MR. DeBRUYNE:

20 Q. Now, after this document was completed, was there
21 a subsequent investigation to make sure that there had been
22 compliance at Northern?

23 A. Yes.

24 Q. Did you conduct that?

1 A. I did.

2 Q. Did you find that they were in compliance?

3 A. No, I did not.

4 Q. Okay. Do you remember the date of your --

5 A. March 14th, 2012.

6 MR. DeBRUYNE: Mark this as Shehane Deposition
7 Exhibit No. 12.

8 (Shehane Exhibit No. 12 was marked for
9 identification by the court reporter.)

10 BY MR. DeBRUYNE:

11 Q. I'm showing you what has been marked as Shehane
12 Deposition Exhibit No. 12, which has your production
13 numbers -- the EPA's production numbers 134 through 136. Do
14 you recall seeing these documents before?

15 A. (Peruses documents.) Yes, I do.

16 Q. Stamped Document No. 134 looks to be a copy of a
17 check to S.T.A.R. Used Tire Disposal, Inc., and an invoice
18 from them. In your mind did this relate to disposal of the
19 tires you saw at the site on your last inspection?

20 A. Yes.

21 Q. Was that important to you to see if there was
22 compliance?

23 A. Yes.

24 Q. Is that one of the things you asked for in your --

1 A. Yes.

2 Q. Then let's look at 135 and 136. These look like
3 receipts from -- let's see; Veolia Orchard Hills Landfill
4 receipts for yard clean-up. Was that important to you to
5 determine whether Northern was complying with your warning
6 notice?

7 A. Yes, it was.

8 Q. What did these two documents, 135 and 136,
9 indicate to you?

10 A. That perhaps they had cleaned up the pile of
11 dumped waste.

12 Q. So was this mailed to you at your Rockford office?

13 A. I believe it was mailed. I don't remember exactly
14 if it was mailed or e-mailed or which way I got it.

15 Q. All right. But after you received this then is
16 it correct that you wanted to go out and do a follow-up
17 inspection?

18 A. Yes.

19 Q. That follow-up inspection, was that the one that
20 occurred on March 14, 2012?

21 A. Yes, it is.

22 MR. DeBRUYNE: I think this would be a convenient
23 time to take a five-minute break or so.

24 THE WITNESS: Okay.

1 (Whereupon, a short recess was taken.)

2 (Shehane Deposition Exhibits Nos. 13 and 14 were
3 marked for identification by the court reporter.)

4 BY MR. DeBRUYNE:

5 Q. Mrs. Shehane, I'm showing you Deposition Exhibits
6 13 and 14. 13 appears to be documents consisting of your
7 record of your inspection of Northern on March 14, and
8 Exhibit 14 are sort of the blown-up pictures of the pictures
9 you took on that day; is that correct?

10 A. That's correct.

11 Q. So let's look at the Narrative Inspection Report
12 Document. It's 005.

13 A. (Complies.) Okay.

14 Q. At this time did you ask permission of anyone at
15 Northern to inspect the site?

16 A. Yes, I believe I did.

17 Q. Who was that?

18 A. Mr. Munson.

19 Q. He said you could inspect the site?

20 A. Yes.

21 Q. Now, in the second paragraph there's a
22 description. You can read it silently; but there's a
23 description of interaction and conversation you had with
24 Mr. Munson. Do you see that?

1 A. Yes, I do.

2 Q. Now, in your second paragraph you state you drove
3 on the property on 9:35. In the fifth paragraph -- sorry;
4 sixth paragraph you say you left the property at about 9:55.
5 So it's correct you spent 20 minutes at the site?

6 A. Yes.

7 Q. Now, when you observed the site, was there anyone
8 from Northern with you?

9 A. No.

10 Q. In the second paragraph where you reference
11 Mr. Munson giving you S.T.A.R Used Tire Disposal receipts
12 and two receipts from Veolia, are those the documents we've
13 already referenced?

14 A. Yes, they are.

15 Q. So those would be Exhibit 12; is that right?

16 A. Correct.

17 Q. Now, with respect to your procedure on this
18 report, was it what you testified to earlier, namely that
19 you inspect the site, you may take some notes, then you go
20 back to your office and you type up the report and you
21 complete the inspection checklist?

22 A. Correct.

23 MR. SIEVERS: Objection as to the prior nature of
24 the testimony.

1 You may answer the question.

2 A. That's correct.

3 BY MR. DeBRUYNE:

4 Q. So let's look at your Open Dump Inspection
5 Checklist.

6 A. (Complies.)

7 Q. You've got No. 5. It says, "Section 21(a): Cause
8 or allow open dumping." You've got that check marked. So
9 when the form says open dumping, let's go back to my example
10 of a plastic waste bag, two cubic feet, all right; and you
11 say it could be that you take into account garbage pickup in
12 deciding whether or not there's dumping, open dumping; is
13 that right?

14 A. Correct.

15 Q. Now, let me look at your pictures. What from your
16 observation and your pictures, if you want to refer to them,
17 led you to conclude there was open dumping?

18 A. Refuse disposed on the ground at a site that
19 didn't meet the requirements for a landfill.

20 Q. So when you say refuse, what pictures that you
21 took are pictures of refuse?

22 A. Photo No. 4.

23 Q. Okay; Photo No. 4. Any other photos?

24 A. Well, Photo No. 5 is landscape waste. That falls

1 under the category of solid waste.

2 Q. Any other photos?

3 A. No.

4 Q. Now, you can refer, if you want, to Photo 4.

5 Let's concentrate on that one or any other photo you want to
6 refer to. When you see that there was refuse, what in that
7 picture specifically is refuse?

8 A. The lumber, looks like fencing, some metal,
9 fabric, tarping, pipes. Also looks like some stones,
10 bricks, telephone pole, pallets.

11 Q. Pallets; okay. Do you know or did you know at the
12 time you were taking the photo where the material in Photo
13 No. 4 came from?

14 A. No.

15 Q. Do you know what any of it was used for prior to
16 your taking the photo?

17 A. No.

18 Q. So your conclusion that it was waste was strictly
19 as a result of your observation?

20 A. Not completely.

21 Q. What else was it a result of?

22 A. A statement Mr. Munson made.

23 Q. When did he make that statement?

24 A. When I had returned to the office.

1 Q. What did he say?

2 A. He said that he tries to tell the guys not to dump
3 the demolition debris, but they don't always listen.

4 Q. What difference did that make in your conclusion
5 that this was waste?

6 A. It just added to my conclusion.

7 Q. If Mr. Munson had not said that, would you have
8 reached the same conclusion that this was waste?

9 A. Yes.

10 Q. Now, let's give an example. In place of this
11 Photo No. 4, let's say there was my example of a two-foot
12 plastic bag full of garbage sitting there in the site; and
13 it says on it -- it has a sign on it DeBruyne residential
14 waste refuse and garbage to be dumped tomorrow. Would you
15 have found a violation, this violation of open dumping of
16 waste if you had seen that?

17 A. I could have, yes.

18 Q. Would you have, though?

19 MR. SIEVERS: Objection; calls for speculation.

20 A. I don't know.

21 BY MR. DeBRUYNE:

22 Q. You're saying, though, there's some judgment
23 involved in your determination as to whether there's a
24 violation in terms of open dumping of waste. It's not

1 strictly observation; you make some judgment.

2 A. There is some, yes.

3 Q. You have some discretion?

4 A. Yes.

5 Q. Is that discretion something that just comes to
6 you internally, or is that from training of any kind?

7 A. It's not exactly training. I guess experience.

8 Q. I'm trying to understand generally what you do.

9 I will attempt to pin you down to the extent that I can;
10 but if you can't be pinned down, I understand that, too.

11 Let me give you an example. Let's say -- I'm, again, going
12 to put words in your mouth or put thoughts in your mind; and
13 you can take the words and thoughts right out. Okay? I'm
14 just trying to understand.

15 If I'm you and I see a little plastic bag full of
16 garbage that says to be dumped the next day, I'm not going
17 to cite somebody because I figure, hey, wait a minute. That
18 thing is going to the dump or it's destined for some other
19 place. It's not a problem. In addition to that, everybody
20 puts this stuff out. Everybody has garbage that is destined
21 for some other place.

22 There's got to be common sense that tells me that
23 they can't remove it immediately from the source of its
24 generation to a permitted landfill. So I have to use my

1 discretion and determine whether or not I'm going to cite
2 them for open dumping of waste. Is that what's in your mind
3 when you look at this kind of thing, again, my two-foot --
4 two-cubic foot packet?

5 A. Things I would consider might be size, background
6 of a facility, prior issues at the facility, weather, you
7 know, odor, et cetera.

8 Q. So let's go then to this Photo 4. In concluding
9 -- and we have, of course, your direct observation. In
10 concluding that Photo 4 was open dumping of waste, did you
11 consider the background of the facility?

12 A. I considered that they had received a previous
13 warning.

14 Q. Did you consider you'd been there on previous
15 occasions? Did you consider the tires and what you had seen
16 on previous occasions there?

17 A. As far as the citation for the tires?

18 Q. No; as far as the citation for the waste, the open
19 dumping of waste. I mean, had you considered what you had
20 seen on the site previously?

21 A. Yes.

22 Q. Did you consider that Northern was a bad -- or had
23 a propensity to dump things in concluding that what you saw
24 in Photo 4 was waste?

1 A. No. It's our process once an ACWN has been
2 issued, the next step is an AC.

3 Q. So one factor was there had been a warning notice,
4 and then you saw this in Photo 4. So that was one factor.
5 The other factor was the observation. Another factor was
6 their background, what you had observed previously at the
7 site?

8 A. Yes.

9 Q. When I say what you had observed previously, that
10 was things that you had observed other than the tires?

11 A. Yes.

12 Q. Because you had previously observed waste, seeing
13 collections of material before; is that correct?

14 A. Correct.

15 Q. But you didn't -- in coming to your conclusion on
16 No. 4, you didn't interview anybody at Northern. I mean,
17 we've got what your conversation was with Mr. Munson. Other
18 than that conversation, you didn't interview anyone?

19 A. Correct.

20 Q. So let me just ask you a general question. You've
21 been working in the Rockford office for six years, and there
22 are all sorts of businesses in Rockford that produce waste.
23 Would you agree with that?

24 A. Yes.

1 Q. In producing waste, my thought would be that
2 typically the businesses take their waste and they put it in
3 a certain place before they take it to the dump. They don't
4 take it directly every time it's produced to the dump.
5 Would that be your understanding?

6 A. Could you ask it one more time?

7 Q. Sure. Maybe I can be more specific to help us out
8 here. Let's say there's a machine shop, and it produces
9 excess metal. It produces dirt. It produces shavings of
10 wood, scraps of various kinds, maybe plastic; and then at
11 the end of the day they sweep it up. They put it in a bag
12 or some container, and then they put it outside in a bin of
13 some sort.

14 Would that be a fair -- would that be your
15 understanding of how, say, businesses like that would work?
16 They would take -- they wouldn't take it immediately to the
17 dump. They would put it in some container at the site?

18 A. That's generally correct.

19 Q. And then after a period of time they take it to a
20 landfill; is that correct?

21 A. Yes.

22 Q. So that would be a fairly typical situation where
23 refuse at some site is being generated, it could be a home
24 owner, but refuse is always being generated, right?

1 A. Right.

2 Q. Then people don't normally take refuse directly
3 from the place of generation and at the time of generation
4 to the landfill, correct?

5 A. Depending on the type of facility it is.

6 Q. All right. But how many -- well, I mean, you tell
7 me. Include residences. I want to be very general here.
8 How many in Winnebago County take their refuse directly from
9 the source of generation and at the time of generation
10 directly to a landfill?

11 A. I wouldn't have a number on that.

12 Q. Well, I don't want a number. For example, home
13 owners don't take it directly to the landfill, correct?

14 A. Correct.

15 Q. And businesses, you said that would be a fairly
16 typical situation where they generate it but they don't take
17 it to the dump right away?

18 A. Correct.

19 Q. So in those situations where a business of any
20 kind -- you can use your imagination. It can be
21 manufacturing, commercial, any kind where they generate
22 refuse but they don't take it to the dump right away. Have
23 you ever in your six years of work here in the Rockford
24 office issued a warning citation or a citation in that kind

1 of situation?

2 A. Nothing is coming to my mind right now; but I have
3 issued a lot of open dumping citations in this region,
4 though.

5 Q. Yes. I understand that.

6 A. Yes.

7 Q. But, I mean, I just want to see if we can get on
8 common ground. Are we on common ground when we say, look,
9 it's a typical situation where a business establishment will
10 generate waste but they will store it in the sense of not
11 permanent storage but for a day or two until their container
12 or wherever they contain this waste is filled and then they
13 take it to the dump or it may be a situation where there's
14 garbage pickup and the garbage truck comes by and picks it
15 up. That's a typical situation, right?

16 A. Yes, it is.

17 Q. So my question is: In that typical situation
18 do you remember ever issuing a warning or a citation for
19 open dumping of waste to some business which has done
20 that?

21 A. Not if it's been in a container, they can prove
22 it's being taken off site for proper disposal.

23 Q. Well, have you ever questioned any business about,
24 say, waste in a container? Gone up and asked them, "When

1 are you going to dump this?"

2 A. I have investigated facilities that have waste in
3 containers.

4 Q. Is that because of complaints from people?

5 A. That and I may have seen it sitting there for a
6 long time.

7 Q. Can you name any business, any investigation?

8 A. There's a site in Earlville that I investigated, a
9 garbage company. I'm trying to think of the name.

10 Q. That's all right; but that was a garbage company.
11 So was that a permitted facility?

12 A. It was not.

13 Q. It was not.

14 A. No.

15 Q. What did they do, run garbage trucks?

16 A. They have roll-up boxes where they contain waste
17 that they bring from, you know, other sites.

18 Q. Do you remember any facility other than that
19 garbage company, like a manufacturing facility or a
20 commercial facility of some sort, say, an office building
21 like this where we produce waste? Some of this paper that's
22 sitting by my desk could be waste. We throw it out. Do you
23 ever investigate them and question them as to why they
24 haven't removed their garbage or waste they have in their

1 cannister outside?

2 MR. SIEVERS: Objection; compound.

3 MR. DeBRUYNE: You can answer.

4 A. No, I can't think of anything.

5 BY MR. DeBRUYNE:

6 Q. Let's look at Exposure 4 again. Now, when you
7 write up your inspection checklist, do you have with you any
8 written material supplied by the EPA containing any
9 explanation of what waste is or the definition of waste when
10 you write it up?

11 A. I always have access to definitions on the
12 computer.

13 Q. When you write this stuff up, do you normally
14 consult that or do you just know what it is and so you don't
15 normally consult it?

16 A. Sometimes I do; sometimes I don't. If I want to
17 refresh my memory, I do. If it's something I don't handle
18 very often, I do.

19 Q. In connection with this investigation at Northern
20 on March of 2012, do you remember whether you looked at any
21 written material from the EPA as far as definitions of
22 waste?

23 A. I don't recall specifically whether I did or not.

24 Q. I think you said earlier in your deposition that

1 you'd had training both from an attorney and from somebody
2 else at EPA. Had you received any training regarding what
3 was considered waste?

4 A. Yes.

5 Q. And was that from a nonattorney?

6 A. Yes.

7 Q. When did you receive that training?

8 A. Probably way back at the beginning when I became
9 certified. I think it was 1995.

10 Q. That's before you went to work for the EPA?

11 A. Right; when I was a delegated inspector.

12 Q. But that training was from the EPA?

13 A. From somebody that was certified already by the
14 EPA.

15 Q. Tell me what the training consisted of.

16 A. Well, we would read the regulations, go over all
17 the checklists, go over different scenarios, and then like
18 six months of on-the-job experience.

19 Q. Now, let's look at Photo No. 4. Do you see
20 anything there that indicates that you're looking at sludge
21 from a waste treatment plant?

22 A. No.

23 Q. Do you see anything there that indicates it is
24 sludge from a water supply treatment plant?

1 A. No.

2 Q. Anything that it's sludge from an air pollution
3 control facility?

4 A. No.

5 Q. Do you see anything that indicates it's garbage?

6 A. No.

7 Q. Do you see anything to indicate that this material
8 is discarded?

9 A. Yes.

10 Q. What tells you that this is discarded?

11 A. The haphazard way it's piled there.

12 Q. If it had been stacked more neatly, say pallets on
13 pallets or all the wood in one section, it had been
14 sectioned off into various categories and material, would
15 that have changed your mind on whether it had been
16 discarded?

17 MR. SIEVERS: Objection; calls for speculation.

18 MR. DeBRUYNE: You can answer.

19 A. Not necessarily.

20 BY MR. DeBRUYNE:

21 Q. If this material had not been on the ground like
22 that but had been in, let's say, a large truck, a dump
23 truck, okay, would you have concluded that it was open
24 dumping of waste?

1 A. A dump truck? Probably not.

2 Q. Why would that be?

3 A. It was off the ground.

4 Q. So it makes a difference whether the material is
5 on the ground or off the ground?

6 A. Yes.

7 Q. Why does that make a difference?

8 A. Well, when it's on the ground, it has a potential
9 of entering the environment.

10 Q. Okay. But if it's in a garbage truck, doesn't it
11 have the ability to enter the environment?

12 A. Well, potentially the air.

13 Q. Okay. Looking at that pile, can you tell me from
14 that pile what could be emitted into the air?

15 A. It could be -- it appears that there is some kind
16 of soil in the section. I mean, I have no idea that there
17 is anything; but if the soil was contaminated, it could be
18 giving off vapors.

19 Q. Let me see what you're looking at here. You're
20 looking at Document 143?

21 A. Yes.

22 Q. And you say that there's some soil there that
23 could emit something into the air?

24 A. Potentially.

1 Q. Well, I don't see it; but I'm not arguing with
2 you. Could you circle or indicate on the Document 143 what
3 you see as soil that could emit -- or the soil that we're
4 talking about?

5 A. (Indicating.)

6 Q. Why don't you mark that just No. 1 on there?

7 A. (Complies.)

8 Q. Now, is there anything that you see in there which
9 could emit anything into the groundwater?

10 A. Again, without knowing if there's soil that has
11 some contamination, that could be left on the ground; and
12 then there is this plastic container in the foreground here
13 (indicating) that could potentially have something in it.

14 Q. Okay. Could you circle it and put No. 2 on that?

15 A. (Complies.)

16 Q. Could I take a look at that, your exhibit?

17 A. (Tenders document.)

18 Q. In concluding that this was waste, though, we've
19 gone into a little bit of detail in the last five minutes.
20 Did you consider the subject of emission into the air or
21 emission into groundwater in reaching your conclusion that
22 this was waste?

23 A. No.

24 Q. Now, on Exhibit 13 look at Document 003, the first

1 page of it. You have across from No. 6 there was a
2 violation of 21(d)(1), again, conducting waste-storage,
3 waste-treatment, waste-disposal operation without a permit;
4 and I think we talked about this before. I think you said
5 that whenever you find waste, you also find this; they are
6 conducting a waste-storage, waste-treatment, waste-disposal
7 operation without a permit. That's sort of a -- I don't
8 want to say throw-in. You can use whatever word you want to
9 use; but you always find that as a violation; is that
10 correct?

11 MR. SIEVERS: Objection. It's a
12 mischaracterization of her testimony.

13 BY MR. DeBRUYNE:

14 Q. Well, is that right or not?

15 A. No, it's not right. Sometimes they have a permit,
16 but there's still an issue.

17 Q. Well, you knew Northern didn't have a permit,
18 right?

19 A. Correct.

20 Q. But you marked down that they were conducting
21 this -- what did you think they were doing, waste storage?

22 A. Waste storage and/or disposal.

23 Q. So did you think that that was the permanent
24 destination for what you were looking at when you say

1 Photo No. 4? Did you think that when you looked at that,
2 that that was going to sit there forever?

3 A. No.

4 Q. What did you think they were going to do with
5 it?

6 A. I believed eventually it would be disposed of.

7 Q. You didn't ask any questions of anyone, though, as
8 to when they were going to dispose of it?

9 A. No.

10 Q. You didn't ask any questions of anyone of when
11 it -- in Photo No. 4 that we've looked at when that was
12 placed on the ground?

13 A. No.

14 Q. You didn't ask any questions of anyone as to what
15 the prior use was of any of the materials you saw in Photo
16 No. 4?

17 A. No, I did not.

18 Q. Now, you marked on Page 003, the opening page of
19 Exhibit No. 13 that this open dumping resulted in litter.
20 What did you -- what photograph indicates litter? You can
21 look at Exhibit 13 or Exhibit 14, and 14 has the clearer
22 photos.

23 A. No. 4 again.

24 Q. No. 4. When you completed this saying litter,

1 what was it that you thought was litter?

2 A. The pile of waste on the ground.

3 Q. Did you have in -- again, you have these
4 definitions, regulations available to you. In connection
5 with the conclusion of litter, did you look at any of those
6 definitions?

7 A. I may have looked at the definition of general
8 construction demolition debris.

9 Q. How about a definition of litter, though?

10 A. No.

11 Q. You did not look at that. When you wrote down
12 litter, what did you have in mind when you wrote it down?

13 A. Open dumped waste.

14 Q. So nothing separate from, say, the definition of
15 waste or your understanding of waste?

16 MR. SIEVERS: Objection. Mischaracterizes her
17 testimony.

18 BY MR. DeBRUYNE:

19 Q. You said open dump waste. That's what you had in
20 your mind?

21 A. Yes.

22 Q. I'm asking: Anything other than that?

23 A. Yes.

24 Q. That's correct?

1 A. Yes.

2 Q. All right. Now, on Document 004 of Exhibit 13 we
3 have a conclusion that there was open dumping of waste in a
4 manner resulting in the deposition of general construction
5 or demolition debris or clean construction or demolition
6 debris. Is this one where you looked at the definition?

7 A. Yes.

8 Q. Let's take a look at the photos again. Do we want
9 to look at Photo No. 4 for this construction debris; is that
10 what you're talking about?

11 A. Yes; uh-huh.

12 Q. So let me run through these definitions. The
13 shorter one is clean construction or demolition debris.
14 From the regulations that is uncontaminated broken concrete
15 without protruding metal bars. Do you see any of that in
16 the photo?

17 A. There might be some concrete in the foreground.
18 It's stones or concrete. Bricks; there's a brick.

19 Q. There's a brick?

20 A. Looks like brick.

21 Q. Do you want to circle it? You still have it
22 circled.

23 A. I'm sorry.

24 Q. Circle it with a No. 3.

1 A. (Complies.)

2 Q. And rest of the definition is rock, stone
3 reclaimed or other asphalt pavement or soil generated from
4 construction or demolition activities. Do you see any of
5 that?

6 A. There's some stones, rocks in the foreground as
7 well.

8 Q. And this definition says generated from
9 construction or demolition activities. How did you conclude
10 that the material you were looking at or circled resulted
11 from construction or demolition activities?

12 A. Well, I mean, it also has lumber, metal, piping.
13 Those are all materials related to structures, and they are
14 a construction demolition company.

15 Q. So you looked at this. You said, okay, this was
16 generated from construction or demolition activities from
17 your knowledge of the fact they were a construction company
18 and it sort of looked like that sort of stuff.

19 MR. SIEVERS: Objection; mischaracterizes her
20 testimony.

21 BY MR. DeBRUYNE:

22 Q. Well, I want you to say how you concluded it. So
23 you say how you concluded it, that it came from construction
24 or demolition activities.

1 A. The material falls under the definition of what is
2 clean --

3 THE COURT REPORTER: I'm sorry?

4 A. The material falls under the definition of clean
5 construction or demolition debris or general construction or
6 demolition debris; and then I also had Mr. Munson's
7 statement.

8 BY MR. DeBRUYNE:

9 Q. You believed that it was generated from
10 construction or demolition activities, or didn't you? I
11 just want to know whether it was in your thought process at
12 the time.

13 A. Yes, it was.

14 Q. All right. Now, general construction or
15 demolition debris is defined as nonhazardous uncontaminated
16 materials resulting from construction, remodeling, repair,
17 and demolition of utilities, structures, and roads limited
18 to the following: Bricks. Do you see any bricks?

19 A. Yes, I think so.

20 Q. You have already circled those.

21 A. Yes.

22 Q. What circle is that?

23 A. 3.

24 Q. 3 is the bricks. Any concrete?

1 A. It's hard to tell if it's concrete or stone
2 but . . .

3 Q. What circle is that?

4 A. Well . . .

5 Q. Want to add another circle?

6 A. (Complies.) 4.

7 Q. That you say is what, bricks or stone?

8 A. Yes.

9 Q. Do you see wood?

10 A. Yes, I do.

11 Q. I see the wood. You don't have to circle that.

12 Did you look -- by the way, this is a definition of general
13 construction or demolition debris. Did you look at that
14 definition at the time you completed this?

15 A. Yes.

16 Q. So it goes on to talk about nonhazardous painted,
17 treated, and coated wood and wood products. Do you see any
18 of that?

19 A. I can't specifically tell if it's treated wood. I
20 just see wood.

21 Q. Do you see any wall coverings?

22 A. No.

23 Q. Plaster?

24 A. No.

1 Q. Drywall?

2 A. I'm not sure about the drywall. Whether that's
3 drywall or just wood.

4 Q. Did you have that in mind, though, when you
5 completed --

6 A. I didn't have drywall in mind, no.

7 Q. How about plumbing fixtures?

8 A. Pipes. I don't know if it's related to plumbing,
9 but there's pipes.

10 Q. Did you have in mind, though, that what you were
11 looking at was a plumbing fixture?

12 A. No.

13 Q. How about nonasbestos insulation?

14 A. No.

15 Q. Roofing shingles?

16 A. No.

17 Q. Replaned or other asphalt pavement?

18 A. I didn't see asphalt.

19 Q. Glass?

20 A. No, not specifically glass.

21 Q. Then plastics that are not sealed in a manner that
22 conceals waste?

23 A. Yeah, there were some plastics.

24 Q. Can you point those out?

1 A. I think it was No. 2.

2 Q. No. 2.

3 A. You have also got this plastic pipe here or HDP or
4 whatever it is.

5 Q. The number of that one?

6 A. No. 5.

7 Q. No. 5; okay. How about electrical wiring?

8 A. No, not specifically.

9 Q. Corrugated cardboard?

10 A. There is cardboard on this section here
11 (indicating).

12 Q. Do you want to circle that and put a number on it?

13 A. (Complies.) 6.

14 Q. No. 6; okay. Then piping or metals incidental to
15 any of those materials. That's the whole list we just went
16 through.

17 A. There are metals in there.

18 Q. Did you have that in mind as you --

19 A. I did have the metals in mind.

20 Q. On Document 004 you have a check mark across from
21 No. 10 that Northern failed to submit an application for a
22 permit to develop and operate a landfill. How did you reach
23 that conclusion?

24 A. It was an unpermitted landfilling operation that I

1 was observing.

2 Q. Did you look on your computer to see if they had a
3 permit?

4 A. For a landfill?

5 Q. Yes.

6 A. Actually I did review their files on the computer,
7 and I did not find a permit.

8 Q. But you concluded that they were operating a
9 landfill?

10 A. Yes.

11 Q. Why?

12 A. Disposal of waste on the land, on the ground.

13 Q. Then you have checked Row 15, a violation of
14 55(k)(1), "Cause or allow water to accumulate in used or
15 waste tires." What photos indicate that?

16 A. 1 and 2.

17 Q. When you look at Photos 1 and 2, did you know when
18 those tires were placed on the ground?

19 A. No.

20 Q. Did you ever figure that out when they were placed
21 on the ground?

22 A. No.

23 Q. There's a rule we talked about of if you're going
24 to have tires, you have to within 14 days take some measures

1 to make sure they don't accumulate water?

2 A. That rule was superceded by a regulation, a
3 statute by this time.

4 Q. By March 14th?

5 A. Yes.

6 Q. So the 14-day rule was out?

7 A. Correct. 55(k)(1) of the Act took effect, which
8 allowed administrative citations for water accumulation in
9 tires at any time.

10 Q. At any time; okay. Do you know when that change
11 was made in the statute?

12 A. I don't know the exact date.

13 Q. Let's look on Document 010. It's Photo No. 3.

14 A. (Complies.)

15 Q. Do you know what the concrete -- it looks like a
16 bell-shaped item.

17 A. No.

18 Q. Did you make any inquiry at any time as to what
19 that was?

20 A. No.

21 Q. Let's look at Photo No. 6, containers of mastic.
22 Now, did you consider that to be waste?

23 A. No, I did not include that in my citation.

24 Q. That's not a violation.

1 A. Correct.

2 Q. Let's look at Photo No. 5, which you typed
3 "Landscape waste piles."

4 A. (Complies.)

5 Q. Do you see that?

6 A. Yes.

7 Q. Why did you consider that landscape waste?

8 A. It appeared to be branches, tree branches.

9 Q. Did it make a difference to you whether the
10 branches had been there for a period of time?

11 A. Well, that would have made a difference.

12 Q. Why would that make a difference?

13 A. I mean, if they had just been cut down that day on
14 site, if they were on-site generated and they were just cut
15 down that day, I mean, that would have made a difference;
16 but I was told differently.

17 Q. What difference would it have made if they were
18 on-site generated?

19 A. They wouldn't have been open dumped.

20 Q. So when you say wouldn't have been open dumped,
21 does that mean they wouldn't have been dumped there from a
22 third party or second party, somebody other than Northern?

23 A. Right. Mr. Munson told me they were fly dumped
24 there.

1 Q. If they had not been fly dumped and they were
2 branches from trees at Northern, would that have made a
3 difference?

4 A. I would have taken it into consideration, yes.

5 Q. When you say you would have taken it into
6 consideration if Mr. Munson had said, "Oh, those are from
7 our own trees," would you have found a violation?

8 A. I would have inquired as to what he was going to
9 do with them.

10 Q. If he said, "We're going to take them to the dump
11 or something," would you have concluded that there was a
12 violation?

13 MR. SIEVERS: Objection; calls for speculation.

14 A. Again, it would be what length of time, you know,
15 when were they going to be taken to the dump.

16 BY MR. DeBRUYNE:

17 Q. What if he says, "I'm taking them tomorrow"?

18 A. Using my discretion I would have checked that he
19 did.

20 Q. Okay. Then you come back the next day, and
21 they're gone.

22 A. Asked for receipts.

23 Q. You get receipts. Is there any violation?

24 A. I wouldn't have cited that for one day.

1 Q. So it sounds to me from what you've said in terms
2 of this tree or limbs from a tree, you do take into account
3 the length of time the tree limbs are on the ground and
4 whether there's a plan for disposal and actual disposal.

5 A. Not really.

6 Q. Why don't you tell me. This is one where I don't
7 want to put words in your mouth. I want you to tell me.
8 Because what I see when I drive around is I see tree limbs
9 all the time in yards. Sometimes they're bundled together.
10 I see them on the sides of roads, in farmers' fields. All
11 the time I see them. Occasionally they are burned. They
12 usually disappear. So I'm wondering if you say this is
13 landscape waste, how do you enforce the statute? What do
14 you take into account?

15 A. For open dumping of landscape waste?

16 Q. Yes.

17 A. In this case it clearly was a violation because
18 they were fly dumped there. So that would have been -- I
19 mean, that was included in my open dumping citation.

20 Q. Okay. Had they not been fly dumped -- that was
21 what you had in mind in concluding that there was a
22 violation, that there was a fly dumping. That's what you
23 had in your mind?

24 A. Yes.

1 Q. So apart from fly dumping, what I'm asking you
2 is -- I will give you an example. I have a tree in my yard
3 and a limb falls down and you're driving by. Do you cite
4 me?

5 A. Probably not.

6 Q. Why not?

7 A. It's material generated on your property; and a
8 landscape waste can't go into a landfill, anyway. I mean,
9 it's banned from landfills.

10 Q. Where does it go then?

11 A. We have to go -- you could chip it up and use it
12 if it's generated on your property. You could take it to a
13 compost site, if they will accept it.

14 Q. All right. So what makes a difference to you is
15 if it's material generated from your own site?

16 A. That's one of the things.

17 Q. What's another thing that makes a difference?

18 A. If it's a nuisance. If you get landscape waste
19 piled up long enough, even if it's your own, it can cause
20 leachate. It can smell.

21 Q. So the length of time it sits there is a
22 consideration?

23 A. For landscape waste to cause a nuisance.

24 Q. In this case if the material had been -- the

1 landscape waste had been there for just one day and it had
2 been generated on site, you would not have found a
3 violation?

4 A. I can't say with certainty. I mean, there is a
5 little discretion. I mean, I could have given a warning.
6 Like I said, our process is to give a warning; and then if
7 it happens again, people may not be listening.

8 Q. So let me give you sort of a general example that
9 we both may be familiar with. There's fall clean-up and
10 spring clean-up here in northern Illinois where in the
11 winter you have ice storms and things and branches fall
12 down. So there's spring clean-up.

13 Then in fall you've got the leaves that have
14 fallen; and you might have tree trimming, et cetera, some
15 branches may have fallen. So it's typical to have fall
16 clean-up and spring clean-up. You're aware of that, right?

17 A. Uh-huh.

18 Q. Okay. So in your six years have you ever cited
19 anyone as far as landscape waste for fall clean-up or spring
20 clean-up?

21 A. No.

22 Q. In both those situations you might have -- you
23 would have limbs on the ground and, you know, they are
24 usually stacked in a pile, right?

1 A. Usually.

2 Q. Yeah, usually; but you've never -- so why in the
3 case of spring or fall clean-up wouldn't you issue a warning
4 or a citation for landscape waste?

5 A. On a residential property?

6 Q. A residential, yes. Start with residential, yeah.

7 A. Well, if there were no complaints, odors, we
8 probably have -- it's probably more of a minor thing. We
9 have a lot of other things to deal with.

10 Q. Now, have you looked at the administrative
11 citation in this case? Again, I haven't marked it. It's
12 the complaint in this case, the formal pleading.

13 A. Oh, yes.

14 Q. You did?

15 A. Yes.

16 Q. Did you have any part in formulating the
17 allegations in that citation?

18 A. No. I just submit my inspection report, and they
19 take it from there.

20 Q. Now, I don't want to get in trouble with your
21 lawyer, so I'm not asking you what you said to any lawyer or
22 what any lawyer said to you. But my question to you is:
23 Did you talk to any lawyer with respect to the
24 administrative citation filed against Northern in this case?

1 A. No.

2 MR. DeBRUYNE: Let's mark this as 15.

3 (Shehane Deposition Exhibit No. 15 was marked for
4 identification by the court reporter.)

5 BY MR. DeBRUYNE:

6 Q. I'm directing your attention to Shehane Deposition
7 Exhibit No. 15. This is what I'm talking about as far as
8 the administrative citation. Again, my question is: Did
9 you talk to any lawyer with respect to the allegations in
10 this citation?

11 A. A lawyer reviews it, but I didn't talk to them
12 about it.

13 Q. Okay. So here's what I'm understanding. Again,
14 I'm putting words in your mouth for you to take out. I'm
15 trying to shorten it up, so I'm not trying to gain any
16 advantage here.

17 I'm looking at Exhibit 13, which is your Open Dump
18 Inspection Checklist; and what I understand you're telling
19 me is that you completed this and that was your only
20 involvement with respect to what actually happened, what
21 actually ended up in this administrative citation.

22 MR. SIEVERS: Objection; mischaracterizes her
23 testimony.

24 A. I do the inspection report, prepare the inspection

1 report, give it to my supervisor. He forwards it to an
2 attorney who reviews it; either okays it or nixes it. Then
3 it goes out.

4 BY MR. DeBRUYNE:

5 Q. So in this case we don't see in this
6 administrative citation allegations about a violation of
7 21(d)(1) or (2). My question is: Did you have any
8 conversations with your supervisor regarding those
9 violations you found and why or why not they would be
10 included in an administrative citation?

11 A. Only certain violations are allowed to be the
12 subject of an administrative citation. You can't do an
13 administrative citation on all violations.

14 Q. Why not?

15 A. It's in the --

16 MR. SIEVERS: Objection.

17 BY MR. DeBRUYNE:

18 Q. Go ahead.

19 MR. SIEVERS: It calls for a legal conclusion.

20 MR. DeBRUYNE: You can answer.

21 A. The Act specifies which violations can be the
22 subject of an administrative citation.

23 BY MR. DeBRUYNE:

24 Q. I see. Is one that is not permitted 21(d)(1) and

1 (2)?

2 A. Correct.

3 Q. What type of pleading does that have to be the
4 subject of?

5 MR. SIEVERS: Objection. Again, calls for a legal
6 conclusion.

7 A. That if you wanted to address those through a
8 violation notice.

9 BY MR. DeBRUYNE:

10 Q. Yes. I'm saying here we have an administrative
11 citation. I'm just wondering what is the other type of
12 legal action to address a waste storage, waste treatment, or
13 waste disposal operation.

14 A. Right.

15 MR. SIEVERS: Again, continuing objection to
16 calling for a legal conclusion.

17 BY MR. DeBRUYNE:

18 Q. Do you know what the answer to the question is?

19 A. The enforcement process through violation notice.

20 Q. With respect to Shehane Deposition Exhibit 15,
21 when is the first time you saw that?

22 A. I was mailed a copy by Springfield after it was
23 prepared.

24 Q. After you received it did you talk to anyone about

1 it?

2 A. No.

3 MR. DeBRUYNE: Why don't we take a two-minute
4 break. I'm close to the end here.

5 (Whereupon, a short recess was taken.)

6 BY MR. DeBRUYNE:

7 Q. Could you take a look at your Deposition
8 Exhibit 14 at Photo No. 4, Page 138?

9 A. (Complies.)

10 Q. Do you see anything in that photo that could be
11 blown away by wind?

12 A. Yes, potentially.

13 Q. What would that be?

14 A. I think it looks like fabric or plastic-type
15 tarping or just fabric.

16 Q. Could you circle that and put the next number on
17 there?

18 A. (Complies.) That would be 7 (indicating).

19 MR. DeBRUYNE: I have no further questions.

20 MR. SIEVERS: I have a couple follow-up questions
21 for Mrs. Shehane.

22 EXAMINATION

23 BY MR. SIEVERS:

24 Q. Other than statutory or regulatory provisions that

1 concern the accumulation of water in tires, to your
2 knowledge are there other provisions that concern the
3 storage of tires?

4 A. Yes.

5 Q. What are the other -- strike that.

6 What other concerns are there about tire storage
7 other than the accumulation of water?

8 A. There's provisions for separation from a building
9 distances, fire prevention provisions. You have to use a
10 registered tire transporter to transport more than 20 tires.
11 They have to be stored away from vegetation and so forth to
12 prevent more of the mosquito breeding.

13 Q. When you prepare an inspection report after having
14 conducted an inspection, is your report a summary of
15 conversations you've had with people in the course of your
16 inspection or is it a verbatim report of every conversation
17 you had in the course of the inspection?

18 MR. DeBRUYNE: Objection. Leading; asked and
19 answered.

20 You can answer.

21 MR. SIEVERS: You may answer.

22 A. More of a summary. I usually don't write verbatim
23 reports.

24 BY MR. SIEVERS:

1 Q. Does your inspection report document every
2 observation you have in the course of your inspection?

3 A. No.

4 Q. When you prepare your inspection report, and you
5 determine what violations you believe were committed at a
6 site, do you solely rely upon the photographs from that site
7 or may you also rely on your memory?

8 MR. DeBRUYNE: Objection. Asked and answered and
9 leading.

10 A. Both. I think both come into play.

11 BY MR. SIEVERS:

12 Q. So your memory is an aspect you rely upon separate
13 from or in addition to photographs in preparing an
14 inspection report?

15 A. Yes.

16 Q. So when you prepared the inspection report on
17 March 14, 2000- -- strike that.

18 When you prepared the inspection report from
19 your inspection on March 14, 2012, you relied upon your
20 memory as well as the photographs from that inspection; is
21 that right?

22 A. That's right.

23 Q. So any citations that came from the debris pile
24 that are in your Exposure No. 4 in your report, those

1 violations, they could be both observed in the photograph
2 but also recalled in your memory; would that be correct?

3 MR. DeBRUYNE: Objection. Leading; asked and
4 answered.

5 A. It would be correct.

6 BY MR. SIEVERS:

7 Q. If refuse or construction or demolition debris
8 were generated on site, are there ways it could be stored on
9 site properly prior to disposal?

10 A. Yes.

11 Q. What are some of those ways?

12 A. Placed in a roll-off container covered to prevent,
13 you know, water and leachate generation.

14 Q. Are there any other ways it could be kept?

15 A. Kept inside.

16 Q. Inside what?

17 A. Inside a building. Just covered.

18 Q. If waste were in a dumpster or roll-off box or
19 garbage can for an extended period of time, would there be a
20 point that you might determine that that waste had been open
21 dumped?

22 A. Yes, there could be an investigation of that
23 waste.

24 Q. So the mere fact that the waste was containerized

1 or placed in a container wouldn't necessarily mean that it
2 was properly stored?

3 A. Correct.

4 Q. When you inspect commercial facilities, do you
5 often see materials and supplies that are preserved or
6 protected from the elements?

7 A. Yes.

8 Q. Does the fact that that material is preserved or
9 protected from the elements factor into whether you view
10 that as being waste or not?

11 MR. DeBRUYNE: Objection; leading.

12 A. Yes, it does.

13 BY MR. SIEVERS:

14 Q. In your Photo No. 4 from your inspection, which is
15 shown on Bates No. 138 of Shehane Deposition Exhibit No. 14,
16 did you observe anything in that photograph that showed the
17 materials there were preserved or protected from the
18 elements?

19 A. No, I did not.

20 Q. Separate and apart from the photograph, do you
21 recall seeing anything around that pile that is depicted in
22 that exposure that indicated those materials were preserved
23 and protected from the elements?

24 A. No.

1 Q. Let me call your attention to Exposure No. 3 on
2 Deposition Exhibit No. 14, Bates Page No. 138. Are there
3 tires shown in that photograph?

4 A. Yes, there are.

5 Q. Is there anything that indicates to you in that
6 photograph that those tires are stored in such a way that
7 water could not accumulate in them?

8 A. No.

9 Q. Is that photograph also a basis for your citation
10 of the violation of Section 55(k)(1) in your report?

11 MR. DeBRUYNE: Objection; leading.

12 A. No, it is not.

13 MR. SIEVERS: I have nothing further.

14 MR. DeBRUYNE: I have a few more questions.

15 EXAMINATION

16 BY MR. DeBRUYNE:

17 Q. Mrs. Shehane, you answered in response to
18 Mr. Sievers' questions that it would make a difference as
19 to your finding of whether there was a deposition -- whether
20 there was waste resulting in construction debris whether
21 the facility used a roll-off container, used covering, a
22 garbage can or a dumpster; is that correct?

23 A. Correct.

24 Q. Do you know of any regulation or anything in the

1 EPA which specifies that, that is, covering or use of a
2 garbage can or dumpster or container which would make any
3 difference as to whether you as an inspector would find that
4 there was waste or construction debris?

5 A. Repeat that. I'm sorry. Can you just please
6 repeat that?

7 Q. Do you know whether there is anything in the
8 Environmental Protection Act or any regulations thereunder
9 which relate to whether a roll-off container, any covering,
10 a garbage can or a dumpster containing waste or construction
11 debris would relate to your finding of waste or waste
12 resulting in the deposition of construction debris?

13 A. I think if wood and so forth was covered and
14 protected and organized in such a way that it didn't appear
15 to be waste, there is an issue there.

16 Q. So I'm looking, though, for do you know right now.
17 Do you know of any regulation or anything in the act which
18 references that?

19 A. A bit with tires.

20 Q. I'm not talking about tires. I'm just talking --

21 A. No.

22 Q. You're saying you don't know there is not, but you
23 just don't know of any?

24 A. No, I can't think of any.

1 Q. But Mr. Sievers said would this make a difference
2 to you if there was a roll-off container, a covering, a
3 garbage can or a dumpster; and you said, yes, it would,
4 okay, in terms of your finding of waste or general
5 construction debris. Is that correct that was what your
6 answer was?

7 A. Well, in the definition of disposal it does say
8 placement deposition of waste onto the ground so that it can
9 enter the land or water. So if it's in a container, a
10 garbage container, it is prevented from being in the ground
11 temporarily at least before it goes to the landfill.

12 Q. In your training have you ever been trained or
13 instructed by anyone that a roll-off container, any kind of
14 covering or garbage can or dumpster, makes a difference in
15 whether or not you would find waste or waste resulting in
16 litter or construction debris of any kind?

17 A. Yes. I think my training has taught me to believe
18 that something in a container at least short-term is not
19 open dumping. If it's on the ground, directly on the
20 ground, it is.

21 Q. And where did you get that training?

22 A. I think it's just through my years of experience.
23 That's the interpretation that we -- that I work with.

24 Q. You don't recall any specific training, though?

1 A. No.

2 MR. DeBRUYNE: No further questions.

3 MR. SIEVERS: I have nothing further.

4 (Whereupon, at 12:10 p.m. the deposition was
5 concluded.)

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I, DONNA SHEHANE, hereby certify that I have read the foregoing transcript of my deposition in the case of Illinois Environmental Protection Agency vs. Northern Illinois Service Company, Case No. AC 12-51 on October 22, 2013, consisting of Pages 1 through 98, inclusive, and have listed all corrections or changes on the attached sheet, and I do again subscribe and make oath that the same is a true, correct, and complete transcript of my deposition as aforesaid as it now appears.

Deponent

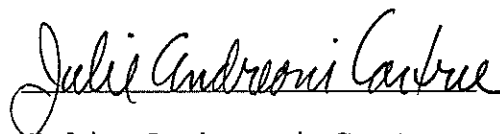
Date

C E R T I F I C A T E

1
2
3 I, JULIE ANDREONI CASTREE, Certified Shorthand
4 Reporter and Registered Professional Reporter do hereby
5 certify that I am a court reporter transcribing from in
6 shorthand the testimony of Mrs. Donna Shehane on October 22,
7 2013; that signature was reserved; and that the foregoing is
8 a true and correct transcript of my shorthand notes so taken
9 aforesaid.

10 I further certify that I am neither counsel for
11 nor related to nor employed by any of the parties to this
12 action and that I am not a relative or employee of any
13 counsel employed by the parties hereto or financially
14 interested in the action.

15 Dated at Rockford, Illinois, this 5th day of
16 November, 2013.

17
18 

19 Julie Andreoni Castree

20 Certified Shorthand Reporter,

21 Illinois License No. 84-002367
22
23
24

Electronic Filing - Received, Clerk's Office : 02/18/2014
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist

County: Winnebago LPC#: 2010301120 Region: 1 - Rockford
 Location/Site Name: Rockford/Northern Illinois Service
 Date: 03/14/2012 Time: From 9:35 am To 9:55 am Previous Inspection Date: 12/07/2011
 Inspector(s): Shehane Weather: 61 °F, SSW winds @ 15 mph; cloudy
 No. of Photos Taken: # 6 Est. Amt. of Waste: 75 yds³ Samples Taken: Yes # _____ No
 Interviewed: Paul Munson Complaint #: _____
 Latitude: 42.22122 Longitude: -89.02172 Collection Point Description: Center of Site -
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation -

Responsible Party Mailing Address(es) and Phone Number(s):

Northern Illinois Service Attention: Paul Munson 4781 Sandy Hollow Road Rockford, IL 61109	
---	--

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

EXHIBIT

Shehane 13

10-27-13 .JLC

LPC # 2010301120

Inspection Date: 03/14/2012

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:	55(k)(1) Cause or Allow water to accumulate in used or waste tires	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

2010301120 – Winnebago County
Rockford/Northern Illinois Service

NARRATIVE INSPECTION REPORT DOCUMENT

On March 14, 2012, I (Donna Shehane) conducted a follow-up inspection at Northern Illinois Service, located at 4781 Sandy Hollow Road, Rockford, IL 61109. The last inspection of this facility occurred on December 7, 2011, for which an Open Dump Administrative Citation Warning Notice was issued. The weather at the time of this inspection was 61 °F with SSW winds at 15 mph and cloudy skies.

I drove onto the property at approximately 9:35 am and met with Mr. Paul Munson in the office. Mr. Munson provided me with a tire disposal receipt from S.T.A.R. Used Tire Disposal dated February 21, 2012 for the pickup of used tires, as well as two receipts from Veolia ES Orchard Hills Landfill dated February 8, 2012 for waste/construction and demolition debris disposal. Mr. Munson stated that he had not yet submitted the registration form and \$100 annual fee for 2011, but would submit them shortly. He then allowed me to access the yard area to conduct an inspection.

I observed four large tires at the southwest corner of the site and took two photographs which document water accumulation in the tires (See photos # 1 and # 2). I also observed a few on-rim tires, as well as several used tires hooked together with chains (See photo # 3).

As on December 7, 2011, and an earlier inspection on September 15, 2009, I observed a pile of open dumped waste, including construction or demolition debris, on the ground (See photo # 4). The waste in this pile included lumber, plastic, fabric, metal, white pipe, and other miscellaneous debris. Back in the office, I reminded Mr. Munson that this facility is not allowed to bring off-site generated waste to this property for disposal and/or further transfer to a disposal site, as that constitutes a waste transfer station that must be permitted by the Agency. Mr. Munson stated that “he tries to tell the guys” not to dump the materials from demolitions but they don’t always listen.

Photo # 5 was taken toward the southeast of a few piles of landscape waste on the property, which Mr. Munson stated were fly-dumped there. I then took photo # 6 of buckets/containers which, according to Mr. Munson contained mastic to be used by the facility.

I left the property at about 9:55 am

Northern Illinois Service was found to be out of compliance at the time of this inspection. Apparent violations noted:

1. Section 21(a) of the Act.
2. Section 21(d)(1) of the Act.
3. Section 21(d)(2) of the Act.

IEPA - CERCLA - RCRA - DDT/PCB MANAGEMENT
FILE

APR 23 2012

REVIEWER MED

4. Section 21(e) of the Act.
5. Section 21(p)(1) of the Act.
6. Section 21(p)(7) of the Act.
7. Section 55(k)(1) of the Act.
8. Section 812.101(a) of 35 IAC Subtitle G.

END NARRATIVE BY DONNA SHEHANE

Print this page in a more readable format: Click Print next to the upper-right corner of the map.



4781 Sandy Hollow Rd, IL 6110942.2239103168249 -89.0237476676703



State of Illinois
 Environmental Protection Agency
 Site Sketch

Date: 3/14/2012

County: Winnebago

Site Code: 2010301120

Inspector: Sheehan

Site Name: Northern
 Illinois
 Service

Time: 9:35 - 9:55
am am

NOT TO SCALE
 2010301120 N031412-001-
 006

RECEIVED
 Division of Legal Counsel
 APR 09 2012

**The appearance of some of the images
following this page is due to**

Poor Quality Original Documents

and not the scanning or filming processes.

**Com Microfilm Company
(217) 525-5860**

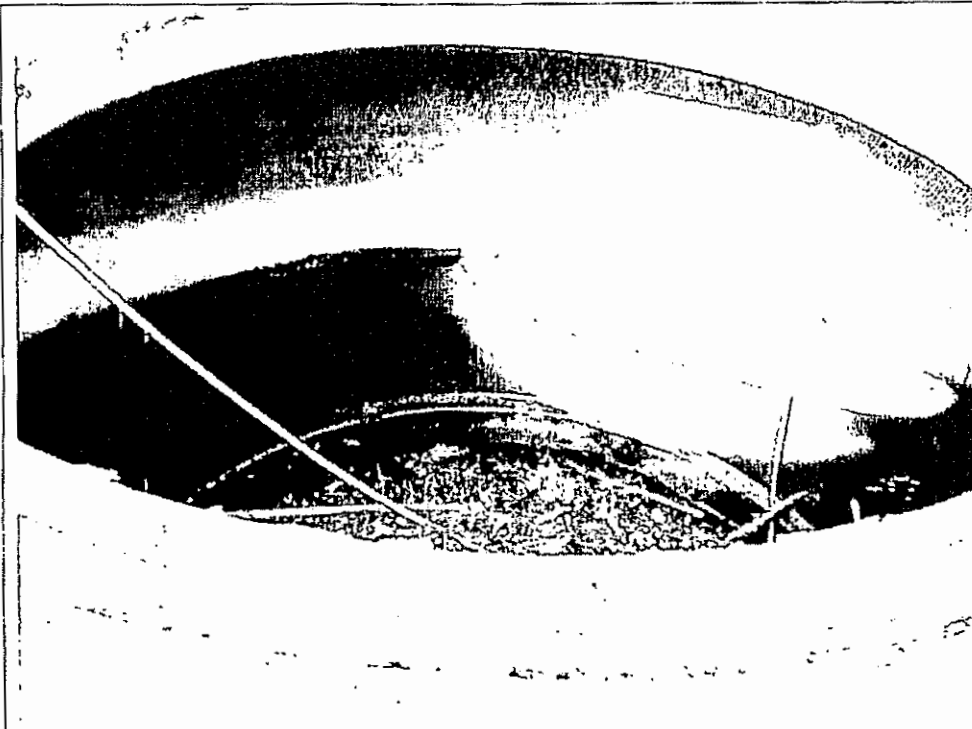


Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

2010301120 Winnebago County
Rockford/Northern Illinois Service
FOS File

DIGITAL PHOTOGRAPHS

File Names: 2010301120 -031412-001-006



Date: 03/14/2012
Time: 9:40 am
Direction: SW
Photo by: Shehane
Exposure #: 001
Comments: water
accumulation in used
tire



Date: 03/14/2012
Time: 9:40 am
Direction: W
Photo by: Shehane
Exposure #: 002
Comments: water
accumulation in used
tire

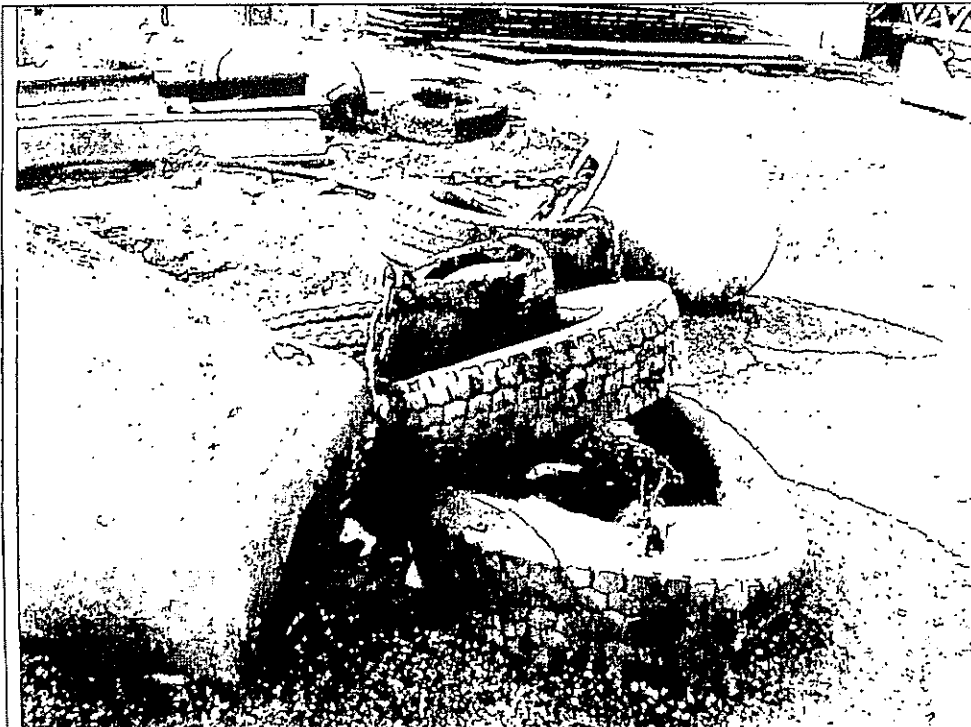


Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

2010301120 t Winnebago County
Rockford/Northern Illinois Service
FOS File

DIGITAL PHOTOGRAPHS

File Names: 2010301120-031412-001-006



Date: 03/14/2012
Time: 9:43 am
Direction: S
Photo by: Shehane
Exposure #: 003
Comments: Used tires
chained together



Date: 03/14/2012
Time: 9:44 am
Direction: S
Photo by: Shehane
Exposure #: 004
Comments: pile of
open dumped waste
including plastic,
lumber, metal, etc.



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

2010301120 t Winnebago County
Rockford/Northern Illinois Service
FOS File

DIGITAL PHOTOGRAPHS

File Names: 2010301120-031412-001-006



Date: 03/14/2012
Time: 9:46 am
Direction: SE
Photo by: Shehane
Exposure #: 005
Comments: landscape
waste piles



Date: 03/14/2012
Time: 9:49 am
Direction: N
Photo by: Shehane
Exposure #: 006
Comments: containers
of mastic



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

2010301120 — Winnebago County
Rockford/Northern Illinois Service
FOS File

DIGITAL PHOTOGRAPHS

File Names: 2010301120~031412-001-006

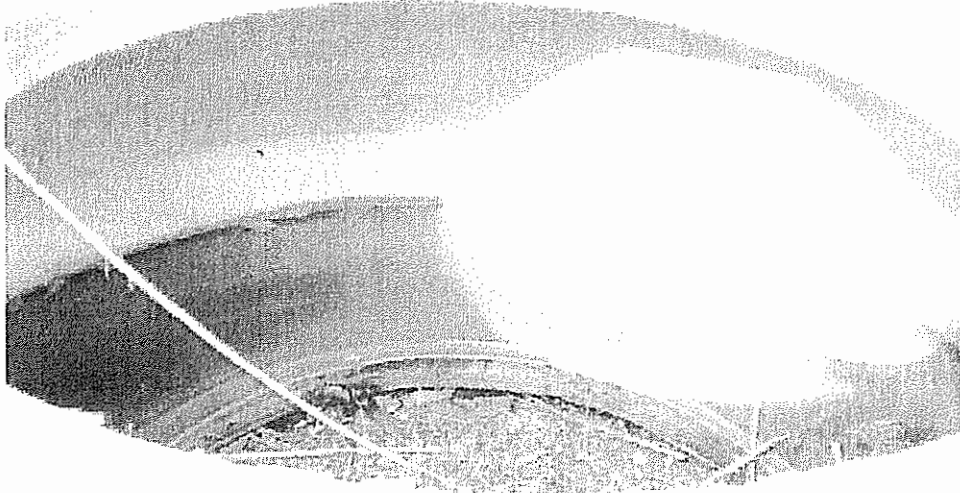
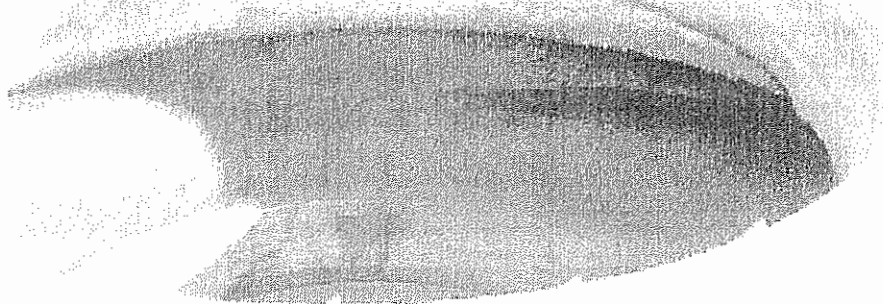
	<p>Date: 03/14/2012 Time: 9:40 am Direction: SW Photo by: Shehane Exposure #: 001 Comments: water accumulation in used tire</p>
	<p>Date: 03/14/2012 Time: 9:40 am Direction: W Photo by: Shehane Exposure #: 002 Comments: water accumulation in used tire</p>

EXHIBIT
Shehane 14
10-22-13 JAC
PENGAD 800-631-6989

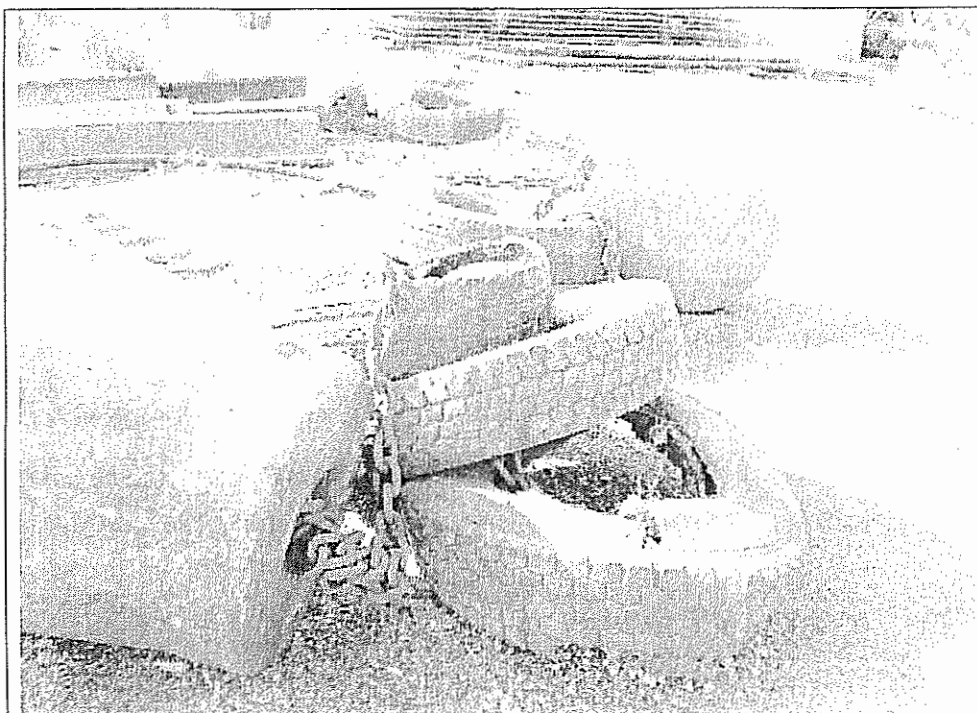


Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

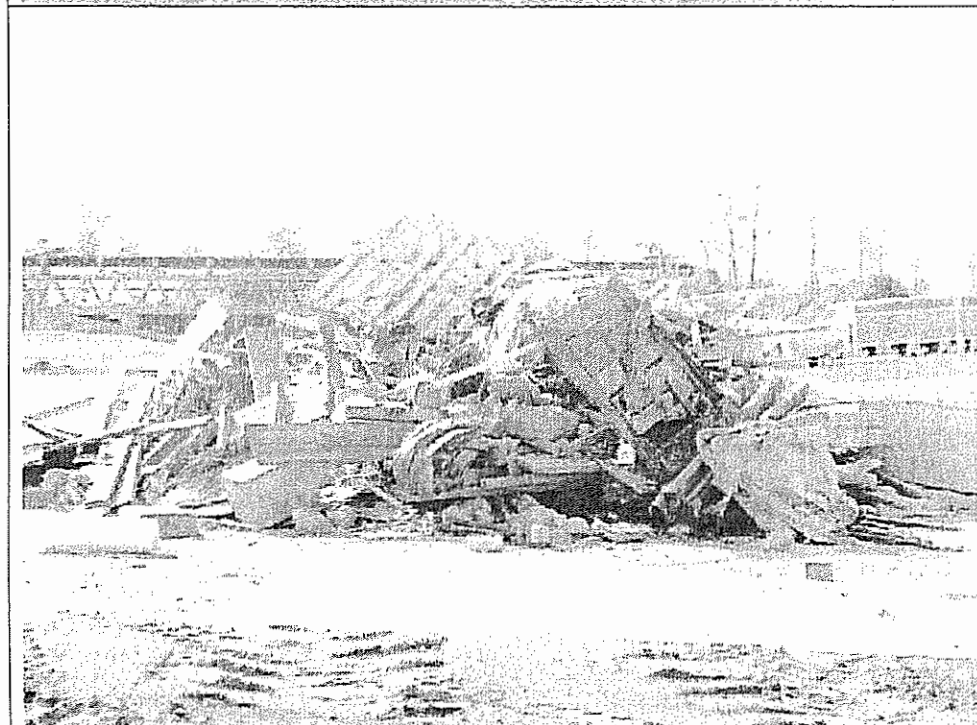
2010301120 — Winnebago County
Rockford/Northern Illinois Service
FOS File

DIGITAL PHOTOGRAPHS

File Names: 2010301120-031412-001-006



Date: 03/14/2012
Time: 9:43 am
Direction: S
Photo by: Shehane
Exposure #: 003
Comments: Used
tires chained
together



Date: 03/14/2012
Time: 9:44 am
Direction: S
Photo by: Shehane
Exposure #: 004
Comments: pile of
open dumped waste
including plastic,
lumber, metal, etc.



Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

2010301120 — Winnebago County
Rockford/Northern Illinois Service
FOS File

DIGITAL PHOTOGRAPHS

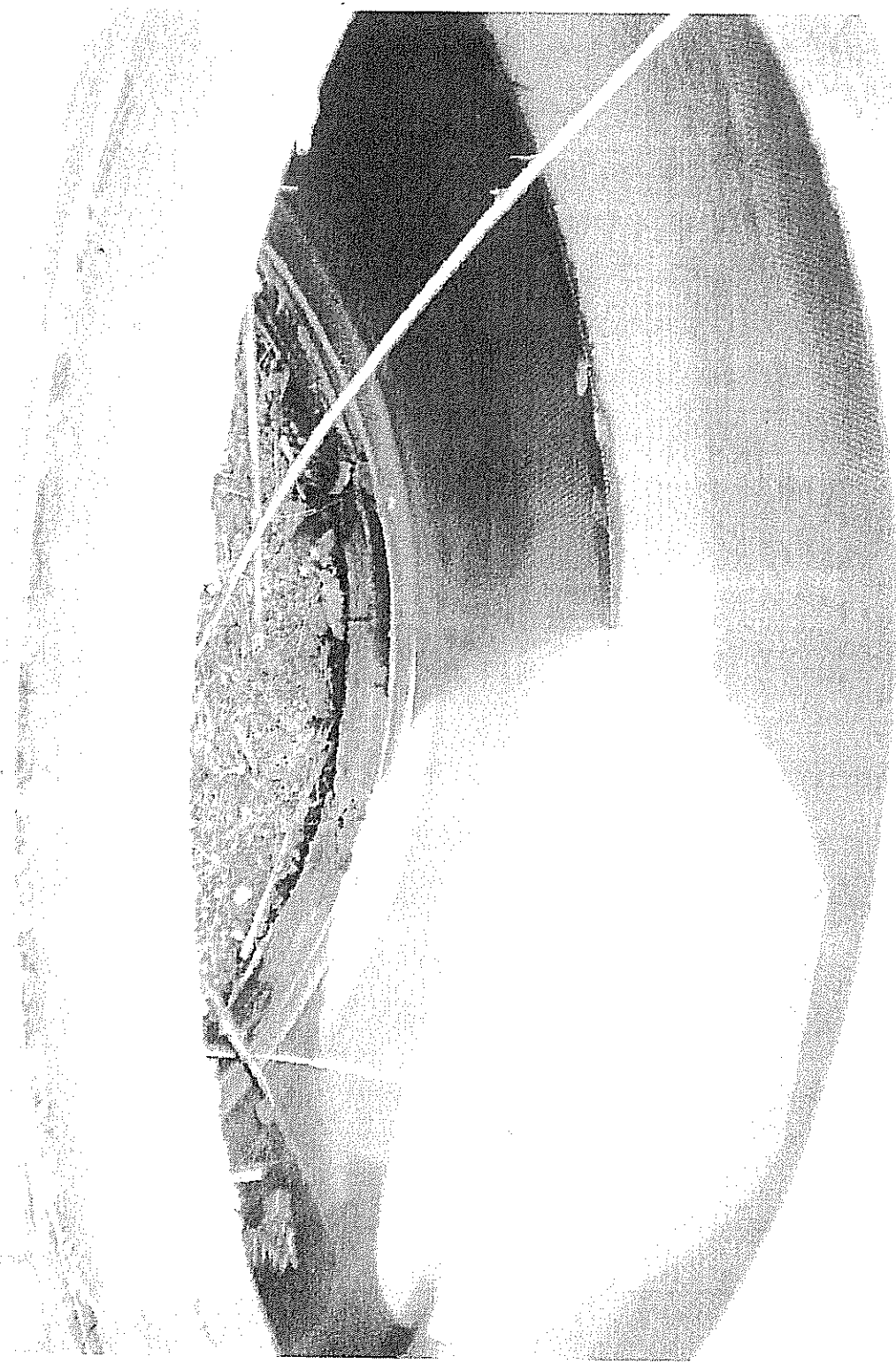
File Names: 2010301120~031412-001-006

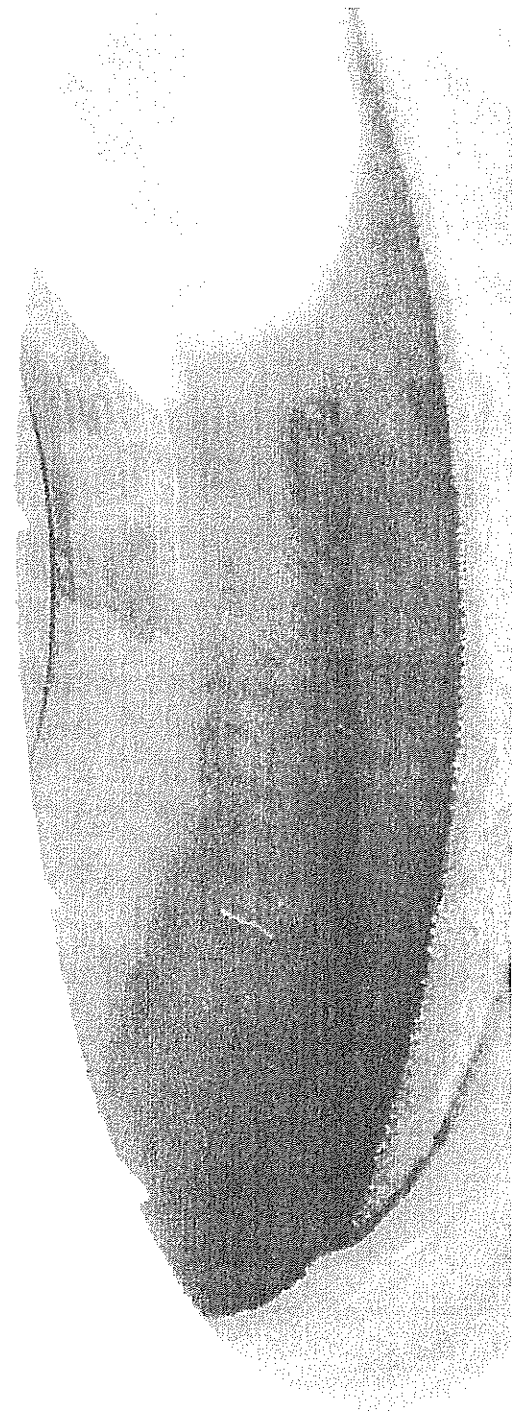


Date: 03/14/2012
Time: 9:46 am
Direction: SE
Photo by: Shehane
Exposure #: 005
Comments:
landscape waste
piles



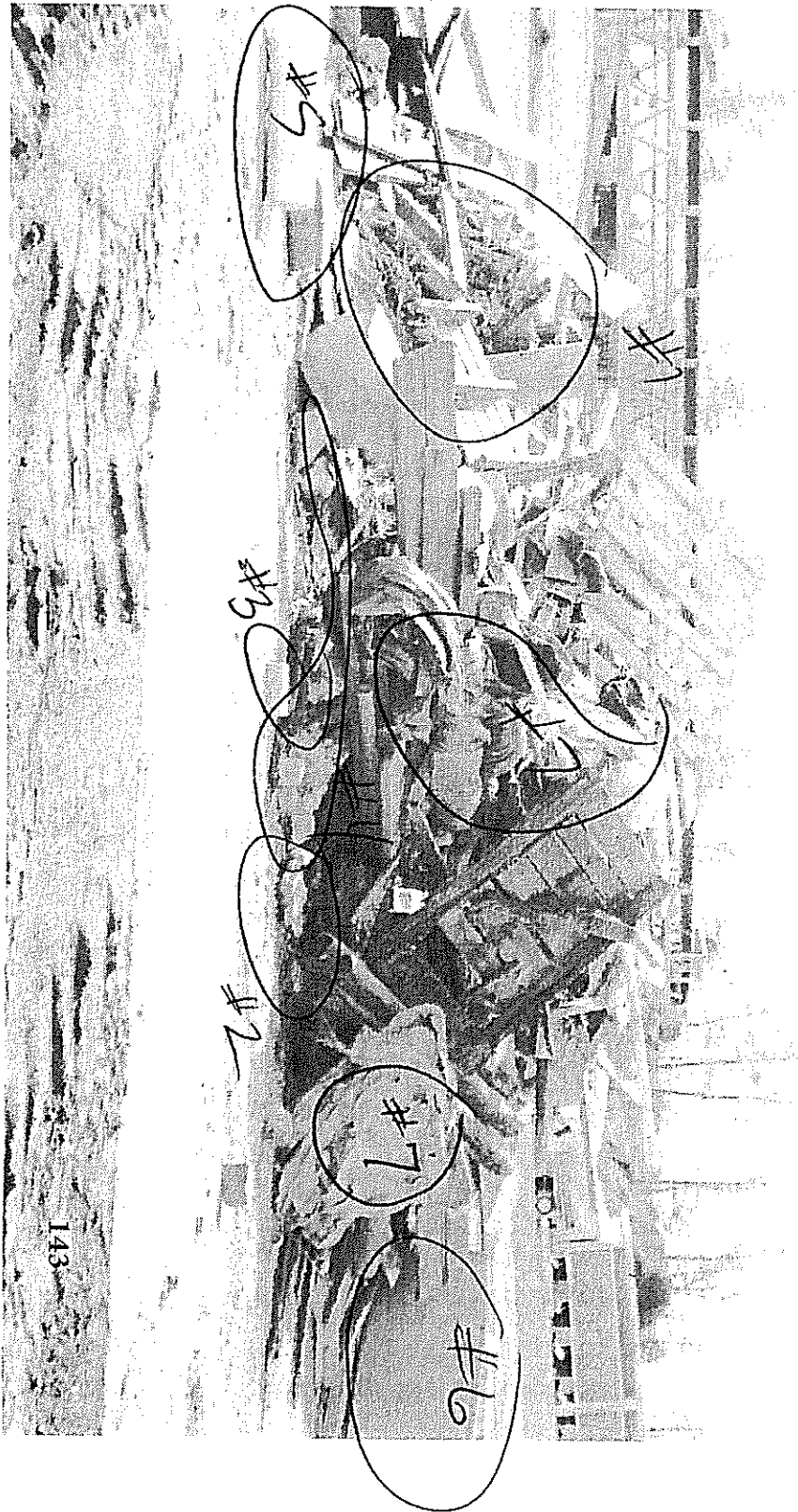
Date: 03/14/2012
Time: 9:49 am
Direction: N
Photo by: Shehane
Exposure #: 006
Comments:
containers of mastic

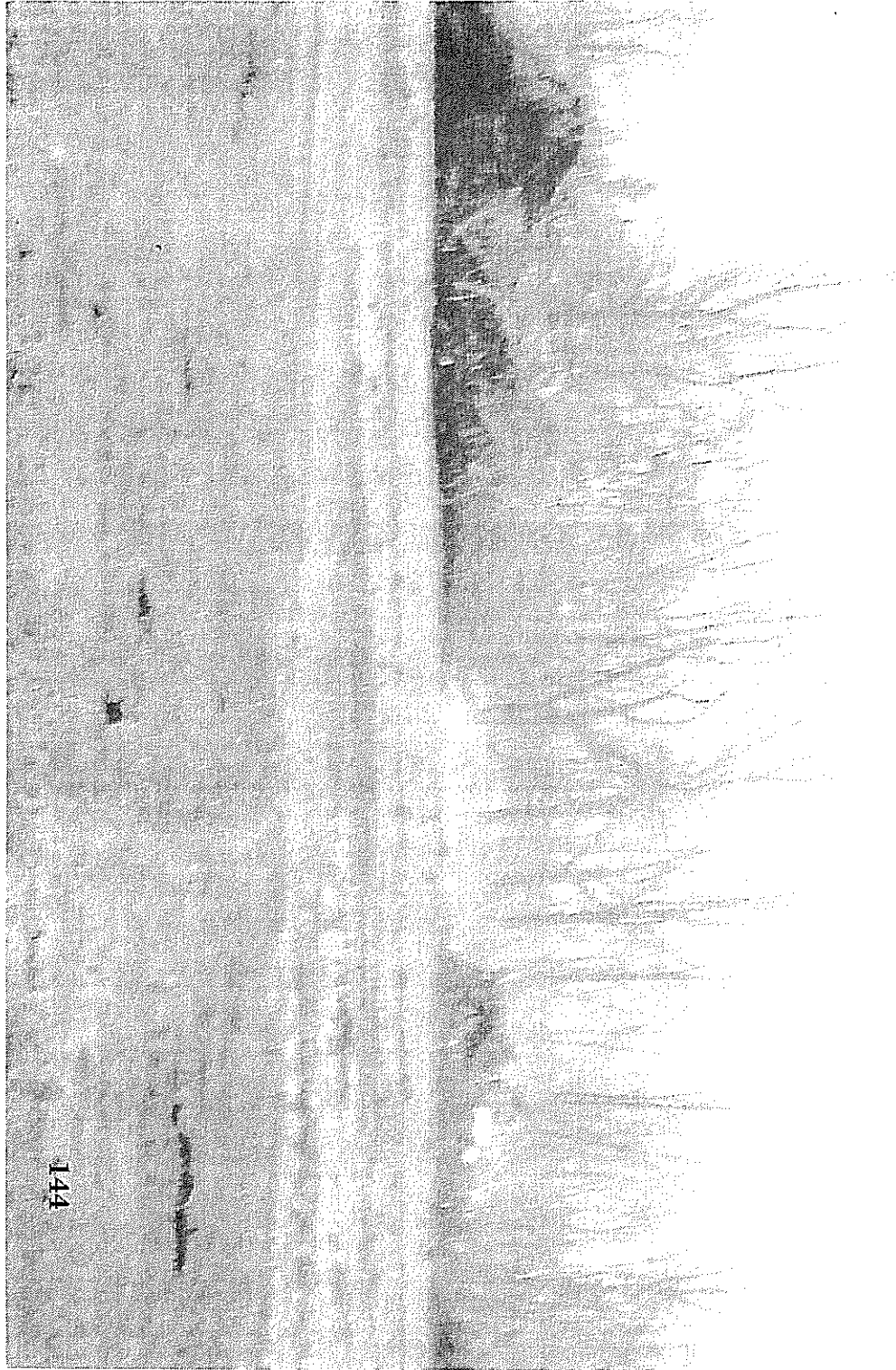


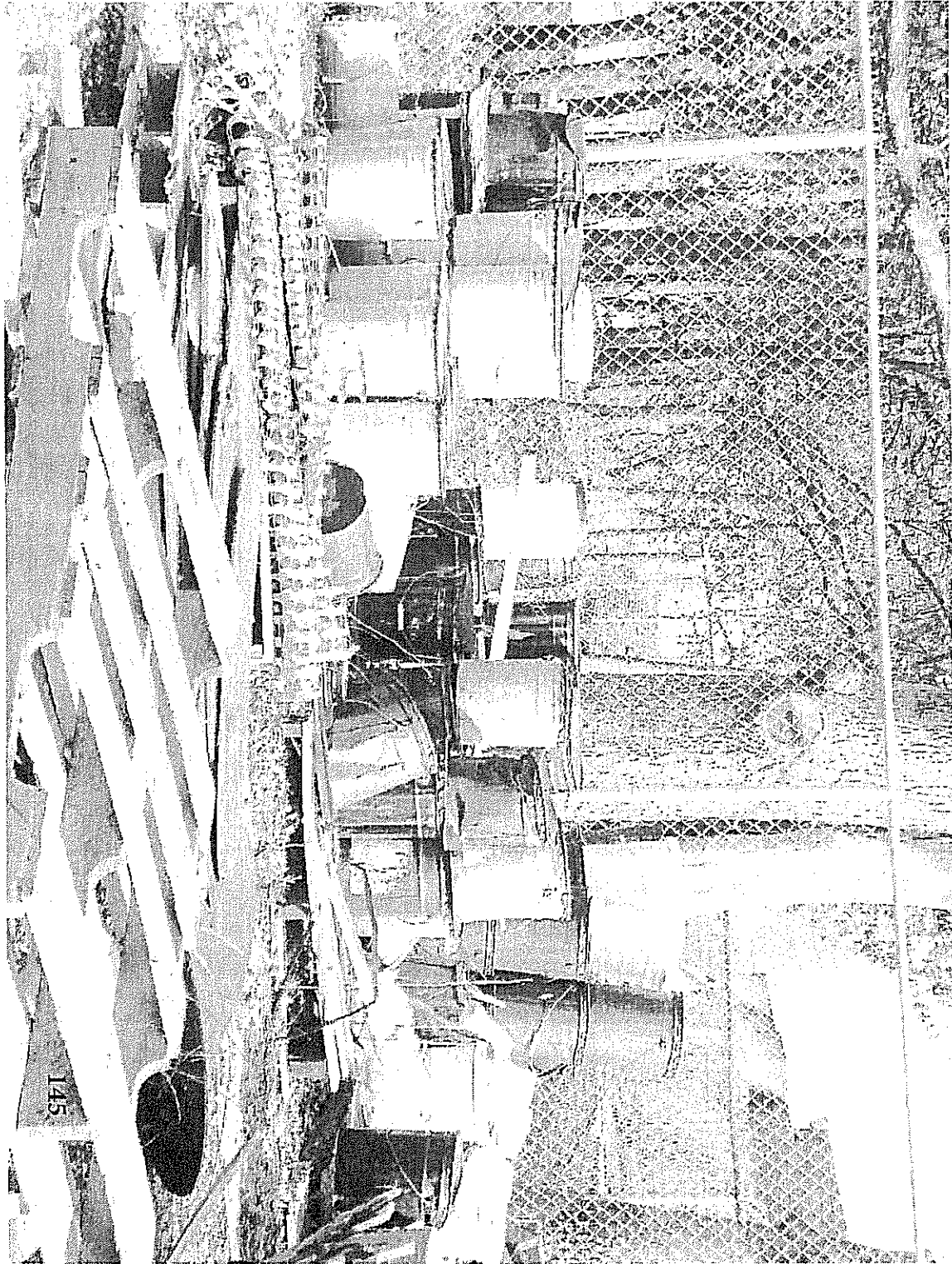




142







145

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

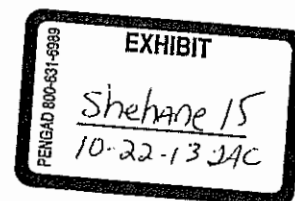
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC
)	
v.)	(IEPA No. 87-12-AC)
)	
NORTHERN ILLINOIS SERVICE)	
COMPANY,)	
)	
)	
Respondent.)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act. 415 ILCS 5/31.1 (2010).

FACTS

1. That Northern Illinois Service Company is the current owner ("Respondent") of a facility located at 4781 Sandy Hollow Road, Rockford, Winnebago County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Rockford/Northern Illinois Service.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 2010301120.
3. That Respondent has owned said facility at all times pertinent hereto.
4. That on March 14, 2012, Donna Shehane of the Illinois Environmental Protection Agency's ("Illinois EPA") Rockford Regional Office inspected the above-described facility. A copy of



her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 5-2-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7004 2510 0001 8619 2446.

VIOLATIONS

Based upon direct observations made by Donna Shehane during the course of her March 14, 2012 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2010).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris: or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2010).
- (3) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty

specified above shall be due and payable no later than May 31, 2012, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2010), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2010). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.



John J. Kim, Interim Director
Illinois Environmental Protection Agency

Date: 4/30/2012

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC
)	
v.)	(IEPA No. 87-12-AC)
)	
NORTHERN ILLINOIS SERVICE)	
COMPANY,)	
)	
)	
Respondent.)	

FACILITY: Rockford/Northern Illinois Service

SITE CODE NO.: 2010301120

COUNTY: Winnebago

CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: March 14, 2012

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

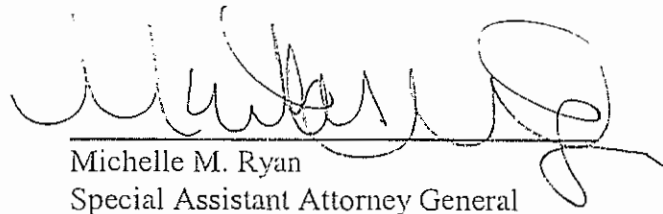
PROOF OF SERVICE

I hereby certify that I did on the 2nd day of May 2012, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Northern Illinois Service Company
President: Wayne Klinger
4781 Sandy Hollow Road
Rockford, IL 61109

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601


Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)	
)	
Northern Illinois Service)	
)	IEPA DOCKET NO.
)	
Respondent)	

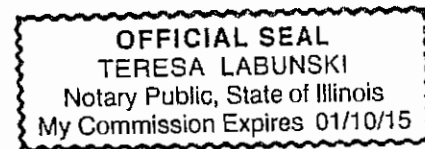
Affiant, Donna Shehane, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 14, 2012 between 9:35 am and 9:55 am, Affiant conducted an inspection of Northern Illinois Service located in Winnebago County, Illinois. Said site has been assigned site code number BOL# 2010301120 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said facility.

Donna Shehane
 Donna Shehane EPS III

Subscribed and Sworn to Before Me
 this 10 day of April, 2012

Teresa Labunski
 Notary Public



Electronic Filing Received, Clark's Office, 02/18/2014
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 Open Dump Inspection Checklist

County: Winnebago LPC#: 2010301120 Region: 1 - Rockford
 Location/Site Name: Rockford/Northern Illinois Service
 Date: 03/14/2012 Time: From 9:35 am To 9:55 am Previous Inspection Date: 12/07/2011
 Inspector(s): Shehane Weather: 61 °F, SSW winds @ 15 mph; cloudy
 No. of Photos Taken: # 6 Est. Amt. of Waste: 75 yds³ Samples Taken: Yes # No
 Interviewed: Paul Munson Complaint #:
 Latitude: 42.22122 Longitude: -89.02172 Collection Point Description: Center of Site -
 (Example Lat. 41.26493 Long.: -89.38294) Collection Method: Map Interpolation -

Responsible Party Mailing Address(es) and Phone Number(s):	Northern Illinois Service Attention: Paul Munson 4781 Sandy Hollow Road Rockford, IL 61109
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	SECTION	DESCRIPTION	VIOL
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2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
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4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
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6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
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	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 2010301120

Inspection Date: 03/14/2012

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
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	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
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11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:	55(k)(1) Cause or Allow water to accumulate in used or waste tires	<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

2010301120 -- Winnebago County
Rockford/Northern Illinois Service

NARRATIVE INSPECTION REPORT DOCUMENT

On March 14, 2012, I (Donna Shehane) conducted a follow-up inspection at Northern Illinois Service, located at 4781 Sandy Hollow Road, Rockford, IL 61109. The last inspection of this facility occurred on December 7, 2011, for which an Open Dump Administrative Citation Warning Notice was issued. The weather at the time of this inspection was 61 °F with SSW winds at 15 mph and cloudy skies.

I drove onto the property at approximately 9:35 am and met with Mr. Paul Munson in the office. Mr. Munson provided me with a tire disposal receipt from S.T.A.R. Used Tire Disposal dated February 21, 2012 for the pickup of used tires, as well as two receipts from Veolia ES Orchard Hills Landfill dated February 8, 2012 for waste/construction and demolition debris disposal. Mr. Munson stated that he had not yet submitted the registration form and \$100 annual fee for 2011, but would submit them shortly. He then allowed me to access the yard area to conduct an inspection.

I observed four large tires at the southwest corner of the site and took two photographs which document water accumulation in the tires (See photos # 1 and # 2). I also observed a few on-rim tires, as well as several used tires hooked together with chains (See photo # 3).

As on December 7, 2011, and an earlier inspection on September 15, 2009, I observed a pile of open dumped waste, including construction or demolition debris, on the ground (See photo # 4). The waste in this pile included lumber, plastic, fabric, metal, white pipe, and other miscellaneous debris. Back in the office, I reminded Mr. Munson that this facility is not allowed to bring off-site generated waste to this property for disposal and/or further transfer to a disposal site, as that constitutes a waste transfer station that must be permitted by the Agency. Mr. Munson stated that "he tries to tell the guys" not to dump the materials from demolitions but they don't always listen.

Photo # 5 was taken toward the southeast of a few piles of landscape waste on the property, which Mr. Munson stated were fly-dumped there. I then took photo # 6 of buckets/containers which, according to Mr. Munson contained mastic to be used by the facility.

I left the property at about 9:55 am

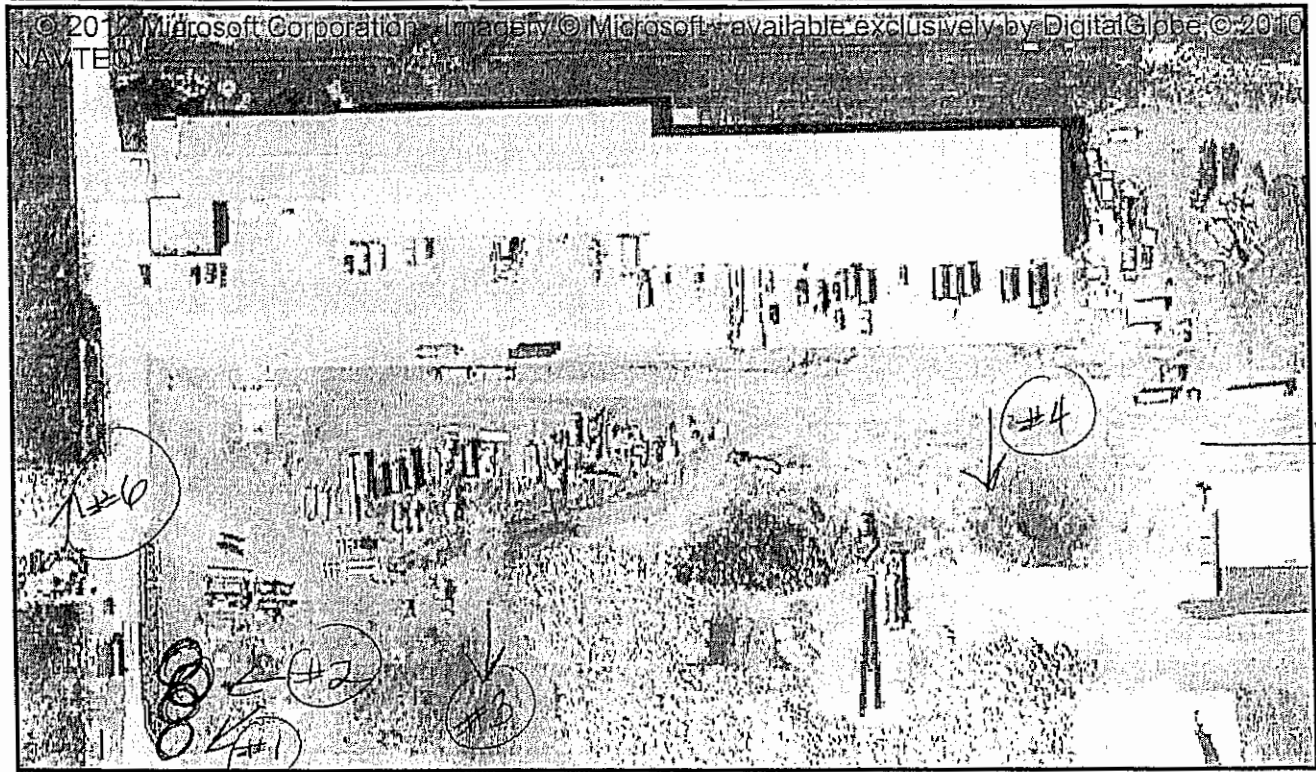
Northern Illinois Service was found to be out of compliance at the time of this inspection. Apparent violations noted:

1. Section 21(a) of the Act.
2. Section 21(d)(1) of the Act.
3. Section 21(d)(2) of the Act.

4. Section 21(e) of the Act.
5. Section 21(p)(1) of the Act.
6. Section 21(p)(7) of the Act.
7. Section 55(k)(1) of the Act.
8. Section 812.101(a) of 35 IAC Subtitle G.

END NARRATIVE BY DONNA SHEHANE

Print this page in a more readable format: Click Print next to the upper-right corner of the map.



4781 Sandy Hollow Rd, IL 6110942.2239103168249 -89.0237476676703

N
 ↑
 State of Illinois
 Environmental Protection Agency
 Site Sketch

Date: 3/14/2012

County: Winnebago

Site Code: 2010301120

Inspector: Sheehan

Site Name: Northern
 Illinois
 Service

Time: 9:35 - 9:55
am am

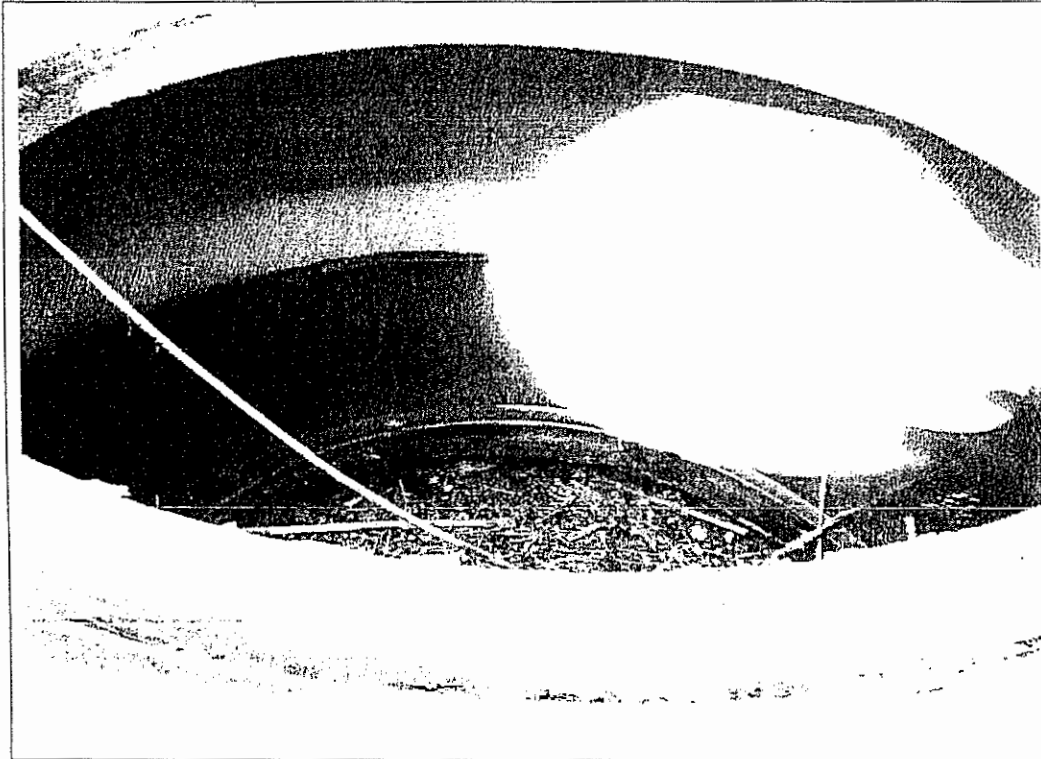
RECEIVED
 Division of Legal Counsel
 APR 09 2012

NOT TO SCALE
 2010301120 2031412-001
 006

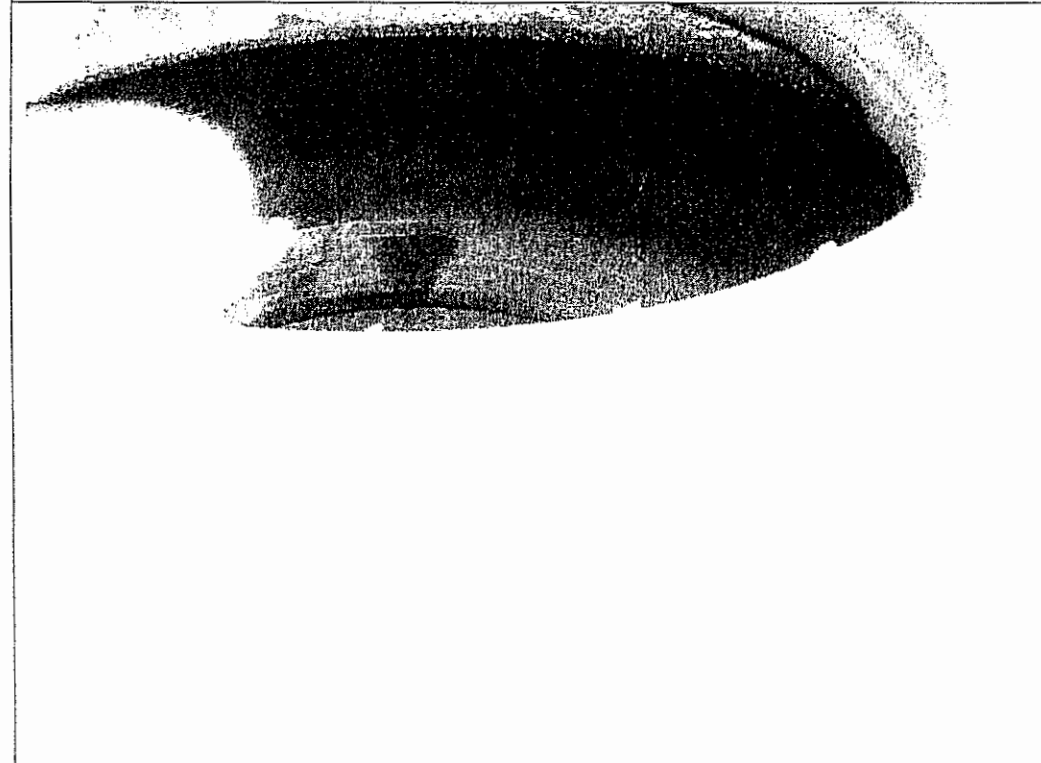


DIGITAL PHOTOGRAPHS

File Names: 2010301120~031412-001-006



Date: 03/14/2012
Time: 9:40 am
Direction: SW
Photo by: Shehane
Exposure #: 001
Comments: water accumulation in used tire

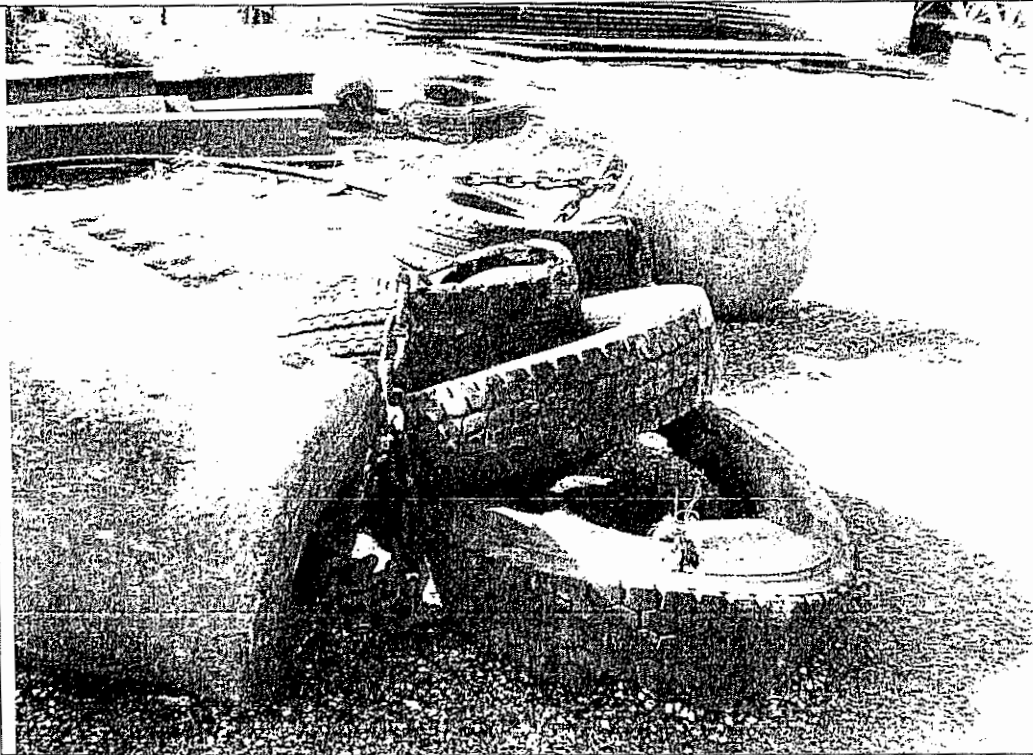


Date: 03/14/2012
Time: 9:40 am
Direction: W
Photo by: Shehane
Exposure #: 002
Comments: water accumulation in used tire

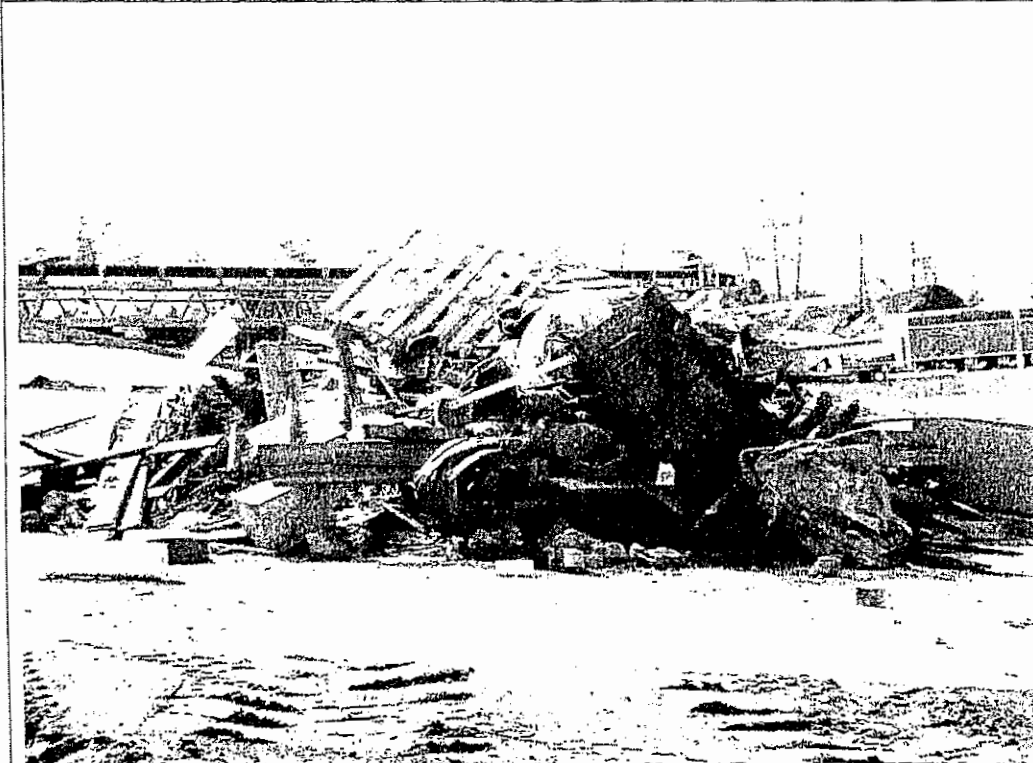


DIGITAL PHOTOGRAPHS

File Names: 2010301120~031412-001-006



Date: 03/14/2012
Time: 9:43 am
Direction: S
Photo by: Shehane
Exposure #: 003
Comments: Used
tires chained
together



Date: 03/14/2012
Time: 9:44 am
Direction: S
Photo by: Shehane
Exposure #: 004
Comments: pile of
open dumped waste
including plastic,
lumber, metal, etc.

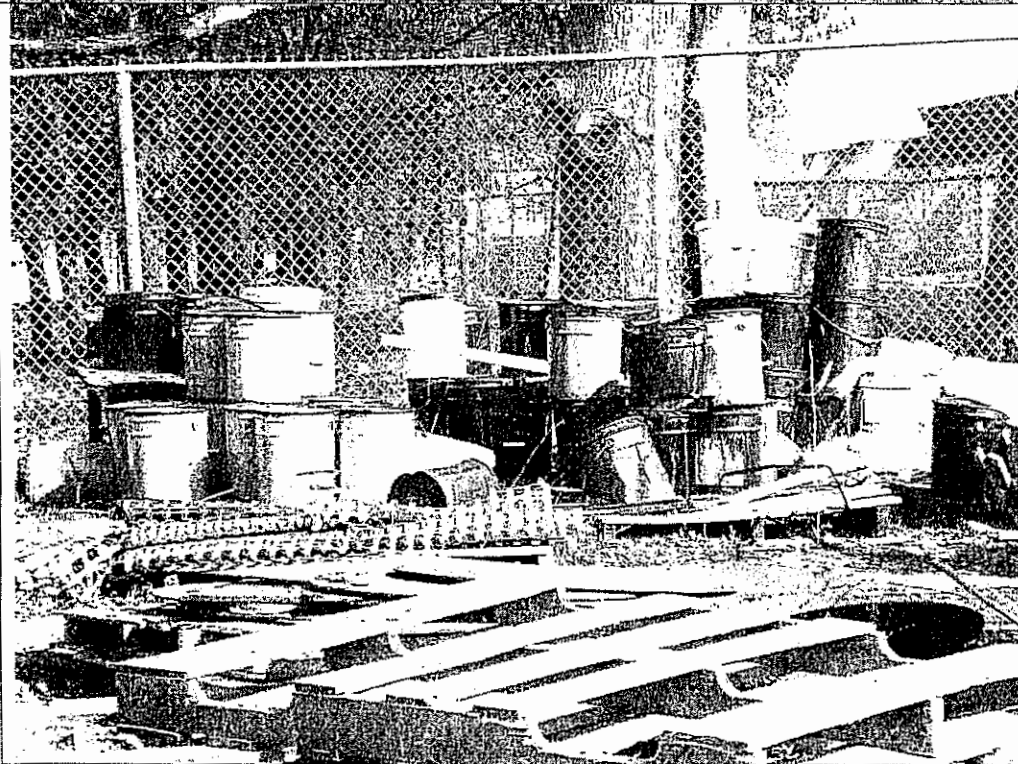


DIGITAL PHOTOGRAPHS

File Names: 2010301120~031412-001-006



Date: 03/14/2012
Time: 9:46 am
Direction: SE
Photo by: Shehane
Exposure #: 005
Comments:
landscape waste
piles



Date: 03/14/2012
Time: 9:49 am
Direction: N
Photo by: Shehane
Exposure #: 006
Comments:
containers of mastic

S I G N A T U R E

I, DONNA SHEHANE, hereby certify that I have read the foregoing transcript of my deposition in the case of Illinois Environmental Protection Agency vs. Northern Illinois Service Company, Case No. AC 12-51 on October 22, 2013, consisting of Pages 1 through 98, inclusive, and have listed all corrections or changes on the attached sheet, and I do again subscribe and make oath that the same is a true, correct, and complete transcript of my deposition as aforesaid as it now appears.

Donna Shehane

Deponent

Nov. 13, 2013

Date