

ILLINOIS POLLUTION CONTROL BOARD  
January 18, 2012

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ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY )  
 )  
Complainant, )  
 )  
V. )  
 )  
THAD SHAFER, )  
 )  
Respondent. )

AC 11-28

STATE OF ILLINOIS  
Pollution Control Board

(Administrative Citation)

REPORT OF THE PROCEEDINGS held in the  
above-entitled cause before Hearing Officer Carol Webb,  
taken by Debra M. Musielak, CSR, RDR, CRR, for the State  
of Illinois, at the Cumberland County Courthouse,  
Courthouse Square, Toledo, Illinois, on the 21st day of  
March, 2012, commencing at the hour of 10:00 a.m.

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A P P E A R A N C E S

Ms. Carol Webb, Hearing Officer  
Michelle Ryan, Special Assistant Attorney General  
Thad Shafer, Respondent

I N D E X O F E X A M I N A T I O N

WITNESSES CALLED ON BEHALF OF THE COMPLAINANT:

1.	DUSTIN BURGER		
	Direct Examination		6
	Cross-Examination		10
	Redirect Examination		20
	Recross-Examination		24

WITNESSES CALLED ON BEHALF OF THE RESPONDENT:

1.	THAD SHAFER		
	Narrative		25

I N D E X O F E X H I B I T S

Complainant's Exhibit:

		Intro	Adm
1	Open Dump Inspection Report	8	23
2	Administrative Warning Notice	21	23

1 HEARING OFFICER: Good morning. My name is  
2 Carol Webb. This is the hearing for AC 11-28, IEPA v.  
3 Thad Shafer. It's March 21st and we are beginning at  
4 10:00. I'll note for the record that there are no  
5 members of the public present. At issue in this case is  
6 IEP's allegation that Respondent violated sections  
7 21(p) (1) and (p) (7) of the Environmental Protection Act  
8 at a site located at 984 US Route 40 in Jewett,  
9 Cumberland County.

10 The Pollution Control Board members will make  
11 the final decision in this case. My purpose is to  
12 conduct the hearing in a neutral and orderly manner so we  
13 have a clear record of the proceedings. This hearing was  
14 noticed pursuant to the act and the Board's rules and  
15 will be conducted pursuant to sections 101.600 through  
16 101.632 of the Board's procedural rules. At this time  
17 I'll ask the parties to please make their appearances on  
18 the record.

19 MS. RYAN: Michelle Ryan, Special Assistant  
20 Attorney General for the Illinois Environmental  
21 Protection Agency.

22 MR. SHAFER: Thad Shafer, Defendant.

23 HEARING OFFICER: And you are here  
24 representing yourself, is that correct, Mr. Shafer?

25 MR. SHAFER: Yes, that is correct.

1 MS. RYAN: I have my formal appearance,  
2 too, I'm sorry.

3 HEARING OFFICER: Are there any preliminary  
4 matters to discuss?

5 MR. SHAFER: I do.

6 HEARING OFFICER: Preliminary? Okay.

7 MR. SHAFER: Yes, I do. I just got this  
8 notice of filing of the Illinois Pollution Control Board  
9 on August 18. In their own writing on their own order it  
10 says that the Board accepts this petition and directs the  
11 hearing officer to proceed expediently to hearing. The  
12 hearing officer will be -- give the parties at least 21  
13 days' written notice of the hearing. I received nothing  
14 on this hearing. I called her yesterday to make sure  
15 this was still on.

16 HEARING OFFICER: Well, Mr. Shafer, you  
17 were present at the phone conference where we set up the  
18 hearing, correct?

19 MR. SHAFER: Yes, at 9:30, on the phone.

20 HEARING OFFICER: I'm quite certain that  
21 our clerk's office mailed a copy to you. You have a copy  
22 there?

23 MS. RYAN: I have my copy.

24 HEARING OFFICER: Uh-huh. So I don't know  
25 what to say other than the fact that I apologize if you

1 did not receive it.

2 MR. SHAFER: I did not receive it.

3 HEARING OFFICER: I really wish you had  
4 contacted me because I would have made sure it was  
5 re-sent to you. But because you were present when the  
6 meeting -- hearing was set, I think you did have notice,  
7 and obviously you are here, so it seems to have worked  
8 out.

9 MR. SHAFER: All right.

10 HEARING OFFICER: Ms. Ryan, would you like  
11 to make any opening statement?

12 MS. RYAN: Yes. We believe that the  
13 evidence today will show that on April 7th, 2011 open  
14 dumping resulting in litter and the deposition of  
15 construction or demolition debris occurred at a property  
16 known as the Jewett Shafer property near Jewett in  
17 Cumberland County, Illinois, and that there are no  
18 defenses to this behavior.

19 HEARING OFFICER: Mr. Shafer, would you  
20 care to make an opening statement? You do not have to.

21 MR. SHAFER: I'll pass.

22 HEARING OFFICER: Okay. Ms. Ryan, you may  
23 call your witness.

24 MS. RYAN: We call Dustin Burger.

25 HEARING OFFICER: Mr. Burger, would you

1 have a seat up here, please?

2 DUSTIN BURGER

3 of lawful age, being first duly sworn to tell the truth,  
4 the whole truth and nothing but the truth, says as  
5 follows:

6 DIRECT EXAMINATION

7 BY MS. RYAN:

8 Q. Can you state and spell your last name for the  
9 court reporter?

10 A. My name is Dustin Burger and the last name is  
11 B-u-r-g-e-r.

12 Q. What is your job?

13 A. I am a field inspector for the Illinois  
14 Environmental Protection Agency.

15 Q. What office do you work out of?

16 A. I'm in the Champaign regional office.

17 Q. How long have you been an inspector for the  
18 Environmental Protection Agency?

19 A. Since 1991.

20 Q. What are your duties as a field inspector?

21 A. My duties include inspecting facilities for  
22 hazardous waste and solid waste compliance. This would  
23 include industries, landfills, transfer stations and open  
24 dumps.

25 Q. Approximately how many inspections have you

1 conducted since 1991?

2 A. Over 2000.

3 Q. What's your educational background?

4 A. I have a bachelor's of science degree from the  
5 University of Illinois in the teaching of secondary  
6 education with a specialty in science. I was a science  
7 teacher.

8 Q. Do you have any other training besides that  
9 education?

10 A. Yes. I have had on-the-job training with the  
11 Illinois EPA for solid waste enforcement. I've had USEPA  
12 training in hazardous waste inspections, including  
13 building cases, USEPA basic criminal environmental  
14 training and advanced environmental training, sampling  
15 for hazardous materials, air monitoring, and many others.

16 Q. Are you familiar with the facility located at  
17 984 US Route 40 near Jewett known as the Jewett Shafer  
18 property.

19 A. Yes, I am.

20 Q. And can you tell us other than the address I  
21 just gave you more specifically where that's located?

22 A. Sure. It's a couple miles west of Jewett,  
23 Illinois. And the property is just off -- at least the  
24 residence is just off Illinois US Route 40. There's a  
25 house there and a trailer, but the dump site that we're

1 going to talk about today is actually down a small lane  
2 across some railroad tracks that parallel US 40 on the  
3 edge of an empty field near a tree line.

4 Q. Who owns that property?

5 A. Thad Shafer.

6 Q. How many inspections have you conducted at that  
7 facility?

8 A. A total of four.

9 Q. I'm going to hand you what I've marked for  
10 identification as Exhibit 1. Can you tell me, do you  
11 recognize this document -- after you get it?

12 A. Yes, I created it.

13 Q. Can you tell me what it is?

14 A. It's an Open Dump Inspection Report dated  
15 4-7-2011.

16 Q. Will you look through it, please, and check all  
17 the pages?

18 A. Yes. It's my inspection report.

19 Q. Is that a fair, accurate and complete copy of  
20 your report?

21 A. Yes, it is.

22 Q. Who took the photographs attached to that  
23 report?

24 A. I did.

25 Q. Can you go through them, please, one by one,



1 and describe what's shown in the photographs?

2 A. Sure. These photographs were taken on the edge  
3 of a clearing near a tree line, and the first two photos  
4 are two different photos taken of a pile of household  
5 waste that was located on the edge of the field. It  
6 includes plastic bags, plastic, cardboard, cans, some  
7 lumber, some carpet, a little bit of roofing material,  
8 and other common items that you could find from household  
9 trash.

10 Q. Okay. Then photograph number 3?

11 A. Oh, yes. The second photograph is -- wasn't  
12 near the main pile, but it included some scattered waste  
13 and debris, including some plastic, some cans, and other  
14 little minor, like, soda bottles and other smaller bits  
15 of waste.

16 Q. And just to clarify, I referred to photograph  
17 number 3 and you said the second photograph. The second  
18 page?

19 A. Yes. I'm sorry. The first two photographs are  
20 the same pile.

21 Q. Right. Do these photographs accurately depict  
22 what you saw at the property on that day?

23 A. Yes, they do.

24 Q. Do any of these photographs show anything that  
25 you would describe as construction or demolition debris?

1 A. Yes.

2 Q. And which ones are those?

3 A. The first two, particularly the second one,  
4 shows the wood, the carpeting, and a little bit of  
5 roofing material that was still in the pile.

6 Q. When was this report generated?

7 A. I'm not sure of the exact date, but it was  
8 within 10 days of the inspection.

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

11 A. Yes, it does.

12 Q. Is it the regular course of Illinois EPA  
13 business to make such records at or reasonably after the  
14 event reflected thereon?

15 A. Yes.

16 MS. RYAN: I have nothing further at this  
17 time.

18 HEARING OFFICER: Okay. Mr. Shafer, would  
19 you like to cross-examine the witness?

20 MR. SHAFER: Yes.

21 CROSS-EXAMINATION

22 BY MR. SHAFER:

23 Q. When was the first time you was on my property?

24 A. I don't remember the exact date. It was in  
25 2010.

1 Q. September 29th, 2010?

2 A. I would need to check the records at that time,  
3 but, yes, that sounds -- September 29th, I believe that  
4 was the first time.

5 Q. And why did you go there?

6 A. I was there in response to a complaint that was  
7 actually in Jewett that somebody had knocked down and  
8 burned a trailer in the town. After that the -- when I  
9 interviewed the person involved with that incident, they  
10 stated that they had taken this leftover burned material  
11 out to your property. Although the person actually said  
12 it was owned by Linda Shafer at the time.

13 Q. Who is Linda Shafer?

14 A. I have no clue. That's what the person --  
15 Will? I don't recall the person's name, but that's what  
16 the -- the person who actually burned the building down  
17 said he took the material to his aunt's property, which  
18 was yours.

19 Q. In all of your experience as an EPA officer,  
20 when you go on somebody's property, do you find out who  
21 actually owns that property?

22 A. In general, if we don't know who owns the  
23 property, yes, but the person I talked to didn't have any  
24 particular reason to lie, so I trusted him.

25 Q. Why would -- is it EPA's policy -- I mean, you

1 can go anywhere you want without a search warrant?

2 A. No. We can inspect a property pursuant to  
3 section 4 of the act.

4 Q. So if Illinois or the State Police or FBI, even  
5 the U.S. Constitution says you got to have a search  
6 warrant to search persons or property, you was on my  
7 property four times and never had a search warrant. This  
8 is the first time I met you.

9 A. That's correct.

10 Q. And so some -- somebody that you was  
11 investigating in Jewett brings you over to my property  
12 and you just keep coming back, take pictures, use them  
13 against me in court without a search warrant or anything,  
14 without any law agency at all with you?

15 A. Actually, the first time I was there, I was  
16 with a conservation police officer, Officer Phillips.

17 Q. And my understanding you gave this Will  
18 Matthews a citation for littering or burning, according  
19 to your reports, narratives?

20 A. Yes. CPO Phillips cited Will Matthews for open  
21 dumping while we were there.

22 Q. So why didn't you arrest him for hauling his  
23 debris on my property?

24 A. That was part of the case against him.

25 Q. Your own words with the Illinois Pollution

1 Control Board on August 18th says, "As required the  
2 Agency served an administration citation on Thad Shafer  
3 within," quotes -- and then there's a quotation -- "60  
4 days after the date of the observed violation." That's  
5 not true, is it?

6 A. I don't understand your question.

7 Q. Well, you filed the citation -- well, most of  
8 your court papers, everything I've received says July  
9 7th -- or June 7th. Actually, you filed it on June 2nd.  
10 I guess I signed it on June 3rd. But on all of your  
11 court papers it says -- on every one of them, "On June  
12 7th, 2011, the Illinois Environmental Protection Agency  
13 timely filed an administrative citation against Thad and  
14 Linda Shafer." Actually, June 7th is 61 days. That's  
15 not within your 60 days, but you can't even go by the 60  
16 days that you say in your own orders because your first  
17 observed alleged violation of this happened on September  
18 29th. That's over eight months later that I received a  
19 citation.

20 On your second inspection on December 30th,  
21 that's over five months before I received a citation.

22 HEARING OFFICER: Mr. Shafer, do you have  
23 any questions for the witness? Because you will have an  
24 opportunity to present your testimony and your defense.  
25 Do you have any questions of fact for this witness? Keep

1 in mind he's not required to interpret the law, just  
2 factual questions as to what -- you know, what he may  
3 have done that's relevant to your case.

4 MR. SHAFER: All right.

5 Q. (By Mr. Shafer) On your second inspection on  
6 December 30th, do you recall what the weather was like?

7 A. No, I do not. It's usually in the first part  
8 of my inspection.

9 Q. But on December 30th vegetation was dead,  
10 correct?

11 A. Yes, it would have been.

12 Q. When I got -- how long do you usually -- when  
13 you send the corrective warning to clean something up,  
14 how long do you usually give a party to abide by your  
15 order?

16 A. It depends. It's usually -- depends on how big  
17 the site is. It's normally 60 days. Sometimes it goes  
18 longer.

19 Q. Do you call my site large?

20 A. No, I do not.

21 Q. In your first report you called it 20 yards,  
22 correct?

23 A. I don't recall.

24 Q. On the one that Michelle Ryan just gave me on  
25 your second inspection you called it 40 yards. You had a

1 picture of some paper blowing around. In wintertime is  
2 the ground frozen?

3 A. Sometimes.

4 Q. Is it real wet, muddy, couldn't clean it up if  
5 you tried?

6 A. Sometimes it is.

7 Q. But you do state your first inspection was on  
8 September 29th?

9 A. Of 2010?

10 Q. 2010.

11 A. Yes.

12 Q. Two hundred forty-six days before a citation is  
13 issued?

14 A. From the first inspection, yes.

15 Q. Nowhere close to the 60 days required?

16 A. It was within 60 days of the last inspection.

17 Q. But that's not what this states. "As required,  
18 the agency served an administrative citation on Thad  
19 Shafer within 60 days after the date of the observed  
20 violation." The first observed violation is September  
21 29th. Correct?

22 A. That was the first day I was there.

23 HEARING OFFICER: Mr. Shafer, I think the  
24 subject of this hearing is only the April 7th inspection.  
25 Is that correct?

1 MS. RYAN: That's correct.

2 HEARING OFFICER: So I'm just trying to  
3 streamline you a little more. I don't want you to get  
4 too far off a tangent. So I think that's the inspection  
5 that we're here to discuss today.

6 MR. SHAFER: But that's not the case,  
7 though. I mean, his first observed violation of this was  
8 September 29th.

9 MS. RYAN: But we didn't cite you for that.  
10 We cited you for April 7th, 2011.

11 HEARING OFFICER: So is your question why  
12 didn't they give you a citation for the first time?

13 MR. SHAFER: Yes.

14 HEARING OFFICER: Okay.

15 THE WITNESS: That's easy to answer. We  
16 don't always like being the bad guys to start off with.  
17 We always try to give somebody a chance to clean the site  
18 up first before we go to the administrative citation  
19 process. That's why you got a warning letter first  
20 before we ever --

21 Q. Do you recall what date that was?

22 A. The warning letter?

23 Q. Yes.

24 A. No, I do not.

25 Q. January 19th, 2011?



1           A.     I don't know offhand.  I'd have to see the  
2 documents.

3           Q.     So 60 days after that would have been March --  
4 middle of March?

5           A.     Yes.

6           Q.     And then you come back on April 7th and  
7 inspect, and then on June 2nd -- most of your things say  
8 June 7th, which would have been 61 days.  Even on that it  
9 would have been over your 60 days.  Did Will Matthews say  
10 that I gave him permission to dump that on me?

11          A.     No, he did not.

12          Q.     Who did Will Matthews say owned that property?

13          A.     He said it was his aunt, Linda Shafer.  And I  
14 don't know who she is.

15          Q.     What if I told you that a Linda Shafer did not  
16 exist?

17          A.     I don't know why he said that.

18          Q.     So if he's lying to you, you could arrest him  
19 for obstruction of justice or something like that?

20          A.     I don't know.  I'm not a police officer.

21          Q.     I had to file an amended petition because there  
22 was -- they said there was some things wrong with my  
23 first one.  You recall that?  Or do you know anything  
24 about that?

25          A.     No.  I'm not the attorney on the case.

1 Q. Came from the Illinois Pollution Control Board.  
2 I didn't know if you was seeing it.

3 A. We're separate from them.

4 Q. Your understanding, how long do you think that  
5 alleged burn pile was there?

6 A. I don't know. It looks like some of the waste  
7 that was out there was recent, and it looked like some of  
8 the material that was kind of either blown or back in the  
9 woods was older. I don't know how long it had been  
10 there.

11 Q. Do you know I've only owned that property two  
12 or three years?

13 A. No, I did not know that.

14 Q. And that pile of steel that was there has been  
15 there 75, 80 years or longer. Is it your understanding  
16 that every farm in the country has a burn pile?

17 A. No, not every farm.

18 Q. They don't?

19 A. No.

20 Q. In your orders you said that I had to stop  
21 burning. How can I not burn on my farm when the whole  
22 town of Jewett right by the Post Office has a burn order  
23 that you can't burn after 6 p.m., your trash?

24 A. I don't know your local ordinances.

25 Q. So if Will Matthews dumped carpet and paneling,

1 in your report -- let me back up. In your report you say  
2 that he burned a trailer in Jewett and dumped the debris  
3 on my place?

4 A. That's correct.

5 Q. Carpet and paneling would have been burned at  
6 his place. I mean, there was no ash, nothing that was  
7 burnt at my place, correct?

8 A. I don't know if anything was burned at your  
9 location or not. I don't believe I cited you for that.

10 Q. In your narrative you did. You have it in your  
11 narrative.

12 HEARING OFFICER: I don't think you're  
13 being charged with open burning in this case. Is that  
14 correct?

15 MS. RYAN: That's correct.

16 MR. SHAFER: That's part of the point.

17 HEARING OFFICER: But you're not being  
18 charged with it.

19 MR. SHAFER: Well, I thought it was part of  
20 the --

21 HEARING OFFICER: No, sir, not open  
22 burning.

23 Q. (By Mr. Shafer) On the corrective action, he  
24 did say that I must stop all burning. How can I be  
25 charged with running a landfill without a permit --

1 MS. RYAN: Objection. That's not the  
2 charge in the citation.

3 HEARING OFFICER: That's a legal question.  
4 So, again, I mean, that's not a question --

5 MR. SHAFER: It's in his -- it's in his  
6 checklist. I mean, he charged me with running a landfill  
7 without a permit.

8 HEARING OFFICER: What's your question? I  
9 mean, again, Mr. Shafer, you'll have an opportunity to  
10 present your entire defense, but do you have any  
11 questions that he'd be able to answer about the  
12 inspection?

13 MR. SHAFER: No. I guess just that the  
14 first inspection was on September 29th, and he's already  
15 stated that.

16 HEARING OFFICER: Okay.

17 MR. SHAFER: So I guess that's it. I think  
18 I know what --

19 REDIRECT EXAMINATION

20 BY MS. RYAN:

21 Q. Mr. Burger, when you went to Mr. Shafer's  
22 property, was there anything indicating that the  
23 property -- that restricted your access to the property?  
24 Gate, fence, signage, anything like that?

25 A. No.

1 Q. How do you make your estimate of the amount of  
2 waste at an open dump site?

3 A. I look at it and kind of judge about how many  
4 dumpsters would the waste there fill, how many 20-yard  
5 dumpsters.

6 Q. In your experience since 1991, are you super  
7 accurate with that estimate or is that --

8 A. No, not at all.

9 Q. Mr. Burger, you didn't cite Mr. Shafer with  
10 respect to a pile of steel back in April 2nd, 2011?

11 A. No.

12 Q. You didn't cite him with anything relating to  
13 what was happening in 2010, is that correct?

14 A. No.

15 Q. The only subject matter of this citation is the  
16 material you saw at his site on April 7th, 2011?

17 A. That's correct.

18 Q. Okay. I'm going to show you what I've marked  
19 for identification as Exhibit 2, and ask you if you  
20 recognize this document?

21 A. Yes, I do.

22 Q. What is it?

23 A. It's an Open Dump Administrative Citation  
24 Warning Notice.

25 Q. Is that a fair, accurate and complete copy of

1 the administrative warning notice you sent to Mr. Shafer?

2 A. It's the letter itself. Doesn't include the  
3 inspection report.

4 Q. Normally this would be included with the  
5 inspection report in the package?

6 A. That's true.

7 Q. The inspection report that's referred to in  
8 here, I assume, December 30th, 2010?

9 A. Yes.

10 Q. So this is a complete copy of the letter you  
11 sent him along with that inspection report?

12 A. That's correct.

13 Q. Fair enough. And can you explain why you sent  
14 this warning notice?

15 A. Yes. The previous two times I had been to the  
16 site I was working with Will Matthews in order to clean  
17 up the debris that he had dumped at the site previously,  
18 and I had received a call from Will saying that he got  
19 rid of all of his material there, but there was still  
20 waste left at the site that wasn't his. So I had to go  
21 back to the property and, sure enough, after he had  
22 removed all of the remains of his trailer, a little bit  
23 was still there. But most of the material he had dumped  
24 had been removed. There was more material, more waste  
25 under what he had dumped there, which was more household

1 waste rather than remains at the trailer.

2 Q. Had you observed that household waste on  
3 previous inspections?

4 A. No. The previous inspection the vegetation was  
5 in full bloom behind the actual pile, and all of Will's  
6 material was covering most of this stuff that was left.

7 Q. On page 1 of this warning notice, I notice hash  
8 mark one says, "Immediately cease all open dumping and  
9 open burning." Why did you include that instruction in  
10 this warning list?

11 A. Because I didn't want the waste that was still  
12 at the site to be burned.

13 Q. And you appear to have given Mr. Shafer until  
14 March 15th to remove all the waste?

15 A. That's correct.

16 Q. Is that why you did not return to the site  
17 until after March 5th to do a reinspection to evaluate  
18 whether or not he complied with that deadline given him?

19 A. That's correct.

20 MS. RYAN: That's all I have. I would like  
21 to move my two exhibits into evidence, though, before I  
22 forget.

23 HEARING OFFICER: Exhibits 1 and 2 are  
24 admitted into evidence.

25 Mr. Shafer, do you have any final factual

1 questions for this witness, or is it okay if he steps  
2 down? It would then be your opportunity to --

3 MR. SHAFER: Yeah, I've got one.

4 RE CROSS-EXAMINATION

5 BY MR. SHAFER:

6 Q. The four times you was at my house did you ever  
7 talk to me?

8 A. No. I knocked on your door and nobody  
9 answered.

10 Q. What was your understanding of my occupation?

11 A. I think you told me later that you worked for  
12 the railroad.

13 Q. I talked to you on the phone?

14 A. I don't remember how I found that out. I don't  
15 remember if you had called or had written.

16 Q. I don't think I've ever talked to you.

17 A. I don't remember.

18 Q. If somebody had dumped something on me --  
19 withdraw the question. I'm done.

20 HEARING OFFICER: Miss Ryan, any --

21 MS. RYAN: No, thank you.

22 HEARING OFFICER: Okay. Thank you, Mr.  
23 Burger. Do you have anything further that you would like  
24 to present for your case?

25 MS. RYAN: I do not. Thank you.



1 HEARING OFFICER: Okay. Mr. Shafer, you  
2 may take the witness stand.

3 THAD SHAFER  
4 of lawful age, being first duly sworn to tell the truth,  
5 the whole truth and nothing but the truth, says as  
6 follows:

7 HEARING OFFICER: You may just go ahead and  
8 speak. Do you need your notes?

9 MR. SHAFER: No, I don't think so. I  
10 pretty well know what's on them. The Illinois Pollution  
11 Control Board said they had 60 days of the observed  
12 violation. The observed violation was September 29th,  
13 2011. I would certainly think Mr. Burger or Michelle  
14 Ryan or somebody would have contacted me immediately on  
15 what was going on. You can't clean up a burn pile that's  
16 been there for 80 years in wintertime. It takes a  
17 backhoe. And I have cleaned it all up. I've only owned  
18 that property a couple, three years.

19 I don't know how the U.S. Constitution and your  
20 State Police and your FBI -- everyone has to have a  
21 search warrant to search any property or persons, and  
22 he's been at my place four times without any warrant.  
23 I'm not running an open dump. That's it.

24 HEARING OFFICER: Ms. Ryan, do you have any  
25 questions for Mr. Shafer?

1 MS. RYAN: No, thank you.

2 HEARING OFFICER: Okay. Do you have  
3 anything else you want to present, Mr. Shafer?

4 MR. SHAFER: I don't think so.

5 HEARING OFFICER: Okay. We'll go off the  
6 record for a moment and discuss the briefing schedule.

7 (Off-the-record discussion held.)

8 HEARING OFFICER: The transcript is due on  
9 April 2nd and will be posted on the Board's website. The  
10 public comment deadline is April 4th. Any public comment  
11 must be filed in accordance with section 101.628 of the  
12 Board's procedural rules. The Complainant's brief is due  
13 by April 16th, and Respondent's brief will be due by May  
14 2nd. The mailbox rule will apply.

15 Ms. Ryan, would you care to make any closing  
16 argument?

17 MS. RYAN: No, thank you. I'll reserve  
18 that for my brief.

19 HEARING OFFICER: Mr. Shafer, would you  
20 like to make any closing argument?

21 MR. SHAFER: No.

22 HEARING OFFICER: Okay. At this time I  
23 will conclude the proceedings. We stand adjourned. I  
24 thank you all for your participation.

25 HEARING ADJOURNED AT 10:25 A.M.

C E R T I F I C A T E

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I, Debra M. Musielak, Registered Diplomate Reporter, Certified Shorthand Reporter within and for the States of Illinois and Missouri, DO HEREBY CERTIFY that I was present at the hearing on the date and at the place aforementioned and that the aforesaid proceedings were had as appears herein, and that this is a true and accurate record of said proceedings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of March, 2012.

*Debra M. Musielak*  
Debra M. Musielak  
IL CSR #084-001684

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