

THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
-vs-) AC 12-16
)
JULI WEBBER,)
)
Respondent.)

TRANSCRIPT FROM THE PROCEEDINGS taken before
HEARING OFFICER CAROL WEBB, by AMY S. POWERS,
CSR, RPR, a notary public within and for the
County of Peoria and State of Illinois, at the
Stark County Courthouse, 130 West Main Street,
2nd Floor Court Room, Toulon, Illinois, on the
5th day of October 2016, A.D., at 9:45 a.m.

1 A P P E A R A N C E S :

2 ILLINOIS POLLUTION CONTROL BOARD,
3 1021 North Grand Avenue East
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8 BY: MS. CAROL WEBB, HEARING OFFICER

9 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
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14 michelle.ryan@illinois.gov
15 BY: MS. MICHELLE M. RYAN,

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 Appeared on behalf of the Complainant;

13 JULI WEBBER
14 P.O. Box 558
15 Chillicothe, Illinois 61523
16 (309) 274-3359

 Appeared Pro Se.

18 ALSO PRESENT:

19 MR. JEFFREY PORT
20 MR. JEFF WEBBER

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I N D E X

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E X H I B I T S

	Marked	Admitted
Agency Exhibit No. 1.....	8	13

1 HEARING OFFICER WEBB: Good morning.

2 My name is Carol Webb and this is the
3 hearing for AC 12-16, IEPA versus Juli
4 Webber. It is October 5, 2016, and we are
5 beginning shortly before 10:00 a.m.

6 There are no members of the public
7 present, although Mr. Jeff Webber is here
8 with his mother.

9 In this case, the Agency alleges
10 that respondent violated Sections 21(p)(1)
11 and (p)(7) of the Environmental Protection
12 Act at a site located at 404 Willow Street
13 in LaFayette, Stark County.

14 The Pollution Control Board
15 members will make the final decision in this
16 case. My purpose is to conduct the hearing
17 in a neutral and orderly manner so that we
18 have a clear record of the proceedings.

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

24 At this time I will ask the

1 parties to please make their appearances on
2 the record.

3 MS. RYAN: Michelle Ryan, Special
4 Assistant Attorney General for the Illinois
5 EPA.

6 I have my formal appearance here.

7 HEARING OFFICER WEBB: Okay. Thank
8 you.

9 And, Ms. Juli Webber, you are here
10 representing yourself; is that correct?

11 MS. WEBBER: Correct.

12 HEARING OFFICER WEBB: Okay. Are
13 there any preliminary matters to discuss on
14 the record?

15 MS. RYAN: No.

16 HEARING OFFICER WEBB: Would the
17 Agency like to give an opening statement?

18 MS. RYAN: Yes.

19 O P E N I N G S T A T E M E N T

20 by Ms. Ryan

21 We believe the evidence today will
22 show that on September 26, 2011, open
23 dumping resulting in litter and the
24 deposition of construction or demolition

1 debris occurred at the Webber property, and
2 that there are no defenses to this action.

3 HEARING OFFICER WEBB: Okay.

4 Ms. Webber, would you like to make any
5 opening statement? You'll have a chance to
6 testify later. This is just an opening
7 statement. You don't have to if you don't
8 want to.

9 MS. WEBBER: I'll waive.

10 HEARING OFFICER WEBB: Okay. All
11 right. The Agency may call its first
12 witness.

13 MS. RYAN: Call Jeff Port.

14 HEARING OFFICER WEBB: Would the court
15 reporter please swear in the witness?

16 THE COURT REPORTER: If you'll raise
17 your right hand, please.

18 Do you swear that the testimony
19 you are about to give will be the truth, the
20 whole truth, and nothing but the truth, so
21 help you God?

22 MR. PORT: I do.

23 THE COURT REPORTER: Thank you.

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(Witness sworn.)

WHEREUPON:

J E F F R E Y A. P O R T

called as a witness herein, having been first
duly sworn, deposeth and saith as follows:

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

by Ms. Ryan

Q. Can you state your name for the record?

A. Jeffrey Alan Port.

Q. What's your job?

A. I am an inspector for the Illinois
Environmental Protection Agency.

**Q. How many years have you been an inspector
for EPA?**

A. Twenty-four years and six months.

Q. What are your duties as an inspector?

A. I investigate citizen complaints. I also
inspect solid waste landfills. And I
inspect RCRA hazardous waste facilities.

**Q. Over the course of your tenure as an
inspector, approximately how many
inspections have you conducted for EPA?**

A. I do approximately 50 inspections a year.

Q. What's your educational background?

1 A. I have an Environmental Science bachelor's
2 degree from Bradley University.

3 **Q. Have you had any additional training after**
4 **your bachelor's degree?**

5 A. Yes, I receive annual hazardous waste
6 training related to our job. And I also
7 receive CPR, First Aid training.

8 **Q. Are you familiar with the facility known as**
9 **Webber, Juli in Stark County?**

10 A. Yes, I am.

11 **Q. Where is that property located?**

12 A. It is located on the east edge of LaFayette
13 in Stark County.

14 **Q. Do you happen to know the address?**

15 A. 404 Willow.

16 **Q. Who owns that property?**

17 A. To my knowledge, Ms. Juli Webber does.

18 **Q. How many inspections have you conducted at**
19 **that property?**

20 A. Two.

21 (Document marked as Agency
22 Exhibit No. 1 for
23 identification 10/05/16.)

24 BY MS. RYAN:

1 **Q. I'm going to hand you what I've marked for**
2 **identification as Exhibit 1. Can you tell**
3 **me, do you recognize that document?**

4 **(Document tendered to the**
5 **witness.)**

6 BY THE WITNESS:

7 A. Yes, I do.

8 BY MS. RYAN:

9 **Q. What is it?**

10 A. It is an Open Dump Inspection Report.

11 **Q. Can you be more specific?**

12 A. Dealing with the Webber property from an
13 inspection I performed on the 26th of
14 September in 2011.

15 **Q. Can you page through that document for me?**

16 A. Sure.

17 **Q. Is Exhibit 1 a fair, accurate, and complete**
18 **copy of your report from September 26, 2011?**

19 A. Yes, it is.

20 **Q. Can you generally describe the Webber**
21 **property?**

22 A. It is a semi-rural property. It is on the
23 edge of LaFayette. It's surrounded by
24 agricultural. I'm not quite sure the

1 acreage there. Maybe 5 acres. There is a
2 homestead on the property and several
3 outbuildings.

4 **Q. Who took the photographs attached to your**
5 **report?**

6 A. I did.

7 **Q. Beginning with Photograph No. 1, can you**
8 **describe what's shown in the photographs?**

9 A. Photograph 1 shows a large plastic or PVC
10 type tank. In the background there are some
11 semi trailers, some demolition debris, a
12 trailer with pallets, domestic waste, and
13 what appears to be demolition debris on it.

14 **Q. Can you compare the size of that plastic**
15 **tank to the size of that trailer in the back**
16 **there?**

17 A. I want to say that's maybe a 500-gallon
18 tank.

19 **Q. Okay. You can continue with the next**
20 **photos.**

21 A. Photograph 2 shows the semi trailer in the
22 background, the trailer with the waste,
23 demolition debris, pallets. And on the
24 right you can see the garage and an

1 automobile.

2 Photograph 3 shows a pickup truck
3 with waste tires, some domestic debris.

4 Photograph 4 shows the north side
5 of the home, the garage, waste tire, and
6 some domestic waste.

7 Photograph 5 shows a pile of
8 demolition debris and domestic waste.

9 Photograph 6 shows a trailer with
10 some additional demolition debris.

11 Photograph 7 and 8 show several
12 waste tires on site.

13 Photograph 9 shows more waste
14 tires.

15 Photograph 10 shows some waste
16 tires and a pile of scrap metal and other
17 demolition debris.

18 Photograph 11 and 12 show waste
19 tires, and you can see one of the
20 outbuildings in Photograph 12.

21 Photograph 13, 14 show some waste
22 tires, some broken pallets.

23 15 shows a couple of 55-gallon
24 plastic drums, a boat, a tank for

1 agricultural chemicals, and a semi trailer.

2 16 shows waste tires and several
3 automobiles on the property in the
4 background there.

5 **Q. Can we go back to 15 for a second?**

6 A. Yes.

7 **Q. Can you determine what the black and white**
8 **stripe thing in the center front of the**
9 **photo is?**

10 A. That is a tanker for --

11 **Q. No, I'm sorry, to the right of the tank.**

12 A. Oh. Oh, that appears to be copper wire or
13 wiring, a pile -- or an aggregate of that
14 crumpled up there.

15 **Q. Okay. Thanks.**

16 A. Uh-huh. Photograph 17 shows some waste
17 tires and demolition debris and some
18 landscape waste in the background.

19 Photograph 18 shows what appears
20 to be some type of cable or wiring and some
21 telephone pole type wooden things.

22 Photograph 19 is a pickup truck
23 with some demolition debris in the back.

24 Photograph 20 is a -- one of the

1 several vehicles on site.

2 And 21 shows some additional
3 vehicles on site.

4 **Q. The vehicles in Photographs 20 and 21, are**
5 **they -- they appear to be overgrown with**
6 **weeds. Is that accurate?**

7 A. That's correct.

8 **Q. Do these photographs accurately depict what**
9 **you saw at the property on September 26,**
10 **2011?**

11 A. Yes.

12 **Q. When was this report generated?**

13 A. Generally takes me eight to ten days after
14 the inspection to complete the report,
15 depending on what other duties I've had.

16 **Q. Does Illinois EPA keep these reports in the**
17 **regular course of its business?**

18 A. Yes, we do.

19 **Q. Is it the regular course of Illinois EPA**
20 **business to make such records at or**
21 **reasonably after the event reflected**
22 **thereon?**

23 A. Yes.

24 MS. RYAN: We move Exhibit 1 into

1 evidence.

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

4 MS. RYAN: I have nothing further.

5 HEARING OFFICER WEBB: Okay.

6 Ms. Webber, would you like to cross-examine
7 the EPA witness before you testify?

8 MS. WEBBER: Well, this is a criminal
9 matter. I'd like to take the Fifth
10 Amendment.

11 HEARING OFFICER WEBB: Okay. You
12 don't have any questions for -- for the --
13 for Mr. Port?

14 MS. WEBBER: I'm not an attorney, no.

15 HEARING OFFICER WEBB: Do you have
16 anything further to present for your case?

17 MS. RYAN: I do not.

18 HEARING OFFICER WEBB: Okay. Very
19 good.

20 Ms. Webber, you do not wish to
21 testify on your behalf or make any kind of
22 statement on your behalf?

23 If you do, I'll just have the
24 court reporter swear you in first.

1 MS. WEBBER: Not at this time.

2 HEARING OFFICER WEBB: You don't wish
3 to say -- to say anything? This is the
4 only time there is. So if you would like
5 to say something, I -- I would --

6 MS. WEBBER: I'm not an attorney.
7 This has been going on for quite some time.

8 HEARING OFFICER WEBB: Okay. Okay. I
9 guess Ms. Webber does not wish to -- do you
10 have anything else you'd like to present
11 here today or. . .

12 MS. WEBBER: Well, my attorney
13 couldn't -- couldn't be here present.
14 Mr. Fehrenbacher was not able to attend.
15 I'm not an attorney.

16 HEARING OFFICER WEBB: Okay. Okay.
17 So -- okay. So you're -- you're set? You
18 don't have anything you'd like to say or
19 present before we go on?

20 I just want to make sure. I just
21 want to make sure I've given you every
22 opportunity. You're good?

23 MS. WEBBER: I believe so.

24 HEARING OFFICER WEBB: Okay. Okay.

1 All right. Okay. Then I will just
2 announce that the transcript is due by
3 October 13 and will be posted on the
4 Board's website. The public comment
5 deadline is October 19. Public comment
6 must be filed in accordance with
7 Section 101.628 of the Board's procedural
8 rules.

9 The Agency's brief is due by
10 October 27 and the Respondent's brief is due
11 by November 14.

12 Ms. Ryan, would you like to make
13 any closing argument?

14 MS. RYAN: No, I'd like to reserve
15 that for my brief. Thank you.

16 HEARING OFFICER WEBB: Okay.
17 Ms. Webber, would you like to make any
18 closing statements?

19 MS. WEBBER: Not at this time.

20 HEARING OFFICER WEBB: All right.
21 Then there's nobody else here to make any
22 comments.

23 At this time I will conclude the
24 proceedings and we stand adjourned. Thank

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you much everybody.

MS. RYAN: Thank you.

(Whereupon, no further
proceedings were had in the
above-entitled cause.)

(Agency Exhibit 1 retained by
all parties and Hearing Officer
Webb.)

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF PEORIA)
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7 I, AMY S. POWERS, CSR, RPR, do hereby state
8 that I am a court reporter doing business in the
9 City of Peoria, County of Peoria, and State of
10 Illinois; that I reported by means of machine
11 shorthand the proceedings held in the foregoing
12 cause, and that the foregoing is a true and
13 correct transcript of my shorthand notes so taken
14 as aforesaid.

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AMY S. POWERS
Certified Shorthand Reporter
Registered Professional Reporter
Notary Public, Peoria County, IL

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