

June 8, 2016

Page 1

THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

vs) AC 16-7

JAMES REICHERT LIMITED FAMILY)
PARTNERSHIP,)

Respondent.)

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JUN 13 2016

STATE OF ILLINOIS
Pollution Control Board

TRANSCRIPT FROM THE PROCEEDINGS
taken before HEARING OFFICER CAROL WEBB, by
LORI ANN ASAUSKAS, CSR, RPR, a notary public
within and for the County of Cook and State
of Illinois, at City Hall Council Chambers,
1102 Tower Square Plaza, Marion, Illinois, on
the 8th day of June 2016, A.D., at 10:30 a.m.

L.A. Court Reporters, LLC
312-419-9292

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

2 ILLINOIS POLLUTION CONTROL BOARD,
3 1021 North Grand Avenue East
4 North Entrance
5 Springfield, Illinois 60601
6 (217) 524-8509
7 webbc@ipcb.state.il.us
8 BY: MS. CAROL WEBB, HEARING OFFICER,

9 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
10 1021 North Grand Avenue East
11 P.O. Box 19276
12 Springfield, Illinois 62794-9276
13 (217) 782-5544
14 michelle.ryan@illinois.gov
15 BY: MS. MICHELLE M. RYAN,

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Appeared on behalf of the Complainant;

13 RONALD E. OSMAN & ASSOCIATES,
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Appeared on behalf of the Respondent.

19 ALSO PRESENT:
20 Ms. Judy Cecil
21 Mr. James Reichert
22 Mr. John Richardson
23 Ms. Maggie Stevenson
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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.....	10	45
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Respondent's Exhibit No. 1.....	54	57
Respondent's Exhibit No. 1.....	56	57

1 HEARING OFFICER WEBB: Good morning.
2 My name is Carol Webb and this is the hearing
3 for AC 16-7, IEPA versus James Reichert Limited
4 Family Partnership. This is June 8, 2016, and
5 we are beginning at 10:30 a.m.

6 There are no members of the
7 public present although we do have with us John
8 Richardson, who is the acting manager of field
9 operations for the Bureau of Land with the
10 Illinois EPA and we also have our court reporter's
11 mother visiting with us today. Nice to have you
12 here.

13 In this case, the Agency alleges
14 that respondent violated Sections 21(p)(1), (p)(3)
15 and (p)(7) of the Environmental Protection Act at a
16 site located at 1406 Cornell Street, in Marion,
17 Williamson County.

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

23 This hearing was noticed
24 pursuant to the Act and the Board's rules and

1 will be conducted pursuant to Sections 101.600
2 through 101.632 of the Board's procedural rules.

3 At this time I will ask the
4 parties to please make their appearances on the
5 record.

6 MS. RYAN: Michelle Ryan, Special
7 Assistant Attorney General for the Illinois
8 Environmental Protection Agency.

9 I have my formal appearance.
10 Do you want your own copy? That's the original.

11 HEARING OFFICER WEBB: Okay.

12 MR. OSMAN: Ronald E. Osman on
13 behalf of the respondent, James Reichert, LFP,
14 Limited Family Partnership. My entry of appearance
15 is already in the file.

16 HEARING OFFICER WEBB: Yes. Thank
17 you.

18 Are there any preliminary matters
19 to discuss on the record?

20 (No response.)

21 HEARING OFFICER WEBB: Okay. Would
22 the Agency like to make an opening statement?

23 MS. RYAN: Yes.

24

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

2 by Ms. Ryan

3 We believe that the evidence
4 today will show that on November 4, 2015, open
5 dumping resulting in litter, open burning and
6 the deposition of construction or demolition
7 debris occurred at a property located at 1406
8 Cornell Street, Marion, known as the Reichert
9 James LFP Cornell Street property.

10 HEARING OFFICER WEBB: Would the
11 respondent like to make any opening statements?

12 MR. OSMAN: Yes, yes. Thank you.

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

14 by Mr. Osman

15 The -- there are several --
16 several problems with this particular claim here.
17 First off, Mr. Reichert, they've alleged that he
18 has caused or allowed to be caused open dumping
19 with litter, open burning and general construction
20 material to be deposited on property
21 that's owned by his family limited partnership.

22 There will be no evidence
23 presented to the Pollution Control Board that
24 Mr. Reichert knew that there was any dumping,

1 if there was. There will be no evidence that
2 shows that he allowed it.

3 In addition to that, there
4 will be no evidence that shows there was any
5 general construction debris or material on the
6 site at any time.

7 So we look forward to hearing
8 the State's evidence and witnesses, if any, and
9 we will allow the Pollution Control Board to
10 make a decision. Mr. Reichert will be testifying.

11 HEARING OFFICER WEBB: Thank you.

12 MR. OSMAN: Thank you.

13 HEARING OFFICER WEBB: Ms. Ryan,
14 you may call your first witness.

15 MS. RYAN: I will call Maggie
16 Stevenson.

17 HEARING OFFICER WEBB: Would the
18 court reporter please swear in the witness?

19 THE COURT REPORTER: Raise your right
20 hand.

21 Do you swear the testimony you are
22 about to give is the truth, the whole truth and
23 nothing but the truth, so help you God?

24 MS. STEVENSON: Yes.

1 (Witness sworn.)

2 WHEREUPON:

3 M A G G I E S T E V E N S O N

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

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

7 by Ms. Ryan

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

10 A. Yes. Maggie Stevenson,
11 S-T-E-V-E-N-S-O-N.

12 Q. What is your job?

13 A. I'm A field inspector in Marion
14 regional office.

15 Q. How long have you been a field
16 inspector for the Marion regional office?

17 A. Since 2006.

18 Q. And what are your duties as a field
19 inspector?

20 A. We respond to complaints. We do
21 hazardous waste inspections, tire inspections
22 and general facility inspections.

23 Q. In the years that you've spent
24 as a field inspector, approximately how many

1 inspections have you conducted?

2 A. Approximately 100 a year.

3 Q. What's your educational background?

4 A. I have a degree in environmental
5 chemistry.

6 Q. From?

7 A. From -- it changed names. ISU.

8 Sorry.

9 Q. It's okay. Do you have any other
10 training besides that degree?

11 A. Training that's been offered by
12 the agency in how to conduct inspections and
13 hazardous waste and I also do the OSHA hazardous
14 HAZWOPER training.

15 Q. Are you familiar with the property
16 located at 1406 Cornell Street in Marion known as
17 the Reichert James LFP Cornell Street property?

18 A. Yes.

19 Q. And is that property located within
20 the city of Marion?

21 A. Yes, it is.

22 Q. Who owns that property?

23 A. The James Reichert Limited Family
24 Partnership.

1 Q. How many inspections have you
2 conducted at this property?

3 A. Four.

4 Q. Four?

5 (Document marked as Agency
6 Exhibit No. 1 for identification,
7 6/8/16.)

8 BY MS. RYAN:

9 Q. I'm going to hand you what I have
10 marked for identification as Exhibit 1. Can you
11 tell me if you recognize this document?

12 (Document tendered
13 to the witness.)

14 BY THE WITNESS:

15 A. Yes.

16 BY MS. RYAN:

17 Q. What is it?

18 A. It's the open dump inspection
19 checklist and it's the inspection packet.

20 Q. Can you review the pages in this
21 document?

22 A. Uh-huh. Yes.

23 Q. Is it a fair, accurate and complete
24 copy of your report from November 4, 2015?

1 A. Yes, it is.

2 Q. Can you describe the property that
3 we are discussing generally?

4 A. It's a warehouse rental type of
5 property. It has a metal building in the front
6 and it's divided into two sections, an A and a
7 B unit. It has a gravel parking lot on each
8 side.

9 Q. Who took the photograph that's
10 attached to this inspection?

11 A. I did.

12 Q. And what does it show?

13 A. It shows charred metals and a lot
14 of nails and then it shows burnt material that
15 is -- that looked like wood.

16 Q. For reference here, the larger
17 pieces of metal, do you have any information
18 on what that material is?

19 A. Those are satellite metal holders
20 that hold satellite dishes up for things like
21 Dish TV, Direct TV, that type of thing.

22 Q. And can you identify the nails in
23 this photograph for us?

24 A. Yes. There are a lot of them. They

1 are little rust colored -- little rust colored
2 marks that are in the charred wood material.

3 Q. Approximately what size nails
4 would you say these are? Not by nail size
5 necessarily, but by inches, if you can?

6 A. They are probably an inch and
7 a half, two inches.

8 Q. Does this photograph accurately
9 depict what you saw at the property on November
10 4, 2015?

11 A. Yes.

12 Q. When was this report generated?

13 A. On November 4th.

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

16 A. Yes.

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

20 A. Yes.

21 MS. RYAN: I have no further
22 questions.

23 HEARING OFFICER WEBB: Thank
24 you.

1 Mr. Osman?

2 C R O S S - E X A M I N A T I O N

3 by Mr. Osman

4 Q. Okay. Ms. Stevenson, in your
5 report, which is your Exhibit 1, attached to
6 that report is a narrative inspection report;
7 is that correct?

8 A. Yes.

9 Q. Okay. And before I go into that,
10 you found that -- in this report, you found what
11 violations of the Illinois EPA?

12 A. 21(p)(1), 21(p)(3), 21(p)(7).

13 Q. Okay. And could you tell me what
14 21(p)(1) is?

15 A. Litter.

16 Q. Okay. And 21(p)(3)?

17 A. Scavenging.

18 Q. Okay. And 21(p)(7)?

19 A. Demolition debris.

20 Q. Okay. And what is the definition
21 of demolition debris?

22 A. The definition of demolition
23 debris is any type of construction type of
24 material, dimensional lumber, those types of

1 things.

2 Q. Okay. Are you familiar with the
3 definition in Section 415 ILCS 5 of the Illinois
4 Environmental Protection Act?

5 A. Yes.

6 Q. And you would agree that that
7 would be the definition that would control what
8 general construction material is?

9 A. Not completely, but that's what
10 it is in essence to what I found at the site.

11 Q. Well, what other definition of
12 general construction material -- general
13 construction or demolition debris would one
14 use other than the definition in 415?

15 A. No. That's an interpretation,
16 so to speak.

17 Q. You view Section 415 ILCS 5/3.160
18 as to be an interpretation?

19 A. No.

20 Q. Okay. What is it then?

21 A. What I gave you an interpretation of
22 that.

23 Q. Okay. All right. Do you believe --
24 do you have any evidence that this material that

1 you saw on November 3rd resulted from construction?

2 Do you have any evidence that the material there

3 resulted from construction debris?

4 A. I wouldn't say necessarily
5 construction.

6 Q. Remodeling?

7 A. Remodeling.

8 Q. Okay. Remodeling what?

9 A. The inside of that unit was rented
10 to a satellite company and I guess they either
11 went out of business or they moved locations. So
12 they had left things inside the building.

13 Q. Let's probe at that a little bit.
14 You said I guess. Tell me what evidence you have
15 that anything that you saw on the site on November
16 3rd that was a result of remodeling?

17 A. It wasn't a result of remodeling,
18 so to speak. It was a result of demolition.

19 Q. Okay. So --

20 A. Remodeling maybe for the next
21 tenant.

22 Q. Well, remodeling maybe, but please
23 tell me what evidence you have of that other than
24 your assumption?

1 A. I have a picture of open burning
2 and materials related to satellite.

3 Q. Okay. All right. So you don't
4 have any evidence or you don't have any pictures
5 of anything that would indicate that there was
6 remodeling or repair, do you?

7 A. I think I do.

8 Q. Okay. And that -- and the only
9 thing you're pointing to is the photographs; is
10 that correct?

11 A. Correct.

12 Q. Okay. All right. Now, did you
13 see anything in that photograph that leads you
14 to believe that there were bricks there?

15 A. No.

16 Q. Concrete?

17 A. No.

18 Q. Other masonry material?

19 A. No.

20 Q. Soil?

21 A. No.

22 Q. Okay. Rock?

23 A. It's on a gravel parking lot.

24 Q. But do you have any evidence to

1 show that that rock was deposited there or came
2 from some other site?

3 A. No.

4 Q. Wood?

5 A. Yes.

6 Q. Okay. And what do you show in
7 the photograph that shows that there was wood?

8 A. Charred material. That's what
9 the black is all around on the ground.

10 Q. Okay. And how do you know that
11 that charred material came from one of the
12 enumerated sections out of the definition?

13 Q. Could it have been wood from
14 something other than construction, remodeling
15 or repair?

16 A. Such as pallets?

17 Q. Okay. Well, I don't know. I'm
18 asking you. I mean --

19 A. I have a statement that stated
20 that a phone call was made to Unit A stating
21 that Mr. Reichert had given notice that he
22 was going to be burning pallets and such in
23 the back.

24 Q. Okay. All right. Well, we're

1 going to get into that. Now, would a pallet
2 be contained in the definition -- in your
3 opinion, would the pallet be contained in the
4 definition of general construction or demolition
5 debris?

6 A. Yes.

7 Q. Okay. How closely have you looked
8 at that definition, Ms. Stevenson?

9 A. I've looked at it closely.

10 Q. Before you charged Mr. Reichert
11 with this, did you look at this definition to
12 see if, in fact, a pallet, if that's what you
13 believe was there, would actually be general
14 construction material?

15 A. It's the burning of dimensional
16 lumber. So it would fall into that category,
17 yes.

18 Q. It would fall into (c) (7) (sic)?

19 A. Yes.

20 Q. I mean, (p) (7). I'm sorry?

21 A. 21(p) (7).

22 Q. Okay. Let's just look at 21(p) (7)
23 for the record here so they don't have to look it
24 up. Tell me what it says.

1 A. You want me to tell you word-for-word
2 what it says?

3 Q. Yes, I do.

4 A. No, I cannot.

5 Q. Okay. Well, then let's just put
6 it into the record. Let me find it. It's right
7 here. Well, I must have left the definition from
8 (p) (7) on my desk. I apologize. Oh, no. Here
9 it is. Okay.

10 All right. I'm going to show
11 you what I highlighted. That's the only copy
12 that I have. I'll put that into evidence. I'm
13 going to show you a copy of a portion of 415 ILCS
14 5/21, which is 21(p) (1) through (7). So could
15 you tell me what (p) (1) reads? Can you tell me
16 how (p) (1) reads?

17 A. Yes. It reads, "In violation of
18 subdivision (a) of this section, causes or allow
19 the open dumping of any waste in a manner which
20 results in any of the following occurrences at
21 the dump site." Number one is litter.

22 Q. Okay. Thank you. Number three?

23 A. Number three is open burning.

24 Q. And number seven?

1 A. Number seven is a deposition of
2 general construction or demolition debris as
3 defined 3.160(a) of this Act or defined in
4 Section 3.160(b) of this Act.

5 Q. Okay. Now, I believe that (b)
6 is not -- Section 3.0(b) is not concerned --
7 that's clean construction material, correct?

8 A. Correct.

9 Q. And you don't think from your
10 photograph that there was any clean construction
11 material there; is that correct?

12 A. No.

13 Q. You believe then that the pallets
14 that were allegedly burned would have been the
15 general construction or demolition debris?

16 A. Yes.

17 Q. Okay. And do you know where the
18 pallets came from?

19 A. Not specifically as far as whether
20 they came from in the building or whether they
21 were brought from off-site.

22 Q. Okay. Did you ever see any pallets?

23 A. No. I saw the remnants of what --
24 there's a lot of nails there. There was a lot

1 burned.

2 Q. Okay. So do you believe that
3 pallets are the only wood products that have
4 nails in them?

5 A. No. I also believe that these
6 have screws in them and that they were attached
7 to pieces of wood.

8 Q. Okay. All right. But again, you
9 don't have any evidence where the pallets came
10 from?

11 A. No.

12 Q. Or even if there were any pallets
13 there?

14 A. No.

15 Q. Okay. All right. Now then, in
16 your inspection, in the summary, if you would
17 look at that, please, it says, "This inspection
18 was in response to documentation submitted in
19 response to a noncompliance advisory letter."
20 Do you see that?

21 A. Yes.

22 Q. Okay. So was there a noncompliance
23 advisory letter sent out to Mr. Reichert?

24 A. Yes, there was.

1 Q. Do you have a copy of that in your
2 file?

3 A. I don't know. No.

4 Q. Do you know when it was sent?

5 A. It was sent in October of 2015.

6 Q. Okay. So was there an inspection
7 then before November 4, 2015?

8 A. Yes, there was.

9 Q. Okay. And do you have a copy of that
10 inspection?

11 A. That would be the notice of compliance
12 advisory.

13 Q. But before you sent that out, you
14 would have gone to the property and inspected it;
15 would you not?

16 A. Yes, I would.

17 Q. Okay. Well, do you have copies of
18 that?

19 A. Not with me.

20 Q. Is there a reason you didn't bring
21 it?

22 A. Because it's not pertinent.

23 MS. RYAN: Because I didn't tell
24 her to.

1 BY MR. OSMAN:

2 Q. All right. Now, did you send that
3 noncompliance letter certified?

4 A. No.

5 Q. And do you --

6 A. Oh, wait a minute. I might have.
7 I don't recall.

8 Q. Okay. Well, at the time of the
9 October inspection, what did you see?

10 A. I saw nails and charred wood, evidence
11 that open burning had taken place on the property.

12 Q. All right. Did you take pictures in
13 October?

14 A. I did, but it did not turn out.

15 Q. Okay. Well, would you say that your
16 October inspection showed the same as your November
17 inspection in your photographs?

18 A. No. In November, there had been
19 added material and that was the bigger satellite
20 bars.

21 Q. Okay. So the inspection was in
22 response to documentation submitted in response
23 to a noncompliance advisory letter. Who responded
24 to the noncompliance advisory letter?

1 A. Airgas.

2 Q. Okay.

3 A. The tenants from Unit 1.

4 Q. And what -- in what manner did they
5 respond, in writing or verbally?

6 A. Both.

7 Q. Okay.

8 A. And requested a meeting.

9 Q. And did you bring copies of your
10 notes from those meetings?

11 A. No.

12 Q. Okay. So the noncompliance advisory
13 letter then was not sent to Mr. Reichert; is that
14 correct?

15 A. Yes, it was, as a property owner.

16 Q. And do you have that documentation
17 in your files?

18 A. Yes.

19 Q. Okay. Well, did you ever talk with
20 Mr. Reichert about your October inspection?

21 A. I don't know if I talked to him
22 about the October inspection, but I know that
23 I definitely talked to him about the November
24 inspection.

1 Q. Okay. All right. And who at
2 Airgas did you talk with?

3 A. I talked with their Director of
4 Environmental Safety. He actually flew in for
5 a meeting from out of state and I talked to their
6 manager of their office here.

7 Q. Okay. Did you make notes of those
8 meetings?

9 A. I have documentation from those
10 meetings, yes.

11 Q. What is documentation? What does that
12 mean?

13 A. Written statements that they provided
14 to me.

15 Q. All right. Now, it says here that
16 the documentation substantiated the open of burning
17 of waste located behind Unit B.

18 A. Correct.

19 Q. Do you say see that?

20 A. Uh-huh.

21 Q. Okay. So that's in your documentation
22 from Airgas?

23 A. Yes.

24 Q. All right. So two people were

1 interviewed. That's the two people you told
2 me about. Do you remember their names?

3 A. No, I don't because I've got
4 them written down in the inspection report
5 from October.

6 Q. Okay. All right. As best as
7 you can remember, tell me what the Airgas
8 environmental person told you?

9 A. The environmental person told me
10 that that was not part of their rental property
11 and before I had come to meet with them over in
12 Marion, they had discussed it and the manager
13 was not there the day I went for the October
14 inspection, but she was there when I went back
15 per the request for the meeting.

16 She told me that she had
17 received a phone call from Mr. Reichert saying
18 that they were going to be burning pallets in
19 the back and he just wanted to give her notice
20 of that.

21 Q. Okay. Anything else?

22 A. The environmental director told
23 me that if they had done any kind of open burning
24 on their property that would be a severe safety

1 violation on their part.

2 Q. And were you impressed by that?

3 A. No. I'm just telling you what he
4 said. You asked me.

5 Q. So that's the only thing he added
6 to your investigation was if there were burning,
7 it would be serious; is that correct?

8 A. Well, that's just a summation of
9 what he said.

10 Q. Okay. Well, what, if anything,
11 did he tell you that you based your decision
12 on that Mr. Reichert caused this burning?

13 A. They gave me written statements.

14 Q. They gave you written statements
15 from them?

16 A. Yes.

17 Q. Okay. And in the environmental --
18 first, we're talking about the environmental
19 person, in his written statement, did he say
20 that Mr. Reichert was the one that did the
21 burning?

22 A. Their environmental person versus
23 their manager?

24 Q. Yes.

1 A. Who received the phone call?

2 Q. Yes, absolutely.

3 A. He believed what the manager said
4 was true.

5 Q. Okay. So anything he told you was
6 based upon what the manager said?

7 A. Yes.

8 Q. Okay. All right. So you didn't
9 talk to the manager when --

10 A. Yes, I did.

11 Q. Well, wait a minute. Listen to my
12 question. You didn't talk to the manager until
13 November?

14 A. No. I talked to the manager in
15 October when they responded. They had 15 days
16 to respond.

17 Q. Okay. So she wasn't there at the
18 inspection?

19 A. At the inspection.

20 Q. Okay. And then she responded. What
21 did she tell you?

22 A. She told me that Mr. Reichert had
23 called them to notify them that he was going to be
24 burning pallets out in the back.

1 Q. And did she tell you when this took
2 place?

3 A. She said it was either in May or
4 June if I remember correctly. Yes, it was May
5 or June. She couldn't remember the exact date
6 that he had called.

7 Q. All right. Did she tell you anything
8 else?

9 A. No, not that I can think of.

10 Q. Did she say anything about having
11 any kind of a conflict with Mr. Reichert in
12 regards to their rental unit?

13 A. No. They did not have any conflict
14 that they let me in on.

15 Q. Well, what else did you do, if
16 anything, to confirm that what she told you was
17 the truth?

18 A. I took their written statements and
19 I have a photograph showing that open burning had
20 been taking place at the property.

21 Q. Okay. But other than what she told
22 you allegedly, you don't have any evidence that
23 Mr. Reichert was actually on the phone with the
24 manager, correct?

1 A. No.

2 Q. Okay. We don't have the manager's
3 statement, correct?

4 A. It's in the file.

5 Q. Okay. It says, "Satellite images
6 taken on May 18th indicate a waste pile similar to
7 that of open burning located in the same location
8 as Photo 001." Do you see that?

9 A. Yes.

10 Q. Is that the attachment to that?

11 A. Yes. That's the site map and it
12 doesn't do very well in black and white.

13 Q. All right. So this was May 18th.
14 Now, are you indicating here, Ms. Stevenson,
15 that the waste pile -- it says, "Similar to that
16 of open burning," are you saying that it looked
17 like your photograph from the November inspection
18 or are you saying that it was prior to it being
19 burned?

20 A. No. I'm saying that it looked
21 similar to an opening burning pile similar to what
22 I would have seen.

23 Q. Okay. So then the open burning
24 would have had to take place prior to May 18th;

1 is that correct?

2 A. Correct.

3 Q. Okay. And you further say that
4 the waste burn was left at the premises by a
5 previous tenant in Unit B, a TV satellite
6 installation company, correct?

7 A. I say according to the occupant
8 in Unit A.

9 Q. Okay. So that would have been the
10 manager?

11 A. That would have been the manager.

12 Q. Okay. So she did tell you other
13 things other than a -- about the phone call of
14 Mr. Reichert?

15 A. It was in her statement.

16 Q. Okay. And then she says -- and
17 then you say, "and the respondent." Who are you
18 referring to there?

19 A. "And the respondent chose to burn
20 the waste instead of dispose of it properly."
21 Mr. Reichert is the respondent.

22 Q. Well, didn't you send the
23 noncompliance letter out to Airgas?

24 A. Yes, I did.

1 Q. Weren't they a respondent also?

2 A. Not after they said that they
3 didn't have an open burn and that they distinguished
4 that there were two rental units there at the
5 time that the incident happened.

6 Q. Okay. Did they give you any --
7 didn't they give you copies of their lease or
8 anything?

9 A. No.

10 Q. You just assumed that what they
11 told you was the truth?

12 A. I took their word for it since
13 they have a big business sign up there.

14 Q. Okay.

15 A. And the Williamson County tax
16 assessor's office has that property owned by
17 Mr. Reichert.

18 Q. Okay. All right. Well, I'm just
19 trying to figure out on what basis you dropped
20 them as a respondent.

21 A. I dropped them when I understood
22 where their property -- that they only rented
23 Unit A and in back of their unit, they have a
24 lean-to back there with compressed gas cylinders.

1 On the other side of that is right where the
2 open burning took place. Now, in my estimation,
3 if you were running a cylinder gas type of company
4 and you stored cylinders back there full of gasses,
5 wouldn't it be kind of silly to burn right next to
6 it?

7 Q. Okay. Well, you know, we're getting
8 assumptions upon hearsay upon assumptions. Okay?

9 A. Uh-huh.

10 Q. Now, I want you to please just answer
11 my questions with facts.

12 Now, on what basis did you drop
13 Airgas as a respondent?

14 MS. RYAN: Objection, asked
15 and answered.

16 HEARING OFFICER WEBB: One last
17 time.

18 BY THE WITNESS:

19 A. I dropped them when they gave me
20 the written statements and I met with them over
21 at their Unit A and they explained what part
22 of the section was their lease and then they
23 explained what used to be in the Section B lease.

24

1 BY MR. OSMAN:

2 Q. Okay. Now, if you would look at
3 your picture from your November 4th inspection --

4 A. Uh-huh.

5 Q. -- you identified the metal pieces
6 as being satellite -- pieces of satellite?

7 A. Yes.

8 Q. Okay. Now, tell me other than the
9 statement that was made -- allegedly made, that
10 we don't have, that was made by the manager, what
11 evidence you have that Mr. Reichert had anything
12 to do with placing whatever this metal was or
13 burning it, tell me what other evidence you have?

14 A. I don't have any evidence that
15 Mr. Reichert did it himself.

16 Q. Okay.

17 A. But it is the property owner.

18 Q. Okay. Well, what -- other than
19 being the property owner, what evidence do
20 you have that he allowed it to be done by his
21 tenants?

22 A. The property owner is responsible
23 for whatever takes place on his property.

24 Q. Well, that's going to be for --

1 A. The burning took place on his
2 property.

3 Q. Okay. That's going to be for
4 the Pollution Control Board to determine.

5 Am I understanding you
6 correctly that in your position as an inspector
7 that you believe that just because someone is a
8 property owner they then are liable for causing
9 any of the violations of the Illinois EPA?

10 A. Yes.

11 Q. Okay. And who advised you of
12 that?

13 A. My management.

14 Q. Who is your management?

15 A. My management is -- I have had
16 three managers in Marion and one out of
17 Springfield. My current manager is John
18 Richardson.

19 Q. Okay. Do you have -- did you
20 receive a directive from any of these managers
21 that said that?

22 A. Yes. That's the interpretation.

23 Q. Okay. And do you remember when you
24 received it?

1 A. It started in 2006 in February.

2 So I would say it was 2006, February.

3 Q. Okay. So it matters not what
4 the landowners knows, did, just as long as
5 somebody does something that violates the IEPA
6 on their property, they are liable?

7 A. Yes.

8 Q. Okay. Before today, Ms. Stevenson,
9 have you ever met Mr. Reichert?

10 A. No.

11 Q. Have you ever issued him or any of
12 his other companies notice of non-compliance in
13 the past?

14 A. Yes.

15 Q. Did you get any directive from
16 anyone on your management team to inspect
17 Mr. Reichert's property?

18 A. No.

19 Q. Let me look at my notes. I may be
20 done.

21 Now, you did a reinspection of
22 this property; did you not?

23 A. I did two reinspections. The first
24 inspection -- reinspection that I did, there was

1 too much snow still on the ground and I couldn't
2 see.

3 Q. Okay. Well, when was that?

4 A. December, after a phone call from
5 Mr. Reichert saying that he had it cleaned up.

6 Q. Okay. Well, what else did
7 Mr. Reichert tell you on the phone call?

8 MS. RYAN: Objection, relevance.

9 MR. OSMAN: I don't even know
10 to respond to that.

11 MS. RYAN: I don't see how it's
12 relevant to the occurrence on November
13 4, 2015, when it happened after the event.

14 HEARING OFFICER WEBB: After
15 the -- after this report?

16 MS. RYAN: Right.

17 HEARING OFFICER WEBB: After the
18 inspection reporter?

19 MS. RYAN: Yes.

20 HEARING OFFICER WEBB: It's not
21 usually -- your question should be related
22 to the inspection report that's at issue
23 in the case. If you are going somewhere
24 with it, I'll give you a little leeway,

1 but I don't know where -- it's really --
2 anything that happened after is not
3 considered relevant.

4 MR. OSMAN: Okay. You will
5 have it for another day, I guess.

6 BY MR. OSMAN:

7 Q. Now, did you do any testing of the
8 soil?

9 A. No.

10 Q. So then there is no allegation of
11 any kind that there was hazardous material there,
12 correct?

13 A. Not to my knowledge.

14 Q. Well, is there or not?

15 A. I did not allege that there was
16 hazardous waste at the site.

17 Q. Okay. If you would have thought
18 that there would have been, you would have tested
19 it, wouldn't you?

20 A. I would have either asked my
21 supervisor if I should test it or there are
22 many times that we put in the notice that the
23 respondent needs to test and prove that it has
24 no hazardous waste, but I did not ask that.

1 Q. Okay. Now, let's go back again
2 and try to ask this question a little better.

3 How many times have you talked
4 with Mr. Reichert in regards to this clean-up?

5 A. Once.

6 Q. Okay. And when was that?

7 A. I believe it was in December before
8 I went back for the first recheck.

9 Q. Okay. And what did he tell you?

10 A. Well, first of all, he said who he
11 was and then he said he had it cleaned up and
12 then he laughed and said I can't believe you
13 even sent me a notice for this or a summation
14 of that.

15 Q. Okay. Now, in the photograph
16 that's attached to your November -- how big
17 an area are we concerned with here?

18 A. Probably this particular area
19 is probably, I don't know, maybe five-foot by
20 six-foot.

21 MR. OSMAN: No further
22 questions. Thank you.

23

24

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

2 by Ms. Ryan

3 Q. Okay. Where is the location of
4 this burn pile in relation to the units on the
5 property?

6 A. It's actually in back of Unit B
7 and very near the line of what is between A and
8 B. There's a lean-to that has the gas cylinders
9 in it and then maybe three, four, five feet over
10 is the burn pile from that lean-to.

11 Q. If it's behind Unit B, why didn't
12 you send the non-compliance advisory to the tenant
13 in Unit B?

14 A. Because I didn't realize it was a
15 separate unit.

16 Q. Was there a tenant in Unit B when
17 you were out there in October?

18 A. When I first went out, I do not
19 believe there was a tenant in there. I did not
20 notice a sign or anything like that. I thought
21 that whole building was Airgas.

22 Q. There was just the one sign for
23 Airgas out there?

24 A. Yes.

1 Q. Now, in your experience with open
2 burning, you had experience with open burning at
3 open sites before?

4 A. Yes.

5 Q. And have you had experience with
6 the remnants of open burning including metal
7 remnants?

8 A. Yes.

9 Q. In your experience, metal tends not
10 to burn, is that not correct?

11 A. Correct.

12 Q. Then what would be the purpose of
13 burning metal?

14 MR. OSMAN: Objection, conjecture.
15 She has no idea why anything would burn
16 anything.

17 MS. RYAN: She has ten years of
18 experience inspecting sites.

19 MR. OSMAN: No. You asked her
20 what would be the purpose of someone doing
21 it.

22 MS. RYAN: Why would someone
23 burn metal?

24 MR. OSMAN: I'm saying it's

1 conjecture and I understand that in an
2 administrative hearing hearsay is allowed
3 and we have a relaxed standard, but I want
4 to put my objection on the record because
5 she's not been qualified as any, quote,
6 type of an expert. So I'm going to
7 object to it.

8 Go ahead and answer.

9 HEARING OFFICER WEBB: Go ahead.
10 Yes, in your experience, go ahead and
11 answer.

12 BY THE WITNESS:

13 A. In my experience, they are usually
14 burning it to take off some kind of coating so
15 that they can recycle it or detach it from something
16 that is burnable so they can recycle it.

17 BY MS. RYAN:

18 Q. Recycle the metal?

19 A. Yes.

20 Q. Okay. Is there a fence around this
21 property?

22 A. No.

23 MS. RYAN: That's all I have.

24 MR. OSMAN: I have just a few

1 follow-ups.

2 R E C R O S S - E X A M I N A T I O N

3 by Mr. Osman

4 Q. What evidence, if any, do you have
5 that Mr. Reichert was burning anything to, quote,
6 recycle metal?

7 A. None.

8 Q. Okay. Now, I want to make sure I
9 have the timing down. In October of 2015, when
10 you initially went out there --

11 A. Uh-huh.

12 Q. Is that yes?

13 A. Yes. I'm sorry. Yes.

14 Q. That's okay.

15 When you initially went out
16 there, you said there was not a tenant in Unit B;
17 is that correct?

18 A. I don't believe there was a tenant.
19 I did not notice a sign or notice that the building
20 was divided into two halves.

21 Q. Okay. And the sign that was there
22 was Airgas; is that correct?

23 A. Yes. They have a big sign.

24 MR. OSMAN: Okay. Thank you.

1 MS. RYAN: I would like to move
2 Exhibit 1 into evidence.

3 HEARING OFFICER WEBB: Exhibit 1
4 is the inspection - the open dump inspection
5 checklist dated November 4, 2015. It's
6 admitted into evidence.

7 MR. OSMAN: Now, let me -- let me
8 respond to that before you do that.

9 HEARING OFFICER WEBB: Okay.

10 MR. OSMAN: I don't mind and I
11 don't object to it being admitted into
12 evidence for being an inspection, but I
13 do object to it being admitted into
14 evidence for being the inspection.

15 I do object to it being
16 admitted into evidence for the proof of
17 anything that's in her narrative that's
18 based upon hearsay, that's based upon
19 alleged statements of which we have never
20 seen, which is not in this hearing.

21 And so while I don't object
22 to its admission for whatever value for
23 the Pollution Control Board, I do object
24 to it and they rule upon whether or not

1 the contents of it and the statements
2 that have been -- that Ms. Stevenson has
3 put in there are based upon not only
4 hearsay, but in several cases double
5 hearsay.

6 So that's my objection
7 for the Pollution Control Board.

8 HEARING OFFICER WEBB: Okay.
9 Well, I'm admitting Exhibit 1 into evidence
10 and will let the Pollution Control Board
11 make any decisions regarding your objection.

12 (Agency Exhibit No. 1 was
13 admitted into evidence.)

14 MR. OSMAN: Thank you. Could I
15 have two or three minutes? My mouth is
16 really dry and I need to get some water.

17 HEARING OFFICER WEBB: Yes. We
18 can go off the record for a minute.

19 MR. OSMAN: Okay. Thank you.
20 I'm going to have Mr. Reichert now and
21 then we'll be done.

22 HEARING OFFICER WEBB: Did you
23 have any follow-up?

24 MS. RYAN: No. I'm good.

1 HEARING OFFICER WEBB: Okay.

2 (Whereupon, after a short
3 break was had, the following
4 proceedings were held
5 accordingly.)

6 HEARING OFFICER WEBB: Okay. Let's
7 go back on the record.

8 Ms. Ryan, do you have anything
9 further you would like to present?

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

11 (The Agency rests its
12 case-in-chief.)

13 HEARING OFFICER WEBB: All right.

14 Mr. Osman, you may call your
15 witness.

16 HEARING OFFICER WEBB: Would
17 the court reporter please swear in
18 Mr. Reichert?

19 THE COURT REPORTER: Raise your
20 right hand.

21 Do you swear the testimony
22 you are about to give is the truth, the
23 whole truth and nothing but the truth, so
24 help you God?

1 MR. REICHERT: Yes.

2 (Witness sworn.)

3 WHEREUPON:

4 J A M E S R E I C H E R T

5 called as a witness herein, having been first duly

6 sworn, deposeth and saith as follows:

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

8 by Mr. Osman

9 Q. State your full name for the record
10 and spell your last name?

11 A. James Reichert, R-E-I-C-H-E-R-T.

12 Q. Do you have a middle initial,
13 Mr. Reichert?

14 A. R.

15 Q. Okay. You've heard the testimony
16 in regard to the ownership of the property that's
17 owned by James Reichert Limited Family Partnership,
18 have you not, on Cornell Street?

19 A. That's correct.

20 Q. And is it correct that that
21 partnership owns that property?

22 A. That's correct.

23 Q. And are you a representative of that
24 partnership?

1 A. Yes.

2 Q. And do you manage the properties?

3 A. Yes.

4 Q. Okay. Now, Mr. Reichert, tell me
5 if you can remember on May 15th of 2015, who the
6 tenants were on that property?

7 A. Airgas and a satellite company.

8 Q. Okay. Do you remember is there two
9 units there?

10 A. That's right.

11 Q. Okay. And do you remember the name
12 of the satellite company?

13 A. No, I don't.

14 Q. Okay. Now, as manager of the
15 property, what are your duties and what do you do?

16 A. Negotiate the lease, collect the
17 rent, and leave them alone so that they can enjoy
18 the peace of the space they occupy.

19 Q. Okay. And do you remember receiving
20 any kind of a notice or documentation in or about
21 October of 2015, regarding alleged EPA -- IEPA
22 violations?

23 A. No.

24 Q. Okay. What do you first remember

1 receiving?

2 A. The document that says that I allowed
3 this trash to be burnt.

4 Q. I'm going to show you --

5 MR. OSMAN: I'll have to
6 make you a copy of that.

7 MS. RYAN: That's fine.

8 (Document marked as Respondent's
9 Exhibit No. 1 for identification,
10 6/8/16.)

11 BY MR. OSMAN:

12 Q. I'm going to show you what I'm going
13 to mark as Respondent 1 and ask if you could look
14 at that and tell me if you recognize it.

15 (Document tendered
16 to the witness.)

17 BY THE WITNESS:

18 A. Yeah. This was the first notice
19 from this department of these alleged violations
20 and/or actions.

21 BY MR. OSMAN:

22 Q. All right. And after you received
23 that, what did you do?

24 A. I called Ms. Stevenson up.

1 Q. At the Marion office?

2 A. Yes.

3 Q. Did you talk to her?

4 A. Yes.

5 Q. And what did you tell her?

6 A. I advised her I received her letter
7 of allegations.

8 Q. Okay. What did she say?

9 A. Oh, not much. She was abrupt.

10 Q. Okay.

11 A. I asked her what she -- what I
12 should do to correct the action. She said,
13 "Clean it up."

14 Q. All right. Was that the extent of
15 the conversation?

16 A. That was the extent of it.

17 Q. Okay. Did she ask you anything in
18 regards to the management of the property?

19 A. Nothing.

20 Q. Okay. Did she talk to you about it
21 or indicate that she had statements from anybody
22 that you had caused that -- caused the alleged
23 violation?

24 A. Nothing whatsoever. It was virtually

1 like a Hitler response.

2 Q. Okay. Now, Mr. Reichert, who at
3 the time in November who was in leasing the
4 units?

5 A. Airgas and I assume the satellite
6 company.

7 Q. And how long has Airgas leased the
8 property?

9 A. Close to 20 years.

10 Q. Okay. And has the same manager
11 been there that you've dealt with on that lease
12 the entire time?

13 A. The manager of Airgas?

14 Q. Yes.

15 A. No.

16 Q. Okay. Do you know the name of the
17 manager of Airgas in November?

18 A. No.

19 Q. Okay. Well, did you have any kind
20 of disagreement with that particular manager in
21 the November period?

22 A. Well, not in November, but prior
23 to November.

24 Q. Okay. When would it have been?

1 A. About three or four months prior to
2 November.

3 Q. What was that disagreement?

4 A. It was as Stevenson was mentioning,
5 there is a lean-to on the back of the building
6 that's occupied by Airgas, if you know what a
7 lean-to is, you understand how it's conformed
8 and how it's designed, this manager was wanting
9 to know how we could prevent rainwater from
10 coming in on the floor of the lean-to.

11 Q. Okay.

12 A. And at that time I knew this
13 individual and I won't get along.

14 Q. Well, did you -- did you have sharp
15 words?

16 A. No. I called her manager and told
17 her I was going to refuse to comment with this
18 manager on-site.

19 Q. So you called her manager?

20 A. Yeah.

21 Q. Had you been dealing with him or her
22 before?

23 A. Well, I negotiated the lease with
24 him and had dealt with him throughout the lease

1 period for 18, 20 years and never had a problem.

2 Q. Okay. All right. Now, you heard
3 the testimony of Ms. Stevenson relating to an
4 alleged conversation where you called the manager
5 of Airgas and told her that you were going to be
6 burning some pallets. Do you remember that?

7 A. Yes.

8 Q. Did that happen?

9 A. Absolutely not.

10 Q. Okay. And did you ever see any
11 pallets on the property from May of 2015 until
12 November 2015?

13 A. No.

14 Q. Okay. Did you -- in any of your
15 business, did you deliver or take to that property
16 any pallets?

17 A. No.

18 Q. Did you take anything else to that
19 property to burn?

20 A. No.

21 Q. Okay. Were you aware prior to
22 receiving the notification from IEPA that there
23 was even a trash pile that had been burned?

24 A. That's correct.

1 Q. Well, answer the question,
2 Mr. Reichert. Were you aware that there was a
3 trash pile there that had been burned?

4 A. No.

5 Q. Okay. Mr. Reichert, how many
6 properties do you operate and own, you and your
7 family?

8 A. Quite a few.

9 Q. Well, give us an approximate number.

10 A. Somewhere there about 100.

11 MR. OSMAN: Okay. All right.

12 No further questions.

13 I will be wanting to admit
14 Respondent's Exhibit 1 and this will be
15 Respondent's Exhibit 2.

16 (Document marked as Respondent's
17 Exhibit No. 2 for identification,
18 6/8/16.)

19 MR. OSMAN: I will have to get
20 copies of the two.

21 HEARING OFFICER WEBB: Well, I
22 think these are things that the Pollution
23 Control Board already has. What is this?
24 Is this the complaint?

1 MS. RYAN: Actually, the
2 distinction between Exhibit -- whatever
3 you're holding there and the administrative
4 citation that was filed with the Board,
5 there's a pink sheet of paper on the
6 back of there that is not included in
7 what is sent to the Board. So that is
8 an additional piece of information.

9 HEARING OFFICER WEBB: Okay.

10 MS. RYAN: But the rest of it
11 is the citation that was filed with the
12 Board.

13 HEARING OFFICER WEBB: Okay.
14 All right. Well, I can --

15 MR. OSMAN: Well, I'd like to
16 admit it. If the Board thinks it's a
17 duplicate, they can make that determination.

18 HEARING OFFICER WEBB: Do have
19 any objection?

20 MS. RYAN: I have no objection
21 to it. I was just indicating that the
22 last page is different.

23 HEARING OFFICER WEBB: I'll just
24 call it Exhibit 2.

1 MR. OSMAN: All right. And I'll
2 call this Exhibit 3.

3 (Document marked as Respondent's
4 Exhibit No. 3 for identification,
5 6/8/16.)

6 HEARING OFFICER WEBB: This is
7 a statute. I mean, we can take judicial
8 notice.

9 MR. OSMAN: Please include it
10 and put it in there.

11 HEARING OFFICER WEBB: All right.

12 MR. OSMAN: I don't like having
13 hearing officers having to look anything
14 up.

15 HEARING OFFICER WEBB: Okay.
16 Well, this would be the Board.

17 MR. OSMAN: Well, I don't want
18 them to have to look it up.

19 HEARING OFFICER WEBB: All right.
20 So Exhibit 2 is the -- what should we call
21 this? It's the complaint with an attached
22 notice on the back, informational notice.
23 And Exhibit 3 is a copy of --

24 MR. OSMAN: 415 ILCS --

1 HEARING OFFICER WEBB: Subsection
2 (p) of the Act.

3 MR. OSMAN: Right.

4 HEARING OFFICER WEBB: Okay. Did
5 you have anymore questions for your witness?

6 (Respondent's Exhibit Nos. 1
7 through 3 were admitted into
8 evidence.)

9 MR. OSMAN: No, your Honor.

10 HEARING OFFICER WEBB: Okay.

11 Ms. Ryan, do you have any questions?

12 C R O S S - E X A M I N A T I O N

13 by Ms. Ryan

14 Q. The lean-to that's up against
15 the actual metal building, it's leaning on the
16 building, it's not propped up against something
17 else? I'm just trying to understand.

18 A. It's not propped up against anything.

19 Q. Okay. It's leaning on something if
20 it's a lean-to.

21 A. No. It's not leaning on anything.
22 It is a lean-to.

23 Q. Okay. So it's separate from the
24 building?

1 A. By about three inches, yes.

2 Q. Okay. Thank you. You said you
3 don't know when the satellite company left the
4 property?

5 A. Not for sure. I could find out.

6 MS. RYAN: That's all.

7 HEARING OFFICER WEBB: Anything?

8 Any follow-up?

9 MR. OSMAN: No.

10 HEARING OFFICER WEBB: Mr. Osman,
11 do you have anything further you would like
12 to present today?

13 MR. OSMAN: No, I do not.

14 HEARING OFFICER WEBB: Let's go off
15 the record for a moment to discuss a briefing
16 schedule.

17 (Whereupon, a discussion
18 was had off the record.)

19 HEARING OFFICER WEBB: The
20 transcript is due by June 15th and will
21 be posted on the Board's website. The
22 public comment deadline is June 22nd.
23 Any public comment must be filed in
24 accordance with Section 101.628 of the

1 Board's procedural rules.

2 The Agency's brief is due
3 by July 6th and the Respondent's brief
4 is due by August 3rd.

5 Ms. Ryan, would you like
6 to make any closing argument?

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

9 HEARING OFFICER WEBB: Mr. Osman,
10 would you like to make any closing argument?

11 MR. OSMAN: No. I'll put it in
12 the brief.

13 HEARING OFFICER WEBB: Okay. At
14 this time I will conclude the proceedings.
15 We stand adjourned and I thank you all for
16 coming.

17 MR. OSMAN: Thank you.

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

21

22

23

24

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF C O O K)
4
5

6 I, LORI ANN ASAUSKAS, CSR, RPR,
7 do hereby state that I am a court reporter doing
8 business in the City of Chicago, County of Cook,
9 and State of Illinois; that I reported by means
10 of machine shorthand the proceedings held in the
11 foregoing cause, and that the foregoing is a true
12 and correct transcript of my shorthand notes so
13 taken as aforesaid.

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Lori Ann Asauskas, CSR, RPR.
Notary Public, Cook County, Illinois

<p>A A.D 1:16 a.m 1:16 4:5 above-entitled 59:20 abrupt 50:9 absolutely 28:2 53:9 AC 1:5 4:3 accurate 10:23 accurately 12:8 Act 4:15,24 14:4 20:3,4 57:2 acting 4:8 action 50:12 actions 49:20 actual 57:15 added 23:19 27:5 addition 7:3 additional 55:8 adjourned 59:15 administrative 42:2 55:3 admission 44:22 admit 54:13 55:16 admitted 3:16 44:6,11,13,16 45:13 57:7 admitting 45:9 advised 35:11 50:6 advisory 21:19 21:23 22:12 23:23,24 24:12 40:12 aforsaid 60:13 agency 1:3 2:7 3:17 4:13 5:8 5:22 9:12 10:5 45:12 46:11 Agency's 59:2 agree 14:6 ahead 42:8,9,10</p>	<p>Airgas 24:1 25:2 25:22 26:7 31:23 33:13 40:21,23 43:22 48:7 51:5,7,13 51:17 52:6 53:5 allegation 38:10 allegations 50:7 allege 38:15 alleged 6:17 44:19 48:21 49:19 50:22 53:4 allegedly 20:14 29:22 34:9 alleges 4:13 allow 7:9 19:18 allowed 6:18 7:2 34:20 42:2 49:2 and/or 49:20 Ann 1:12 60:6 60:17 answer 33:10 42:8,11 54:1 answered 33:15 anybody 50:21 anymore 57:5 apologize 19:8 appearance 5:9 5:14 appearances 5:4 Appeared 2:11 2:17 approximate 54:9 approximately 8:24 9:2 12:3 area 39:17,18 argument 59:6 59:10 Asauskas 1:12 60:6,17 asked 27:4</p>	<p>33:14 38:20 41:19 50:11 asking 17:18 assessor's 32:16 Assistant 5:7 ASSOCIATES 2:13 assume 51:5 assumed 32:10 assumption 15:24 assumptions 33:8,8 attached 11:10 13:5 21:6 39:16 56:21 attachment 30:10 Attorney 5:7 August 59:4 Avenue 2:2,7 aware 53:21 54:2</p> <p style="text-align: center;">B</p> <p>b 3:15 11:7 20:5 25:17 31:5 33:23 40:6,8 40:11,13,16 43:16 back 17:23 26:14,19 28:24 32:23,24 33:4 39:1,8 40:6 46:7 52:5 55:6 56:22 background 9:3 bars 23:20 based 27:11 28:6 44:18,18 45:3 basis 32:19 33:12 beginning 4:5 behalf 2:11,17</p>	<p>5:13 believe 6:3 14:23 16:14 18:13 20:5,13 21:2,5 35:7 39:7,12 40:19 43:18 believed 28:3 best 26:6 better 39:2 big 32:13 39:16 43:23 bigger 23:19 bit 15:13 black 17:9 30:12 Board 1:1 2:2 4:18 6:23 7:9 35:4 44:23 45:7,10 54:23 55:4,7,12,16 56:16 Board's 4:24 5:2 58:21 59:1 Box 2:8,14 break 46:3 bricks 16:14 brief 59:2,3,8,12 briefing 3:12 58:15 bring 22:20 24:9 brought 20:21 building 11:5 15:12 20:20 40:21 43:19 52:5 57:15,16 57:24 Bureau 4:9 burn 31:4,19 32:3 33:5 40:4 40:10 41:10,15 41:23 53:19 burnable 42:16 burned 20:14 21:1 30:19 53:23 54:3</p>	<p>burning 6:5,19 16:1 17:22 18:15 19:23 23:11 25:16 26:18,23 27:6 27:12,21 28:24 29:19 30:7,16 30:21,23 33:2 34:13 35:1 41:2,2,6,13 42:14 43:5 53:6 burnt 11:14 49:3 business 12:15 12:18 15:11 32:13 53:15 60:8</p> <p style="text-align: center;">C</p> <p>c 2:1 8:6 13:2 18:18 40:1 43:2 47:4,7 57:12 60:3 call 7:14,15 17:20 26:17 28:1 31:13 37:4,7 46:14 55:24 56:2,20 called 8:4 28:23 29:6 47:5 49:24 52:16,19 53:4 Carol 1:11 2:5 4:2 case 4:13,20 37:23 case-in-chief 46:12 cases 45:4 category 18:16 cause 59:20 60:11 caused 6:18,18 27:12 50:22,22</p>
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