

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

COUNTY OF LASALLE,)
)
)
 -vs-) NO. AC-97-024
)
CHARLIE RAIKES, d/b/a)
Kickapoo Iron & Metal,)
)

TRANSCRIPT OF PROCEEDINGS in the
above-entitled matter; taken before ANN L. PELLICAN,
C.S.R., a Notary Public in and for the County of
LaSalle, State of Illinois, at The LaSalle County
Courthouse, Ottawa, Illinois, on the 6th day of
February, 1997, commencing at the hour of 10:05 a.m.

PRESIDING: MS. DEBORAH L. FRANK, HEARING OFFICER

APPEARANCES: MR. ROBERT ESCHBACH
Attorney at Law
728 Columbus Street
Ottawa, Illinois 61350

 appearing on behalf of the County of
 LaSalle.

ALSO PRESENT: Scott Cofoid
Kirsten Duke
Charlie Raikes
Members of the Public

ANN L. PELLICAN, CSR

(815) 223-5994

1	INDEX	
2		PAGE
3	WITNESSES:	
4	Scott Cofoid	
5	Direct Examination by Mr. Eschbach	5
6	Cross-Examination by Mr. Raikes	14
7	Kirsten Duke	
8	Direct Examination by Mr. Eschbach	15
9	Charlie Raikes	
10	Direct Examination by Mr. Eschbach	26
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

1 HEARING OFFICER FRANK: Good morning and welcome to
2 the hearing in AC-97-24, County of LaSalle versus
3 Charlie Raikes, doing business as Kickapoo Iron & Metal.

4 The hearing before us today is an
5 administrative citation case. There are no members of
6 the public present.

7 Mr. Eschbach, do you want to go ahead and
8 enter your appearance on the record and --

9 MR. ESCHBACH: Yes. I'm Robert M. Eschbach, and
10 I'm representing the County of LaSalle in this matter.

11 HEARING OFFICER FRANK: Mr. Raikes, are you
12 representing yourself?

13 THE WITNESS: Yes, or Kickapoo Iron & Metal.

14 HEARING OFFICER FRANK: Okay. Mr. Eschbach, do you
15 have an opening statement of any kind?

16 MR. ESCHBACH: I don't think so. I think the
17 issue's very limited, and we can proceed rapidly.

18 I was just going to ask a question. Exactly
19 what do you have as part of the record at this point?

20 HEARING OFFICER FRANK: The Pollution Control Board
21 has -- well, I have copies.

22 MR. ESCHBACH: Right.

23 HEARING OFFICER FRANK: I don't --

24 MR. ESCHBACH: So we really don't need to

1 introduce into evidence --

2 HEARING OFFICER FRANK: Did you send original
3 pictures to the Pollution Control Board?

4 MS. DUKE: Yes, one copy.

5 HEARING OFFICER FRANK: Then they have it.
6 Sometimes they're entered at hearing, and sometimes
7 they're sent. As long as they have the originals sent,
8 you don't have to enter.

9 MR. ESCHBACH: Okay.

10 HEARING OFFICER FRANK: Mr. Raikes, did you have
11 any opening statements you wanted to make?

12 MR. RAIKES: No, other than, you know, just the
13 answer to these --

14 HEARING OFFICER FRANK: Okay. You'll get a chance
15 to do that.

16 Mr. Eschbach, why don't you go ahead and call
17 your first witness.

18 MR. ESCHBACH: I'll call Scott Cofoid.

19 HEARING OFFICER FRANK: Could you please swear the
20 witness?

21 MR. ESCHBACH: Actually, I'm going to call Kirsten
22 Duke, also, if you want to swear them both at the same
23 time.

24 SCOTT COFOID and KIRSTEN DUKE, called as

1 witnesses herein, upon being first duly sworn on oath,
2 were examined and testified as follows:

3 (Witnesses sworn.)

4 DIRECT EXAMINATION BY:

5 MR. ROBERT M. ESCHBACH

6 MR. ESCHBACH: Would you state your name, please.

7 THE WITNESS: Scott Cofoid.

8 Q. Mr. Cofoid, what is your occupation?

9 A. I'm the supervisor of field operations for
10 LaSalle County Department of Environmental Services &
11 Land Use.

12 Q. Are you also a certified landfill inspector?

13 A. Yes.

14 Q. And were you a certified landfill inspector
15 employed by LaSalle County on August 29th, 1996?

16 A. Yes, I was.

17 Q. Did you have an occasion to make an inspection
18 at a site owned by Charlie Raikes and known as Kickapoo
19 Iron & Metal?

20 A. Yes, I did.

21 Q. Where was that site at?

22 A. It was on Route 6 between Marseilles and
23 Seneca just -- just to the east of Waste
24 Recovery - Illinois, tire processing plant.

ANN L. PELLICAN, CSR

5

(815) 223-5994

1 Q. That's located in LaSalle County, Illinois?

2 A. Yes.

3 Q. And did you have an opportunity to prepare a
4 report documenting your inspection that day?

5 A. Yes.

6 Q. And is that the narrative inspection report
7 document that is a part of the administrative citation
8 in this cause?

9 A. Yes, it is.

10 Q. And did you also have an opportunity to
11 compile a set of photographs as a part of that
12 inspection report?

13 A. Yes.

14 Q. As well as a Site Sketch?

15 A. Yes.

16 Q. And is it correct that those items are also a
17 part of the administrative citation package that was
18 served upon Mr. Raikes and the Pollution Control Board?

19 A. Yes.

20 Q. Okay. And would you describe why you were on
21 the Raikes' site on August 29th, 1996?

22 A. We had received a complaint earlier in the day
23 regarding the site, and so we responded to that call.

24 Q. And when you say we, who is we?

1 A. Me and Kirsten Duke.

2 Q. And Kirsten Duke also works with the
3 Department of Solid Waste Management?

4 A. Yes, she does.

5 Q. Would you indicate when you arrived on the
6 site?

7 A. It was approximately 4:05 p.m.

8 Q. And would you indicate what you observed on
9 the site at that time and on that day?

10 A. Well, as we arrived at the site, we noticed
11 smoke coming out of the site. So we -- we walked back
12 to where the smoke was at and noticed that there was a
13 certain number of materials that were being burned at
14 the time, that were burning. Do you want me --

15 Q. Can you describe -- first of all, let me show
16 you part of the record. And I'm specifically referring
17 to the photographs. And the first photograph is
18 identified as Roll No. 165, Photograph No. 13.

19 Mr. Raikes, you should have a copy of that.

20 HEARING OFFICER FRANK: You can look on with me if
21 you want.

22 MR. RAIKES: I should have one here. It was in
23 here.

24 HEARING OFFICER FRANK: You can look at mine.

1 MR. RAIKES: I got the sketch of it here.

2 MR. ESCHBACH: I'll give you an opportunity to look
3 at the originals, too, after I show 'em to the
4 witness.

5 So the first photograph is what is marked as
6 Photograph No. 13. And before we discuss these
7 photographs, first of all, are these the photographs
8 that were taken on the day of the inspection?

9 THE WITNESS: Yes, they were.

10 Q. Who were they taken by?

11 A. By Kirsten.

12 Q. And there are six photographs a part of the
13 inspection report; is that correct?

14 A. Yes.

15 Q. And do those photographs accurately depict
16 what was at the site on that day?

17 A. Yes.

18 Q. Going to Photograph No. 13, would you identify
19 that photograph and indicate what it purports to show?

20 A. Looks as though it's -- it's taking towards
21 the west -- facing the west, and in the background you
22 can see smoke coming up through the trees.

23 Q. Okay.

24 A. With some materials from the site there on the

1 front portion of the picture.

2 Q. Was that photograph taken as you initially
3 approached the site?

4 A. Yes.

5 Q. Would you then identify -- or describe what's
6 shown in photograph that's marked Roll 166, Photograph
7 01?

8 A. That is the pile of materials that are being
9 burned at the time that the picture was taken.

10 Q. Okay. Then I'm going to show you what is
11 marked or identified as Role No. 166, Photograph 02,
12 and ask if you can describe what is shown in that
13 photograph?

14 A. It is a close-up of the burn pile which shows
15 a tire burning at the time along with some of the other
16 materials in the fire.

17 Q. That's a close-up of the last photograph --
18 what is shown in the last photograph?

19 A. Yes.

20 Q. And then I'm going to ask you to describe
21 what's shown in the photograph that's marked Roll 166,
22 Photograph 03?

23 A. That is a spot where it looks like there was a
24 burn pile in the past since it -- ground has got some

1 ashes and burn marks.

2 Q. Okay. I'm going to ask you to look at the
3 last two photographs and describe what is shown in the
4 photograph marked Roll 166, Photograph No. 4.

5 A. This is -- looks like a pile of a -- picture
6 of a past burn pile. It's got some metal materials
7 along with some pile of ashes in there.

8 Q. Okay. Now, this would be a different pile
9 from the pile that was actually burning on the day you
10 were there?

11 A. Yes. This looks like it was a past burn pile.

12 Q. Would you describe what's -- the photograph
13 that's marked as Roll 166, Photograph No. 5?

14 A. This is another past burn pile that shows some
15 ashes and some burn marks on the ground with some metals
16 in the pile there.

17 Q. I'm handing to Mr. Raikes the originals of
18 those photographs to take a look at.

19 Mr. Cofoid, did you have an opportunity to
20 meet with Mr. Raikes at the site on -- at the time of
21 your visit on August 29th, 1996?

22 A. Yes, we did speak with him.

23 Q. And what was the content of your conversation?

24 In other words, what did you say, and what did

1 Mr. Raikes say?

2 A. Generally that we asked him if he was the
3 operator of the site. He said yes. We said, do you
4 know that there was a fire here, since he had just
5 arrived to the site while we were already there. He
6 said no, he was unaware that there was a fire. As we
7 continued to point out to him, you know, where the fire
8 was and that it was going on, he had mentioned that his
9 grandson had been cutting metals and that it must have
10 caught on fire from his grandson cutting metals. And as
11 we continued to talk about it, he mentioned that -- we
12 asked him why didn't your grandson attempt to put it
13 out. And he said he had told him to put the fire out
14 and that he must not have done it. And there was nobody
15 there at the time when we arrived, so I mean we didn't
16 see his grandson to question him.

17 Q. Was Mr. Raikes at the site when you arrived?

18 A. He was not there when we arrived. He came
19 as -- while we were there.

20 Q. Okay. By the way, is the LaSalle County
21 Department of Solid Waste Management an agency of local
22 government that -- or a unit of local government that
23 has a delegation agreement with the State of Illinois
24 and the Government Protection Agency?

1 A. Yes.

2 Q. Actually, it's LaSalle County that has entered
3 into the delegation agreement; is that correct?

4 A. Yeah.

5 Q. And does your department -- is your department
6 responsible for enforcing or carrying out the terms of
7 the delegation?

8 A. Yes, we are.

9 Q. And was your inspection on the date of August
10 29th, 1996, made pursuant to the authority granted by
11 that delegation agreement?

12 A. Yes, it was.

13 Q. Could you describe what materials were in the
14 pile that was burning on the day of the inspection?

15 A. Okay. There was a golf cart, couple tires.
16 There was a motorcycle, some scrap metals. There were
17 some 55-gallon drums, and there were some other
18 unidentifiable items. Either they had been burnt, or we
19 just couldn't identify what they were. I believe there
20 was also a -- a small gasoline can sitting right next to
21 the fire, too.

22 Q. Okay. And is it correct to say that these
23 items were consolidated in a pile?

24 A. Yes. That's correct.

1 Q. And you had indicated in the photographs that
2 there had appeared to be past -- or evidence of past
3 burning; is that correct?

4 A. Yeah. As we left -- where the burn pile was
5 at was towards the -- the center of -- I guess you would
6 say the center of this site. As we walked back towards
7 the front, towards the -- Route 6, towards the rode
8 where you enter the site, we noticed some other burn
9 piles along the path there.

10 Q. Okay. Mr. Cofoid, had you had an opportunity
11 to meet with Mr. Raikes prior to the incident of August
12 29th, 1996, regarding this particular site?

13 A. No, I hadn't.

14 Q. Okay. I'm going to show you the Site Sketch.
15 It's a one-page document that's a part of the
16 administrative citation package and ask if you can
17 identify that page that's entitled Site Sketch?

18 A. Yes, that's --

19 Q. Just explain what this is, if you would.

20 A. It shows a simple site diagram of the site
21 that shows -- as you enter the site off Route 6, there
22 is a long path or a road. It is cruded. It's a dirt
23 and gravel road. It goes back to a circular shape. The
24 road kind of goes in a circle. And in the middle of

1 that circle, towards the north of the circle, there is
2 where we noticed a burn pile that was being burned at
3 the time.

4 Q. And is that indicated by the notation on the
5 Site Sketch that's labeled "pile burning during
6 inspection"?

7 A. Yes.

8 Q. Okay. I don't think I have any other
9 questions of this witness.

10 HEARING OFFICER FRANK: Mr. Raikes, do you have any
11 questions of this witness?

12 CROSS-EXAMINATION BY:

13 MR. CHARLIE RAIKES

14 MR. RAIKES: Yeah. But when you're talking about
15 the time that you were called in and everything and
16 notified about this burning, what time was that?

17 THE WITNESS: It was approximately about 3:45 in
18 the afternoon, about 3:30.

19 Q. What time did you get there?

20 A. About 4:05.

21 Q. You came from Ottawa there within 15 or 20
22 minutes?

23 A. We were doing another inspection in the county
24 at the time and received notice over cellular phone.

1 Q. Well, the only -- outside of that, I'd just
2 like to explain what went on.

3 HEARING OFFICER FRANK: You'll get a chance to do
4 that.

5 MR. RAIKES: There is nothing. Everything he said
6 was --

7 HEARING OFFICER FRANK: I'd also note for the
8 record that there are members of the public present.

9 MR. RAIKES: Excuse me. When he said -- there was
10 only one fire going there.

11 THE WITNESS: Right.

12 Q. Okay, yeah.

13 HEARING OFFICER FRANK: Okay. Mr. Eschbach, did
14 you want to call your next witness?

15 MR. ESCHBACH: I'll call Kirsten Dukes.

16 And Ms. Dukes, you've already been sworn.

17 MS. DUKE: Yes, I have.

18 DIRECT EXAMINATION BY:

19 MR. ROBERT M. ESCHBACH

20 MR. ESCHBACH: Would you state your name for the
21 record.

22 THE WITNESS: Kirsten Duke.

23 Q. Would you state your occupation.

24 A. I'm a certified landfill inspector for the

1 LaSalle County Department of Environmental Services &
2 Land Use.

3 Q. By the way, is the LaSalle County Department
4 of Environmental Services & Land Use the successor to
5 the former agency known as the Department of Solid Waste
6 Management?

7 A. Yes, it is.

8 Q. And we may have been using those terms
9 interchangeably during this hearing. That's your
10 understanding?

11 A. Yes.

12 Q. And even though there was a name in the --
13 change in the name of the agency, it had the same
14 functions and the same personnel during the period
15 beginning in August of 1996 through today's date; is
16 that correct?

17 A. Yes.

18 Q. Okay. And were you employed in the capacity
19 as a -- in the capacity you described with LaSalle
20 County on August 29th, 1996?

21 A. Yes.

22 Q. Okay. Ms. Dukes, you heard me ask Scott
23 Cofoid questions regarding his visit to the site. I
24 take it that you were with Mr. Cofoid on that day; is

1 that correct?

2 A. Yes, I was.

3 Q. And if I had asked you the same questions I
4 asked Mr. Cofoid, would your answers be the same?

5 A. Yes.

6 Q. Okay. Did you have an opportunity to meet
7 with Mr. Raikes at any time prior to August 29th, 1996,
8 regarding conditions at this site?

9 A. No.

10 Q. Okay. Were you present during the
11 conversation that Mr. Cofoid had with Mr. Raikes?

12 A. Yes.

13 Q. Were you also involved in that conversation?

14 A. Yes.

15 Q. Do you have anything to add to Mr. Cofoid's
16 testimony regarding the content of that conversation?

17 A. No. Generally, that was the overall --

18 Q. Okay.

19 A. -- conversation.

20 Q. Okay. No other questions of this witness.

21 HEARING OFFICER FRANK: Do you have any questions
22 for Kirsten?

23 MR. RAIKES: No, no.

24 HEARING OFFICER FRANK: Okay. Do you have anything

1 further, Mr. Eschbach?

2 MR. ESCHBACH: No, I do not.

3 HEARING OFFICER FRANK: Okay. Mr. Raikes, I'm
4 going to have you sworn in by the court reporter so that
5 all of your statements are under oath. Okay?

6 CHARLIE RAIKES, called as a witness herein,
7 upon being first duly sworn on oath, was examined and
8 testified as follows:

9 (Witness sworn.)

10 HEARING OFFICER FRANK: You can go ahead and say
11 what you'd like to say.

12 MR. RAIKES: First of all, our Kickapoo Iron &
13 Metal's been operating there for approximately 30 years.
14 At no time that anybody ever came to me or told me that
15 there was a -- I don't know what you call it -- in
16 LaSalle County, a pollution control ordinance or a
17 thing, and -- about open burning or what we could do.
18 We established a scrapyard 30 years ago, and at no time
19 in 30 years that we have ever caused or threatened air
20 pollution in the State of Illinois. What this here -- I
21 don't know if this is what is all written. It says
22 Illinois Environmental Protection Agency, cause or allow
23 open burning, cause or allow open dumping without a
24 permit, or run an open dump at my -- which is -- says I

1 have an open dump at our property. At no time did we
2 ever have. All we have there on that premises is scrap
3 metal, and it's -- everything that's on that property is
4 a valuable. We sell it. I don't care if it's a tin
5 can, bed springs. Anything that's mentioned in here is
6 sold by us. We take and process it. We cut it, prepare
7 it for a special metal, if it has to be sheet tin, which
8 is -- consists of washing machines, bed springs, tin
9 cans -- not aluminum cans -- tin cans. Anything like
10 that is money to us, and it's processed. Barrels, we do
11 not accept no barrels unless they are open and clean.
12 Because we have a barrel smasher.

13 Anytime we get some springs, or if we get --
14 sometimes we receive -- like I mentioned what happened
15 in this other picture here --

16 HEARING OFFICER FRANK: You have to tell 'em what
17 picture you're talking about. 166 --

18 MR. RAIKES: Let's see here. Right here.

19 HEARING OFFICER FRANK: No. 5.

20 MR. RAIKES: No. 5. This material, we take and put
21 in these barrels and put 'em in our barrel smasher and
22 smash 'em down. And when -- 55-gallon barrel. When we
23 get done with it, it compresses it down to probably
24 under five inches.

1 And in this Picture No. 5, why this stuff is
2 here, we obtained a furnace. It was probably about 12
3 feet high and approximately eight feet around. We
4 loaded that from a facility where we bought a bunch of
5 scrap metal and everything. We brought it onto the
6 property. When we cut it open, all of that stuff came
7 out of it, and we -- and just left it there in a pile.
8 We cut the furnace up, process it, what we call two-foot
9 plate, and we ship it off to that.

10 This other stuff, which isn't there right now
11 because we put it in barrels, this already was burnt,
12 wire out of tires. We put that in barrels or anything
13 else and everything and smash it down and ship it as
14 sheet metal. And this other site where they were
15 talking about where my grandson was cutting, I wasn't
16 there that day.

17 HEARING OFFICER FRANK: That's Picture No. 4 for
18 the record.

19 MR. RAIKES: Where the motorcycle and -- there was
20 a motorcycle and a golf cart there. I didn't even want
21 them to be burnt, because I had 'em sold to a man in
22 Streator which I -- later I had to refund the money,
23 \$275 to him, because they were -- caught on fire and
24 burnt there. The tires that was there was attached to

1 the golf cart, and they were attached to the
2 motorcycle.

3 When I got there, when Scott and Kristine
4 (sic), when they were there, they were in the driveway.
5 And I asked 'em what was going on, and they explained to
6 me. I said, well, my son and grandson should be down
7 there. Which few minutes later my son showed up, and he
8 explained to me what happened. And my grandson was down
9 where the fire was. He was supposed to -- because when
10 I went down there, he was there. My -- then my son went
11 and got a fire extinguisher and tried to put the fire
12 out. And I explained to Kristine and Scott that -- what
13 happened. My grandson was down there cutting and that,
14 and there's a bunch of weeds right there. Well, the
15 weeds caught on fire and went over to where the pile of
16 stuff was and got it going. And he was there by
17 himself, because my son said he had went up to our house
18 which is in Seneca; and time he got back, the fire was
19 started. And my grandson couldn't put it all out by
20 himself. So my son went and got a fire extinguisher. I
21 think Scott and Kristine was even still there and where
22 he was trying to put it out. In fact, we eventually got
23 the fire out. And I had a loss of \$275 on account of
24 that -- that fire.

1 But we -- at no time we allow -- because I go
2 personally around the place myself. I don't even allow
3 a napkin or anything, any -- there has never been any
4 kind of garbage or that there or any liquids of any kind
5 that we even bring into our place as far as pollution or
6 anything. We don't have no -- the waterway that --
7 there's a creek, and that creek is kept so clean. I
8 don't even allow my grandson to even throw a pop can in
9 there or anything into that creek. That creek is kept
10 clean.

11 In fact, we were -- we're so involved in
12 keeping the environmental clean and everything, I don't
13 even allow a tree cut on our property. We own -- on
14 both sides of the Kickapoo Creek, to the east and west,
15 we own both sides. There has never been one tree or
16 anything cut down in that property and that or any
17 pollution of any kind and everything. Because we could
18 have sold our property. We fought the landfill that was
19 going to be built right across from our place, within a
20 thousand feet of our place. We fought it. We were
21 offered a large sum of money for our property, and we
22 turned it down to keep them from even coming in there.

23 And so we aren't polluters. But we do own a
24 scrap metal place. And to a lot of people scrap metal

1 and stuff like that, it doesn't look too good down
2 through there. But it costs us thousands of dollars. I
3 know in 1996 alone, to the landfill, I hauled to the
4 State's landfill over there at least \$2500 worth of
5 material, which I -- no way in the world I can ever
6 compensate for that, get that money back for that. To
7 the tire shredders, since they've been open over there
8 in 1996, I've hauled over \$2,000 worth of tires over
9 there and paid 'em, which I never get paid for that.
10 Where I go to a site and there's tires there, but I get
11 the scrap metal; well, I had to take the tires to get
12 the scrap metal. So I take the tires at my loss to the
13 tire shredder.

14 Out in front of our property, I bet you we
15 saved the taxpayer thousands of dollars and that because
16 people at night come through there and dump stoves and
17 all that kind of stuff out there on our property. They
18 dump it there. They even dump tires. They dump -- at
19 one time -- and I report all of this to the sheriff's
20 department, and yet there is never nothing done about
21 it. But yet we stand the loss and expense of cleaning
22 this up.

23 And this was absolutely an accident where that
24 fire was, because I wasn't even there and that. And at

1 no time -- my grandson would be here today, but he works
2 at Comm Ed, and he -- I didn't want him to lose the
3 wages and everything to be here. And my son, he's in
4 Chicago, took a load of scrap metal to Chicago which had
5 to be up there this morning. But at no time we allow
6 anything like this here, and we do not in no way run a
7 dump which -- this is mostly the reason why I'm here,
8 because that word was put in there that we run an open
9 dump and operate an open dump on our property. And
10 that's the only reason, or I would have paid this \$500
11 and that there without any -- going -- having this here.

12 And that's all I want you to know, the LaSalle
13 County Pollution Control Board, that we don't run a dump
14 there. And so we don't need no permits, because we run
15 just a -- strictly a scrap metal place and everything.
16 And I've tried to explain that this wire from them tires
17 and everything was from a great big furnace. Which
18 the -- prior to me getting the furnace, had burnt tires
19 in the furnace, which I'm talking about Photo No. 5.
20 Those -- that -- all of that stuff there is from that
21 furnace, and it wasn't caused by us open burning, or we
22 didn't burn it there. I can tell you where the thing
23 came from even. The furnace came from the Prairie
24 Stateside. Maybe it was my fault. I should have

1 inspected it and everything. But the doors were all
2 closed on it. We used a great big crane even to lift
3 this furnace. It was that heavy. It weighed probably
4 approximately, I'd say six and a half, seven ton. And
5 we brought it onto the property, rolled it off there,
6 and cut it open. When we cut it open, all this stuff
7 here came out of it, which later on we cleaned up and --
8 but it was money to us. Because the wire and everything
9 is salvageable for scrap.

10 And as far as that motorcycle and that pile
11 right here, that was an accident. My grandson --

12 HEARING OFFICER FRANK: That's Picture 4 for the
13 record.

14 MR. RAIKES: My grandson was right back in here.
15 You can see this weeds here. All around in that picture
16 there is -- there was weeds grewed up around there, and
17 that caught on fire; and when it did, he was there by
18 hisself. And time my son got back there, it was too
19 late. It was going too big. And -- but they did -- I
20 think they got it out while Scott and Kristine even
21 left.

22 But I just want the Board here knows that we
23 do not run an open dump at no time, and we are in favor
24 of keeping air clean, and -- and we try to do our best

1 to. In fact, we do not do no pollution on our property
2 of any kind, of liquids or anything like that. We do
3 not get involved with any oils or any cars or stuff like
4 that. We're strictly in -- in industrial steel. What
5 we call industrial is pipe, channel, angle iron, and
6 that stuff like that, consists of that there. But we
7 don't operate our business with any kind of materials of
8 liquids of any kind.

9 That's all I have to say.

10 HEARING OFFICER FRANK: Mr. Eschbach, do you have
11 questions?

12 MR. ESCHBACH: Yeah. Just asecond.

13 DIRECT EXAMINATION BY:

14 MR. ROBERT ESCHBACH

15 MR. ESCHBACH: In looking at Photograph No. 1,
16 Mr. Raikes, it looks to me like all of those materials
17 have pretty much been piled up in a pile. But your
18 testimony is that --

19 THE WITNESS: I was talking -- when I was talking
20 about that, that was --

21 HEARING OFFICER FRANK: Mr. Raikes, he's asking you
22 about a different photograph.

23 THE WITNESS: That's the same one I was talking
24 about before, No. 5. That's what I was explaining

1 about, No. 5. That's where the --

2 HEARING OFFICER FRANK: You need to wait for his
3 question. Okay?

4 THE WITNESS: Okay.

5 MR. ESCHBACH: Okay. No. 5 is a photograph of a
6 pile that is not -- it is not shown as burning, right?

7 THE WITNESS: Yeah.

8 Q. I want to show you what's marked as Photograph
9 No. 1, which is the pile that appears to be burning. Do
10 you see some flame there?

11 A. Yes.

12 Q. Would you agree it appears as though the items
13 in that pile have, indeed, been piled up?

14 A. If you'll look, to the left there's a golf
15 cart. To the right there's a motorcycle. All that
16 stuff behind there is where we -- couple of days before
17 that is barrels that's been smashed. You can see the
18 barrels and that. We had the barrel smasher parked
19 right up in front of this where it was on fire here.
20 And those are nothing but smashed barrels there. These
21 are all just barrels that we had smashed. And right up
22 in here is a bunch of scrap metal and everything that we
23 just take -- when we come in with a truck, we just dump
24 it, and then we --

1 HEARING OFFICER FRANK: For the record, Mr. Raikes
2 is pointing to the right side of the photograph.

3 THE WITNESS: We just dump that stuff here, and
4 then we sort out there. Might be copper, aluminum,
5 brass, iron, and it has to be all gone through. To some
6 people it might look bad, but to us it's -- it's our way
7 of making a living. And it's nothing there to pollute.
8 This is where the grass caught on fire when my son was
9 cutting some iron. And how that grass caught that on
10 fire -- and I had that golf cart, which is right there,
11 and that motorcycle sold to a gentleman in Streator, the
12 two combined for \$275. After the next day, I got ahold
13 of him and told him what happened. I had -- because he
14 bought it about four, five days before that. I had to
15 refund his money and take this stuff here and sent it in
16 as scrap.

17 Q. What was his name, Mr. Raikes?

18 A. Jerry -- oh, shoot. What the heck's his name.
19 I got it at home. His first name is Jerry. That's all
20 he does is deal in motorcycles, anything, like that golf
21 cart, stuff like that. He takes 'em and uses 'em either
22 for parts or repairs 'em and then resells them. He's
23 over there in Streator I think.

24 Q. On Photograph No. 2, the tire that's shown in

1 the center of the picture there, would you identify
2 that, Mr. Raikes?

3 A. Like I said, to the right, that has to be
4 the -- this has to be the motorcycle right here. To the
5 right of that there, that could have been in that stuff
6 where I said we dumped there, and then we go through it,
7 and we repair it. We take these tire -- even to get
8 these tires off, we have a thing. We set 'em in there.
9 We take the -- looks like to me that the tire is on a
10 hub. Then we have to take the rim and that off, and
11 then we take and this tire changer and take the tires
12 off. This was -- here was probably in that load I was
13 telling you about where we take and dump the stuff in
14 there, and it was close-by the motorcycle and the golf
15 cart, and it caught it on fire.

16 Q. Is it possible, Mr. Raikes, that your grandson
17 thought that those items were supposed to be burned for
18 salvage purposes?

19 A. No way in the world, no. I'll swear to God
20 that my grandson, my son, or nobody ever starts a fire
21 on that place unless -- we have -- in our shop we have a
22 wood burningstove, and that's the only place where
23 they're ever to burn any wood or anything like that.
24 They wouldn't have never deliberately.

1 Q. I'm going to show you the Site Sketch.
2 There's an area there, kind of an oval shape inside the
3 circular drive, and it's identified as 03. Do you see
4 that 03 there?

5 A. Um-hum.

6 Q. If you look at Photograph 03, that's supposed
7 to represent what's there. That is what has been
8 identified as the witnesses here as what appears to be a
9 past burn site. Are you familiar with that?

10 A. Yeah. That's just -- that's a weed patch.
11 That's grass. There is nothing there. To the left
12 there, that would be to the west, there is scrap metal.
13 To the east there's scrap metal. But in this area right
14 here there's nothing. What it is, it was a bunch of --
15 it's where we took dirt out of there, and the cattails
16 grew back up in there, and they burnt. And that's all
17 that is, is just nothing but weeds was burnt there,
18 cattails and everything. We took the dirt out of there
19 to put up by our shop and everything to fill that in and
20 that. And over the years, that -- just cattails grew up
21 in there, and that's all it was. But as far as any
22 rubbish or anything like that or material or anything
23 like that, there's nothing there but just burnt weeds is
24 all there is.

1 Q. Okay.

2 A. There is not one inch of any kind of material
3 in that area where you're talking about.

4 Q. Okay. I have no other questions. Thank you.

5 HEARING OFFICER FRANK: Do you have anything else
6 that you'd like to say?

7 MR. RAIKES: When this incident happened and when
8 Scott -- it wouldn't make -- anybody come there, you
9 know, if you understand what a scrap metal -- but if you
10 went down there and seen what happened and thing, then
11 you might think that we do burn stuff. But I can say
12 that we do not and never had anybody 30 years -- I got
13 people that's on both sides of us and everything,
14 and -- and I never had no complaints from or anybody in
15 that there. We have people just live within a quarter
16 of -- no, about an eighth of a mile from our shop and
17 everything, and they have never complained to us, or
18 we've never had a phone call complaining to us or
19 anything like that.

20 And where our property lies and everything
21 like that, we're not zoned to Seneca. We're not zoned
22 to Marseilles. We're zoned in the County, and they have
23 never had no complaint from us and everything. In fact,
24 we worked with both Marseilles and Seneca on stuff. And

1 like I said, I've spent thousands of dollars already.
2 And they can go to the tire factory there or the State's
3 landfill and see -- and there ain't -- that comes all
4 out of my pocket, and there ain't no way I can
5 compensate for that to help in pollution.

6 HEARING OFFICER FRANK: Mr. Eschbach, do you have
7 anything further?

8 MR. ESCHBACH: No. I have nothing else. Thank
9 you.

10 HEARING OFFICER FRANK: Do you want to recall any
11 witnesses?

12 MR. ESCHBACH: No, I don't think so.

13 HEARING OFFICER FRANK: Do you have a closing
14 statement?

15 MR. ESCHBACH: I would just indicate that -- part
16 of Mr. Raikes benefit -- that the only issue here --
17 there are many things that are marked on that chart.
18 But the only issue that is the subject of the
19 administrative citation is causing or allowing open
20 dumping of any waste in such a manner that results in
21 open burning. And I believe that open dumping is fine.
22 It's consolidation of refuse, and I think it's -- the
23 view of the State is that it's clear that there was
24 refuse consolidated in such a manner which somehow

1 apparently resulted in open burning, whether it was
2 deliberate or not.

3 HEARING OFFICER FRANK: Okay. Mr. Raikes, do you
4 have any type of closing statement you'd like to make?

5 THE WITNESS: Well, yeah. Because if I -- same
6 like if I got a truck there, what if my truck catches on
7 fire and burns all the tires and the smoke goes up in
8 the air? If it's an accident -- it happens in people's
9 garages. Didn't they get charged for air pollution?
10 Those tires were all attached to vehicles. Anyway, I
11 call 'em motorcycles, vehicles, motor cart, golf cart,
12 that. They were attached. And we do -- I bring tires,
13 but they're not there very long and that. I should have
14 went by the tire shredder and everything and brought the
15 records from them how many tires we take over there at
16 my expense, and there's no way for me to compensate.

17 I'm not in the -- I shouldn't even receive
18 any tires and everything, but I do this to clean up
19 places where we go and everything. Because I'm not
20 in -- fool with cars or anything like that. But we do
21 end up with quite a few tires and everything from
22 cleaning up a project, but they all go to the tire
23 shredders over there. Okay.

24 HEARING OFFICER FRANK: Let's go off the record for

1 a second.

2 (A conversation was held off
3 the record.)

4 HEARING OFFICER FRANK: Back on the record.

5 Both parties have waived their briefs in this
6 matter. I have to give a witness credibility statement.
7 I felt that all the witnesses were credible, so the
8 issues are up to the Board. And if there's nothing
9 further, I'll close the hearing.

10 Is there anything further from Stateside?

11 MR. ESCHBACH: No. We don't have anything
12 additional.

13 HEARING OFFICER FRANK: Do you have anything
14 additional, Mr. Raikes?

15 MR. RAIKES: No, just except our place is -- the
16 only reason I'm in the scrap business, it's a family
17 thing, you know. We keep my -- couple guys employed and
18 everything and keep my son employed and everything. And
19 we make a living at it, and that's the only reason we're
20 in it, other than that there. And we do help the
21 community and the State and everything. Because we go
22 quite -- we cover probably a hundred-mile area cleaning
23 up scrap and stuff like that, and we do help I think in
24 pollution and everything. By doing it, we also make a

1 living at it.

2 HEARING OFFICER FRANK: Okay. Well, thank you very
3 much.

4 Do any of the members of the public wish to
5 make any kind of statement on the record?

6 MEMBERS OF THE PUBLIC: No.

7 HEARING OFFICER FRANK: Then the hearing is closed.
8 Thank you for coming.

9 (At which time the hearing was
10 adjourned.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF LASALLE)

3 I, ANN L. PELLICAN, a Certified Shorthand
4 Reporter and Notary Public in and for the County of
5 LaSalle, State of Illinois, do hereby certify that I
6 reported the aforesaid hearing by means of shorthand and
7 computer assisted transcription and that the foregoing
8 is a true, correct, and complete transcript of my
9 shorthand notes so taken aforesaid.

10 I further certify that I am not counsel for
11 nor in any way related to any of the parties to this
12 matter, nor am I in any way interested in the outcome
13 thereof.

14 IN TESTIMONY WHEREOF, I have hereunto set my
15 hand and affixed my Notarial Seal this ____ day of
16 _____, 1997.

17
18
19
20
21
22
23
24

ANN L. PELLICAN
Certified Shorthand Reporter
Ill. License No. 084-003080

