

1     BEFORE THE ILLINOIS POLLUTION CONTROL BOARD OF THE  
2                     STATE OF ILLINOIS

3  
4     PEOPLE OF THE STATE OF ILLINOIS,) )  
5     ex rel., GARY W. PACK, MCHENRY ) )  
6     COUNTY STATE'S ATTORNEY,        ) )  
7                                        ) )  
8                                        ) )  
9                                        ) )  
10                                       ) )  
11                                       ) )  
12                                       ) )  
13                                       ) )  
14                                       ) )  
15                                       ) )  
16                                       ) )  
17                                       ) )  
18                                       ) )  
19                                       ) )  
20                                       ) )  
21                                       ) )  
22                                       ) )  
23                                       ) )  
24                                       ) )

10

11                     TRANSCRIPT OF PROCEEDINGS held in the  
12     hearing of the above-entitled matter, taken  
13     stenographically by Maria E. Shockey, CSR, before  
14     BRADLEY P. HALLORAN, Hearing Officer, at the McHenry  
15     County Government Center, Room A210, Woodstock,  
16     Illinois, on the 23rd of March, A.D., 2004,  
17     commencing at 9:00 a.m.

18

19

20

21

22

23

24

1   A P P E A R A N C E S:

2

3           ILLINOIS POLLUTION CONTROL BOARD,  
4           100 West Randolph Street  
5           Suite 11-500  
6           Chicago, Illinois 60601  
7           (312) 814-8917  
8           BY:   MR. BRADLEY P. HALLORAN, HEARING OFFICER

9

10           MR. GARY W. PACK  
11           STATE'S ATTORNEY OF MCHENRY COUNTY, ILLINOIS  
12           2200 North Seminary Avenue  
13           Woodstock, Illinois 60098  
14           (815) 334-4000  
15           BY:   MR. DAVID N. STONE  
16                 MR. RICHARD BUELOW

17

18           On behalf of the Petitioner;

19

20           MR. MICHAEL S. STRINGINI, Appeared Pro Se.

21

22

23

24

25

26

27

28

29

30

31

32

1	I N D E X				
2	OPENING STATEMENTS				
3	By Mr. Stringini	9			
4					
5	WITNESS	DX	CX	RDX	RCX
6	JAMES K. MOORE				
7	By Mr. Stone	11			
8	By Mr. Stringini		16		
9	RICHARD ZIMMERMAN				
10	By Mr. Stone	19			
11	By Mr. Stringini		24, 25		
12	MICHAEL EISELE				
13	By Mr. Stone	26			
14	By Mr. Stringini		36		
15	MICHAEL S. STRINGINI				
16	By Mr. Stone		40		
17	CLOSING ARGUMENT				
18	By Mr. Stone	80			
19	By Mr. Stringini	87			
20					
21					
22					
23					
24					

PLAINTIFF'S EXHIBIT MARKED

4	Exhibit No. 1	10
5	Exhibit No. 2	21
6	Exhibit No. 3	22
7	Exhibit No. 4	27
8	Exhibit No. 5	43
9	Exhibit No. 6	46
10	Exhibit No. 7	47
11	Exhibit No. 8	48
12	Exhibit No. 9	49
13	Exhibit No. 10	51
14	Exhibit No. 11	52
15	Exhibit No. 12	54
16	Exhibit No. 13	60
17	Exhibit No. 14	62
18	Exhibit No. 15	63
19	Exhibit No. 16	64
20	Exhibit No. 17	67
21	Exhibit No. 18	69
22	Exhibit No. 19	70
23	Exhibit No. 20	72

1                   HEARING OFFICER HALLORAN: Good  
2 morning. My name is Bradley Halloran. I'm a  
3 hearing officer with the Illinois Pollution  
4 Control Board, and I'm also assigned to this  
5 matter, PCB 01-43 entitled People of the  
6 State of Illinois, ex rel., Gary W. Pack,  
7 McHenry County State's Attorney, Complainant,  
8 versus Michael Stringini, the respondent.

9                   Again, this is PCB 01-43 and it's a  
10 RCRA enforcement matter. It's approximately  
11 9:00 on March 23rd in the year 2004. We're  
12 going to run this hearing pursuant to  
13 Section 103.212 and Section 101(f) under the  
14 Board's procedural rules.

15                  I'll also add that this hearing was  
16 properly noticed in local papers. Again, I  
17 note that this hearing is intended to develop  
18 a record for review for the Illinois  
19 Pollution Control Board.

20                  I will not be making the ultimate  
21 decision in the case. That decision will be  
22 left to the five members of the Pollution  
23 Control Board. They'll review the record,  
24 the transcript and the remainder, including

1 the post-hearing briefs and render a  
2 decision.

3 My job is to ensure an orderly  
4 hearing, a clear record, and rule on any  
5 evidentiary matters that may arise. Again,  
6 after the hearing, the parties will be given  
7 an opportunity to submit post-hearing briefs  
8 if they choose.

9 I note that the Board granted  
10 complaints' motion for summary judgment on  
11 October 16, 2003 and directed that this  
12 hearing be held on the issue of penalties,  
13 cost, and attorney fees.

14 Specifically, the Board order on  
15 December 4 of 2003 directed the parties to  
16 proceed to hearing and present the Board with  
17 sufficient evidence to allow the Board to  
18 assess a civil penalty on Counts I, II, III,  
19 IV, VI, VII, X, and XII of the complaint.

20 To that end, the parties are only to  
21 present testimony and evidence that are  
22 relevant to the factors and causes that are  
23 set forth in Sections 33-C and 42H of the  
24 Act.

1                   This includes proposing a remedy  
2                   for a violation, if any, whether to impose a  
3                   civil penalty in supporting his position with  
4                   facts and arguments that address any and all  
5                   of Section 33C factors and, again, proposing  
6                   a civil penalty, if any.

7                   With that said, I would like the  
8                   parties to introduce themselves starting  
9                   first with the complainant.

10                  MR. STONE: My name is David Stone.  
11                  I'm an assistant state's attorney with the  
12                  McHenry County -- Gary. W. Park, McHenry  
13                  County State's Attorney's office. To my  
14                  right is Mr. Richard Buelow, who is an  
15                  assistant in our office who is just sitting  
16                  in with me today.

17                  HEARING OFFICER HALLORAN: Thank you,  
18                  Mr. Stone.

19                  Mr. Stringini?

20                  MR. STRINGINI: Yeah, Mike Stringini,  
21                  waste recycler. I recycle waste, that's what  
22                  I do. And it was scrap metal and I was  
23                  recycling scrap metal at the time of the  
24                  offense.

1 HEARING OFFICER HALLORAN: Thank you,  
2 sir.

3 Mr. Stone, would you like to give an  
4 opening?

5 MR. STONE: No. I'll waive opening  
6 except to say that my understanding is that  
7 we're going to limit proofs to those elements  
8 of Section 42 of the Environmental Protection  
9 Act, those elements under subparagraph H.

10 HEARING OFFICER HALLORAN: Okay.

11 MR. STRINGINI: What does that mean?

12 HEARING OFFICER HALLORAN: Well, as I  
13 stated in the opening, the factors the Board  
14 takes a look at in deciding what to do with  
15 this case as far as remedies and civil  
16 penalties.

17 MR. STRINGINI: This is about civil  
18 penalties, right?

19 HEARING OFFICER HALLORAN: Correct.

20 Mr. Stringini, would you like to give  
21 an opening?

22 MR. STRINGINI: An opening? All  
23 right.

24 HEARING OFFICER HALLORAN: Okay.



1

2

## O P E N I N G   S T A T E M E N T

3

BY MR. STRINGINI:

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

There was nothing there that was waste. It was all silica sand, waste silica sand. If you recycled it today, it doesn't have to go to waste at all. Metals and brass is not a hazardous waste. Brass is a metal.

If you put it in a landfill, it will oxidize and turn into a leachable metal and contaminate the ground. I was taking the metal out until I was thrown out of the pit.

I was locked out. I didn't abandon. I was locked out. My lawyer said stay away and Mr. Stone knows that.

HEARING OFFICER HALLORAN: Thank you, sir.

MR. STONE: I would move that that entire opening statement be stricken in that it's not relevant to the issues at hand.

HEARING OFFICER HALLORAN: I'll allow it to stand. The objection is overruled.

Mr. Stone, I think we have some preliminary issues?

1                   MR. STONE: Yes. I just want to  
2                   submit Plaintiff's Exhibit 1, which is a  
3                   stipulation. It happens to be a fax copy  
4                   which was forwarded to me and Mr. Stringini.

5                   I believe that our telephone  
6                   pretrial conference, he agreed to stipulate  
7                   that the respondent, Sloan Valve -- it's  
8                   stipulated between the complainant and  
9                   respondent that the Sloan Valve Company  
10                  expended in excess of \$500,000 to remedy the  
11                  violations of the Environmental Protection  
12                  Act on the Zimmerman property.

13                  I would ask that Exhibit No. 1 be  
14                  admitted into evidence.

15                                 (Document marked as  
16                                 Complainant's Exhibit No. 1  
17                                 for identification,  
18                                 3-23-04.)

19                  HEARING OFFICER HALLORAN: Obviously,  
20                  Mr. Stringini, you have no objection because  
21                  it is a stipulation. Complainant's Exhibit  
22                  No. 1 is admitted.

23                  And you may call your first witness if  
24                  you so choose.

1 MR. STONE: Yes. I would call  
2 Mr. James Moore.

3 HEARING OFFICER HALLORAN: I think  
4 we're going to have you sit here, sir. And  
5 if you could just raise your right hand,  
6 Maria will swear you in.

7 (Witness sworn.)

8 WHEREUPON:

9 JAMES K. MOORE  
10 called as a witness herein, having been first duly  
11 sworn, deposeth and saith as follows:

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

13 BY MR. STONE:

14 Q. Would you please state your name for  
15 the record?

16 A. James Kenneth Moore.

17 Q. What is your occupation?

18 A. I work for the Illinois EPA.

19 Q. And what is your educational  
20 background?

21 A. I have a bachelor of science in civil  
22 engineering and a master of science in civil  
23 engineering from the University of Illinois.

24 Q. And are you an Illinois registered

1 engineer?

2 A. Yes, I am.

3 Q. And what is your -- do you know your  
4 number by heart?

5 A. I can get it here real quick.

6 (Brief pause.)

7 062044414.

8 Q. Have you as an engineer followed up  
9 with educational seminars and educational  
10 experiences?

11 A. Yes, I have.

12 Q. How long have you been with the  
13 Illinois Environmental Protection Agency?

14 A. Eighteen years.

15 Q. Were you called upon recently to  
16 review materials with regard to a violation of the  
17 Environmental Protection Agency Act with regard to  
18 the property we referred to as the Zimmerman  
19 property in Union, Illinois?

20 A. Yes.

21 Q. Would you describe to the hearing  
22 officer -- or to the Board I should say what actions  
23 you took to review the matter?

24 A. Well, I worked on this project back in

1 the '90s as we worked on a remedial action at this  
2 facility and so I had that history, and then I also  
3 quickly reviewed pertinent files at the agency to  
4 refresh my memory on this project.

5 Q. And did you review the Board's opinion  
6 order with regard to the motion for summary judgment  
7 in this matter?

8 A. Yes, I did.

9 Q. So you're aware of the nine counts  
10 that the Board found in favor of the complainant and  
11 against the respondent?

12 A. Yes.

13 Q. In your experience -- 18 years of  
14 experience, have you had experience with looking at  
15 cost estimates for securing -- developing  
16 application for Resource and Conservation Recovery  
17 Act permit?

18 A. Yes, I have.

19 Q. And Resource and Conservation Recovery  
20 Act, we refer to euphemistically as RCRA?

21 A. That's correct.

22 Q. Okay. Was that part of your duties as  
23 an employee of the Illinois Environmental Protection  
24 Agency to check cost estimates and to determine if

1 those estimates were accurate?

2 A. Yes.

3 Q. And based upon -- and did you review  
4 the various remedial reports prepared by engineers  
5 on the Zimmerman property with regard to  
6 remediation?

7 A. Yes.

8 Q. And do you know based on the  
9 violations that were found by the Board what kind of  
10 RCRA permit Mr. Stringini would have had to have in  
11 1980 to do the operations that he was found in  
12 violation of the act for?

13 A. Yes.

14 Q. Now, do you have an opinion based upon  
15 your expertise and experience in the area as to the  
16 estimated cost that Mr. Stringini would have  
17 incurred in 1988 to develop an application for a  
18 RCRA permit?

19 A. Yes. I believe it would be at least  
20 \$50,000.

21 Q. And is this a conservative or a  
22 liberal estimate in your opinion?

23 A. I believe it would be conservative.

24 Q. Do you have an opinion based on your

1 experience and qualifications as to the cost that  
2 Mr. Stringini would have incurred in 1980 to  
3 provide -- or between 1980 and 1984 to provide  
4 adequate security at the site in the form of  
5 installing fencing around the facility and proper  
6 signs?

7 A. I would estimate that would be at  
8 least \$10,000.

9 Q. And is that a conservative or a  
10 liberal estimate?

11 A. I believe it's conservative.

12 Q. Do you have an opinion based on your  
13 experience and your qualifications as to what it  
14 would have cost Mr. Stringini between 1980 and 1984  
15 to implement an adequate ground water monitoring  
16 program for this facility?

17 A. Yes. I would estimate that to be at  
18 least \$50,000.

19 Q. And is that a conservative or a  
20 liberal estimate?

21 A. I believe it's conservative.

22 MR. STONE: I have no further  
23 questions.

24 HEARING OFFICER HALLORAN: Thank you,

1 Mr. Stone.

2 Mr. Stringini, you're welcome to  
3 cross.

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

5 BY MR. STRINGINI:

6 Q. When you say permit to do what I was  
7 doing, what would that be a permit in layman's  
8 language, a landfill or to recycle the pebbles from  
9 the sand?

10 A. We found that there were three  
11 hazardous waste container storage areas out there,  
12 seven waste piles, one treatment unit and one  
13 service impoundment and so those were hazardous  
14 waste management units. You would have needed to  
15 obtain a permit to operate each one of those units.

16 Q. All right. Were they in containers,  
17 is that what you're saying, that the hazardous waste  
18 was in containers?

19 A. Some of them.

20 Q. That was finished product. In other  
21 words, I had taken the metal from the sand, along  
22 with the lead that comes with the metal, and it was  
23 like a concentrated -- maybe be 30, 40 percent  
24 copper which was going to be sold. That was not a



1 waste. That was my product.

2 MR. STONE: Objection.

3 HEARING OFFICER HALLORAN:

4 Mr. Stringini, you're supposed to be asking  
5 questions, not testifying.

6 MR. STRINGINI: Oh, I'm sorry. Okay.

7 HEARING OFFICER HALLORAN: Thank you.

8 BY MR. STRINGINI:

9 Q. What I was going to say was I was  
10 going to follow-up with did you check it for the  
11 copper? You know, you wouldn't do that, you just  
12 checked for lead, right?

13 A. That would be correct.

14 MR. STRINGINI: No more questions.

15 HEARING OFFICER HALLORAN: Thanks.

16 Any redirect, sir?

17 MR. STONE: No redirect.

18 HEARING OFFICER HALLORAN: You may  
19 step down. Thank you.

20 MR. STONE: Now, just so we're clear  
21 about this, Mr. Moore is from Decatur, I  
22 believe. Can he be excused because  
23 Mr. Stringini, I think, might have listed him  
24 in some fashion on this list of witnesses?

1 MR. STRINGINI: Just as a cross.

2 MR. STONE: Just for cross, okay.

3 MR. STRINGINI: Just in case.

4 MR. STONE: Can he be excused then,  
5 Mr. Hearing Officer?

6 HEARING OFFICER HALLORAN: Sir, you  
7 won't need Mr. Moore anymore today? I mean,  
8 are you going to call him in your case in  
9 chief?

10 MR. STRINGINI: No, I have no  
11 intention to.

12 HEARING OFFICER HALLORAN: Okay.  
13 You're released. Thank you.

14 THE WITNESS: Thank you.

15 (Witness excused.)

16 MR. STONE: Thank you.

17 Okay. At this time, I would call  
18 Mr. Richard Zimmerman.

19 HEARING OFFICER HALLORAN: Raise your  
20 right hand and Maria will swear you in.

21 (Witness sworn.)

22

23

24

1 WHEREUPON:

2 RICHARD ZIMMERMAN

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

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

6 BY MR. STONE:

7 Q. Would you please state your name for  
8 the record?

9 A. Richard Zimmerman.

10 Q. Where do you live?

11 A. 2801 Jenny Jay Lane, Crystal Lake,  
12 Illinois.

13 Q. Mr. Zimmerman, drawing your attention  
14 to the period of time of 1980 to 1984, were you  
15 involved with a property in Union, Illinois that was  
16 owned -- the property was owned by D & Z Transfer  
17 Company or by your father?

18 A. The property was owned by my father,  
19 Norman Zimmerman.

20 Q. And do you own the property now?

21 A. No. The property was just sold last  
22 December.

23 Q. But you owned it between -- you or  
24 your father owned it between 1980 and last December?

1           A.       Right, my father owned it. He had  
2       purchased it, I think, in the late '60s.

3           Q.       And during the period 1980 to 1984,  
4       were you employed by D & Z Transfer Company?

5           A.       Yes.

6           Q.       And D & Z Transfer Company was using  
7       this property -- or had used it as a gravel pit at  
8       some point?

9           A.       That's correct.

10          Q.       And it was an abandoned gravel pit?

11          A.       Yes.

12          Q.       And D & Z transferred into an  
13       agreement with Mr. Stringini to use the property for  
14       some purpose; is that correct?

15          A.       Norman Zimmerman did, yes, not D & Z  
16       Transfer.

17          Q.       And at some point, did you become  
18       involved in a remediation of that property?

19          A.       Yes.

20          Q.       And were you involved in negotiations  
21       between D & Z Transfer, your father, yourself, and  
22       Sloan Valve Company with regard to the cost of  
23       remediation?

24          A.       Yes.

1           Q.       Now, you previously signed an  
2       affidavit that was submitted with our motion for  
3       summary judgment and I'm going to mark that as  
4       Exhibit No. 2.

5                               (Document marked as  
6                               Plaintiff's Exhibit No. 2  
7                               for identification,  
8                               3-23-04.)

9                       I'm showing you what we marked as  
10       Plaintiff's Exhibit No. 2 for identification.  What  
11       is that?

12           A.       That's an affidavit we had signed, I  
13       believe, at a previous meeting I'm thinking sometime  
14       in the '90s of a letter we had sent to the state  
15       when they -- I believe they called us, my father and  
16       I, into Chicago to review the situation, and they  
17       said Sloan Valve was not involved at that time.

18                       So we wrote them a letter indicating  
19       they were in about four different papers indicating  
20       our cost and what was taking place.

21           Q.       Okay.  And that letter identifies the  
22       costs that were incurred either by your father or  
23       D & Z Transfer as part of the remediation cost; is  
24       that correct?

1 A. That's correct.

2 Q. And what was the total cost to D & Z  
3 Transfer?

4 A. Well, I don't really --

5 Q. It's shown on the letter.

6 A. The total paid for the cleanup was  
7 \$107,338.

8 Q. And that consisted of engineering  
9 expenses and legal fees and also a settlement with  
10 Sloan as to your portion of the remediation costs;  
11 is that correct?

12 A. That's correct.

13 (Document marked as  
14 Plaintiff's Exhibit No. 3  
15 for identification,  
16 3-23-04.)

17 Q. I'm showing you what I've marked as  
18 Plaintiff's 3 for identification, which purports to  
19 be a settlement agreement between Sloan Valve  
20 Company and D & Z Transfer, Inc.; is that what that  
21 is?

22 A. Yeah. It was between Sloan Valve,  
23 Norman Zimmerman, and D & Z Transfer.

24 Q. And that agreement provides that of

1 the remediation costs that were incurred by Sloan,  
2 D & Z would pay \$65,000; is that correct?

3 A. Yes, that's correct.

4 Q. Now, that 65,000 is part of the  
5 107,000 that you previously testified to?

6 A. That's correct.

7 MR. STONE: I would move that Exhibits  
8 2 and 3 be admitted into evidence.

9 HEARING OFFICER HALLORAN:  
10 Mr. Stringini, any objection?

11 MR. STRINGINI: No objection.

12 HEARING OFFICER HALLORAN: Okay.  
13 Thank you. Plaintiff's Exhibits 2 and 3 are  
14 admitted.

15 You may proceed, Mr. Stone.

16 MR. STONE: Mr. Zimmerman just  
17 informed me that as to Exhibit No. 3, he gave  
18 his only copy, so can I substitute at the end  
19 of the hearing a copy for Exhibit 3?

20 HEARING OFFICER HALLORAN: Do you have  
21 one in your office?

22 MR. STONE: I'll just make one up  
23 there.

24 HEARING OFFICER HALLORAN: Okay.

1 Sure. That's fine.

2 MR. STONE: I'll take care of it, and  
3 I'll mail it back to you.

4 THE WITNESS: That's fine.

5 MR. STONE: No further questions.

6 HEARING OFFICER HALLORAN: Thank you.

7 Mr. Stringini, any cross?

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

9 BY MR. STRINGINI:

10 Q. How is your dad?

11 A. He's still alive.

12 Q. Does Jerry Zimmerman still work with  
13 you guys over there or --

14 A. No, he hasn't been since, and D & Z  
15 Transfer doesn't exist anymore either.

16 MR. STRINGINI: No more questions.

17 HEARING OFFICER HALLORAN: Any  
18 redirect?

19 MR. STONE: No redirect.

20 HEARING OFFICER HALLORAN:

21 Mr. Zimmerman, you may step down. Thank you  
22 very much.

23 MR. STONE: I would also like

24 Mr. Zimmerman to be excused. He's here under



1 subpoena, but he has employment to go back  
2 to.

3 HEARING OFFICER HALLORAN: You're  
4 excused.

5 Are you going to need --

6 FURTHER EXAMINATION

7 BY MR. STRINGINI:

8 Q. I'd just like to ask was there a  
9 one-time -- when we first brought the sand --

10 HEARING OFFICER HALLORAN: Excuse me.  
11 Can you step back up at the stand, please?

12 THE WITNESS: I'm sorry.

13 HEARING OFFICER HALLORAN: That's  
14 okay.

15 BY MR. STRINGINI:

16 Q. I just want to establish one thing  
17 here if I can: If you remember, when we first  
18 brought the first loads of sand in, do you remember  
19 seeing any large pieces of metal in the sand that  
20 were, obviously, sticking out of the sand? They  
21 were fairly large, this size, knuckle size  
22 (indicating)?

23 A. Yeah, I do remember seeing pieces of  
24 metal.



1 MR. STRINGINI: Thank you. That's it.

2 HEARING OFFICER HALLORAN: Okay.

3 You're excused, Mr. Zimmerman. You may go  
4 back to work.

5 THE WITNESS: Okay. Thank you.

6 (Witness excused.)

7 MR. STONE: At this time I would call  
8 Michael Eisele.

9 HEARING OFFICER HALLORAN: Raise your  
10 right hand please and Maria will swear you  
11 in.

12 (Witness sworn.)

13 MR. STONE: I'm on Exhibit No. 4,  
14 right?

15 HEARING OFFICER HALLORAN: Correct.

16 WHEREUPON:

17 MICHAEL EISELE

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

20 E X A M I N A T I O N

21 BY MR. STONE:

22 Q. Would you please state your name for  
23 the record?

24 A. Michael Eisele.

1           Q.       Where do you live? What town do you  
2 live in?

3           A.       In Woodstock, Illinois.

4           Q.       Drawing your attention to July --

5                   HEARING OFFICER HALLORAN: Excuse me.  
6 How do you spell your last name, sir?

7                   THE WITNESS: E-I-S-E-L-E.

8                   HEARING OFFICER HALLORAN: Thank you.

9 BY MR. STONE:

10          Q.       Drawing your attention to on or about  
11 July 27, 1993, were you employed by the County of  
12 McHenry at that time?

13          A.       Yes, I was.

14          Q.       And in what capacity were you  
15 employed?

16          A.       I was an environmental health  
17 practitioner, and I conducted IEPA solid waste  
18 inspections.

19                               (Document marked as  
20                               Complainant's Exhibit No. 4  
21                               for identification,  
22                               3-23-04.)

23          Q.       I'm showing you what we've marked as  
24 Plaintiff's Exhibit No. 4 for identification. Can

1 you tell me what that document is?

2 A. This is an inspection narrative for a  
3 July 27, 1993 inspection. It contains a narrative  
4 summarizing observations, photo pages, and a site  
5 plan.

6 Q. And are the pages numbered?

7 A. Let's see. The exhibit number you  
8 mean?

9 Q. No. I guess the pages aren't  
10 numbered, right?

11 A. I don't believe so. The photographs  
12 are numbered.

13 Q. Okay. And how are the photographs  
14 numbered?

15 A. They're laid out to correspond with  
16 the site plan, and they are numbered from 1 to 19.

17 Q. Okay. Drawing your attention to the  
18 photographs numbered 1 through 19, photograph  
19 number 1, can you tell me what is depicted in that  
20 photograph?

21 A. That's an overall site into part of  
22 the former earth extraction area that was utilized  
23 to recover the spent metals from the foundry sand.

24 Q. Does that picture truly and accurately

1 depict the condition of the premises on July 27,  
2 1993?

3 A. Yes, it does.

4 Q. And picture number -- item number 2  
5 appears to be two photographs that are taped  
6 together; is that correct?

7 A. Yes.

8 Q. That would be considered for your  
9 report one photograph?

10 A. Yes.

11 Q. What does that picture depict?

12 A. That's a close up of what I believe to  
13 have been the -- more or less the central processing  
14 area where there was a separation unit to try to  
15 recover as much metals from the spent foundry sand  
16 as possible.

17 Q. Does that picture truly and accurately  
18 depict the condition of the premises on July 27,  
19 1993?

20 A. Yes.

21 Q. Picture number 3 -- well, wait a  
22 minute. I must have skipped over one. This is  
23 labeled as picture 3?

24 A. 3A. This is two pictures taped

1 together. And if you were to put these together, it  
2 would give you almost a 180, a panoramic, and  
3 this --

4 Q. Just so we're clear for the record,  
5 that's if you put 3A and 3B together?

6 A. That's correct.

7 Q. Okay. That would give you the entire  
8 panorama of the materials that are apparently stored  
9 on the premises?

10 A. Well, this is the spent foundry sand  
11 that has been left behind, and as you could tell,  
12 it's been there for some time. There's some new  
13 vegetation around it, but with the erosion and the  
14 smoothness, all those finds have been there for some  
15 time. This material has been abandoned.

16 Q. And do those pictures, 3A and 3B,  
17 truly and accurately depict the condition of the  
18 premises on July 27, 1993?

19 A. Yes, they do.

20 Q. Now, we have pictures 4 and 5, are  
21 they together more or less or are they separate?

22 A. No. This is together. These are --  
23 I'm sorry. These are separate and they just depict  
24 ponding water in relation to the spent foundry sand.

1           Q.       And do those pictures truly and  
2 accurately depict the condition of the premises on  
3 July 27, 1993?

4           A.       Yes.

5           Q.       Picture number 6, what does that  
6 depict?

7           A.       That's a close-up of the main spent  
8 foundry sand pile, and the circled area depicts  
9 where the soil sample was taken. And photo 7 is a  
10 close-up to show the sample container as well as the  
11 device used to obtain the sample.

12          Q.       Okay. Picture number 8?

13          A.       Picture number 8, this is near the  
14 central processing area but on the other side of the  
15 large spent foundry stockpile, and this is where  
16 you'll find bits and pieces of mold that were used  
17 in the -- in sand casts from the original foundry  
18 material. These aren't where the finds are, these  
19 are where the big sand casts are and that's just  
20 kind of showing that.

21          Q.       And that picture truly and accurately  
22 depicts the condition of the premises on July 27,  
23 1993?

24          A.       Yes, it does.



1 Q. Picture number 9?

2 A. This is a close-up of the central  
3 processing area. This shows some of the containers  
4 that might have been utilized to store various  
5 materials or transport various materials to the  
6 site, and there's also a conveyor mechanism where  
7 water was used to separate.

8 Q. There appears to be an inked circle on  
9 the right picture. These are two pictures together  
10 on photo number 9; is that correct?

11 A. Yes. That's referring -- a close-up  
12 of that area is actually in photo 10.

13 Q. Okay.

14 A. And this depicts the conditions of the  
15 containers as well as their contents at the time of  
16 the inspection.

17 Q. Okay. So the circle on photo number 9  
18 is intended to represent where you took the picture  
19 of photo number 10?

20 A. Right. Nine gives you the overall  
21 perspective and 10 is a close-up to give you a  
22 representative of --

23 Q. Okay. And do pictures 9 and 10 truly  
24 and accurately depict the condition of the premises

1 on July 27, 1993?

2 A. They do.

3 Q. And photo number 11, what is that  
4 depicting?

5 A. This area is further to the north and  
6 this depicts some additional 55-gallon drums that  
7 also contain foundry sand, but they're away from the  
8 main central processing area and some succeeding  
9 vegetation has overtaken that area.

10 Q. And does picture number 11 truly and  
11 accurately depict the condition of the premises on  
12 July 27, 1993?

13 A. Yes, it does.

14 Q. Picture number 12?

15 A. Twelve is showing a close-up of what  
16 is contained in some of the 55-gallon drums that are  
17 depicted in the previous photo, 11, and in those we  
18 see a little municipal refuse.

19 Q. What do you call that?

20 A. Municipal refuse.

21 Q. What do you mean by that?

22 A. Well, this was -- in terms of waste  
23 definition, the other wastes that are present on the  
24 property aren't actually considered municipal refuse

1 because they are part of a process, so they're an  
2 industrial process waste by definition. This is  
3 simply documenting another waste stream.

4 Q. Okay. And does picture number 12  
5 truly and accurately depict the condition of the  
6 premises on July 27, 1993?

7 A. Yes, it does.

8 Q. Picture 13, what does that depict?

9 A. Thirteen is depicting an area within  
10 the central processing unit where a sample of  
11 sediment was obtained. And this was obtained in an  
12 area that was partially submerged by standing or  
13 ponding water.

14 Q. And so the inked circle, the letter A  
15 inside of it, is identifying the area where you took  
16 that sample; is that correct?

17 A. That's correct.

18 Q. And picture 13, does that truly and  
19 accurately depict the condition of the premises on  
20 July 27, 1993?

21 A. Yes, it does.

22 Q. Picture 14?

23 A. Fourteen is a close-up of the sample  
24 location that was shown in the encircled area in

1 photo 13, and it shows the actual sample container  
2 filled with the sediment that was obtained at that  
3 location.

4 Q. And what is picture number 15?

5 A. Fifteen is actually looking at a  
6 separator unit. It's a large rusted storage tank  
7 and there's a -- it's noted that there's a black  
8 hose network that extends from the tank to the  
9 standing water.

10 Q. Does that picture truly and accurately  
11 depict the condition of the premises on July 27,  
12 1993?

13 A. Yes, it does.

14 Q. And picture -- let me take pictures  
15 16, 17, 18, and 19 as a group and tell me what they  
16 depict?

17 A. These are additional rusted 55-gallon  
18 drums that are located along a boundary away from  
19 the central processing area as well as some  
20 remaining municipal refuse. And this gives us a  
21 perspective as to what is going on on site. We have  
22 succeeding vegetation as well as what has been left  
23 behind.

24 Q. And do pictures 16 through 19 truly

1 and accurately depict the condition of the premises  
2 on July 27, 1993?

3 A. Yes, they do.

4 MR. STONE: No further questions.

5 HEARING OFFICER HALLORAN: Thank you.

6 Mr. Stringini, any cross?

7 MR. STRINGINI: Can I take a look at  
8 those pictures?

9 MR. STONE: I would ask that Exhibit  
10 No. 4 be admitted into evidence.

11 HEARING OFFICER HALLORAN: Any  
12 objection to Exhibit No. 4 being admitted  
13 into evidence, Mr. Stringini?

14 MR. STRINGINI: No.

15 HEARING OFFICER HALLORAN:  
16 Complainant's Exhibit No. 4 is admitted into  
17 evidence as was Complainant's Exhibits 1, 2,  
18 and 3.

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

20 BY MR. STRINGINI:

21 Q. Were any tests done as to what's --  
22 like four feet -- in other words, if you have a  
23 hazardous waste, it's going to leach down into the  
24 water, deep water. Were any tests done with that

1    regard?

2           A.       Well, the Illinois Environmental  
3    Protection Agency was involved in that part of the  
4    field investigation.  There is monitoring wells --  
5    or there were monitoring wells on site at the time.  
6    I don't know if they are still present.

7           Q.       In other words, I put that well in.  
8    If that's the one you're talking about.

9           A.       Well, I believe there's four on site.  
10   My understanding, and I do not have the  
11   documentation here, is that based on our sample  
12   results at the surface, there is significant lead  
13   contamination.  The impact it has on ground water,  
14   I'm not in a position to -- I simply don't have that  
15   documentation.

16          Q.       Okay.  Well, I was just wondering if  
17   the layers -- like you have gravel -- in this  
18   particular gravel pit, you have gravel that may  
19   abandon the pit because there was a -- four feet  
20   down there was a thick laborer of clay --

21                   MR. STONE:  Objection.

22                   HEARING OFFICER HALLORAN:  I'll allow

23           Mr. Stringini a little latitude.

24                   You may proceed.

1 BY MR. STRINGINI:

2 Q. There was a layer of clay beneath this  
3 and that's why they abandoned it. They couldn't get  
4 anymore gravel out and so we felt it was suitable  
5 that it wouldn't -- you know, any lead that might be  
6 kicked up from recycling the metals would not  
7 penetrate the ground water and whatever was left, we  
8 could eventually remediate it ourselves?

9 HEARING OFFICER HALLORAN: Is there a  
10 question in there?

11 BY MR. STRINGINI:

12 Q. The question is did you ever find that  
13 clay or you never looked for it or are you not aware  
14 of that?

15 A. Well, when the samples came back for  
16 the contamination of the lead, our involvement --  
17 our field work ended because it was determined by  
18 the IEPA that the contamination was sufficient for a  
19 hazardous waste determination and, in fact, from  
20 that point on any involvement with an agency related  
21 to that site would then revert back to IEPA because  
22 our delegation agreement limits us to nonhazardous  
23 waste.

24 And sample analysis did indicate the

1 level of contamination to be above the listed  
2 threshold. So at least at the surface level, their  
3 determination was that that material did constitute  
4 hazardous waste by definition.

5 Q. Material on the ground --

6 A. On the ground.

7 Q. -- not contained in containers. Okay.

8 You're not a chemist, are you?

9 A. No, I'm not.

10 MR. STRINGINI: Okay. No further  
11 questions.

12 HEARING OFFICER HALLORAN: Thank you.

13 Any redirect?

14 MR. STONE: No redirect.

15 HEARING OFFICER HALLORAN: Thank you.

16 You may step down. Thank you very much.

17 MR. STONE: Can Mr. Eisele also be  
18 excused? He also has a job in private  
19 industry now.

20 HEARING OFFICER HALLORAN: I'm glad to  
21 hear we're all employed.

22 MR. STONE: Yeah, right.

23 HEARING OFFICER HALLORAN:

24 Mr. Stringini?



1                   MR. STRINGINI: I have no objection to  
2                   that.

3                   HEARING OFFICER HALLORAN: Okay. He  
4                   may be released then.

5                   Thank you, sir.

6                   (Witness excused.)

7                   MR. STONE: At this time, I would call  
8                   Michael Stringini as an adverse witness.

9                   HEARING OFFICER HALLORAN: Okay. You  
10                  can step up here and then Maria will swear  
11                  you in.

12                  (Witness sworn.)

13                  MR. STONE: If you'll excuse me, I  
14                  left something back in the office.

15                  HEARING OFFICER HALLORAN: Okay.  
16                  We'll go off the record for five minutes.

17                  (Whereupon, a short break was  
18                  had.)

19                  MICHAEL S. STRINGINI,  
20                  called as an adverse witness herein, pursuant to  
21                  Section 2-1102 of the Code of Civil Procedure,  
22                  having been first duly sworn, was examined and  
23                  testified as follows:  
24

1

2

## E X A M I N A T I O N

3 BY MR. STONE:

4

5

Q. Would you please state your name for  
the record?

6

A. Michael S. Stringini.

7

8

Q. And, Mr. Stringini, do you want to be  
called Mr. Stringini?

9

A. Mike is fine.

10

11

Q. Okay. And you are the respondent in  
this case; is that correct?

12

A. Correct.

13

14

15

16

17

Q. And some place along the line, the  
hearing officer entered an order that you were to  
produce certain documents to me and you were  
supposed to have it by 8:30 today, but you brought  
it in last week sometime. And this is a --

18

A. That's what I brought.

19

20

Q. All right. Now, it's in the same  
condition that you brought it; is that correct?

21

A. That's correct.

22

23

Q. Okay. I've gone through it, but I  
left it in the same order that you gave it to me.

24

A. That's fine with me. I hope I can

1 throw it away after this.

2 Q. Now, one of the things that you were  
3 to produce were receipts of money that you received  
4 from Sloan during the period 1980 to 1984 and  
5 essentially, is there anything -- these records  
6 don't seem to have any of that. Do you have any  
7 records that show any particular receipts?

8 A. The check stubs.

9 Q. Do you want to pull those out for me  
10 and show me?

11 A. Sure. There's some here (indicating).

12 Q. Okay. So this folder you're saying  
13 are check stubs, meaning stubs that you received  
14 from Sloan?

15 A. From Sloan, yeah.

16 Q. Then I'd like to mark these as Group  
17 Exhibit No. 5. And these are in -- can we leave  
18 them in this manila folder, Mr. Stringini?

19 A. Yeah, you can keep it.

20 Q. Okay. So Exhibit No. 5 is a manila  
21 folder that has handwriting Sloan sand pickup on the  
22 tab?

23 A. Yeah.

24 Q. But, in fact, what you're saying is

1    this is a series of check stubs -- would this be  
2    your invoice?

3           A.       Yeah, that would be my invoice.

4           Q.       Okay.  And these are invoices with  
5    regard to materials that were delivered to the  
6    Zimmerman property?

7           A.       Yes, that's correct.

8           Q.       And these all appear to be in the year  
9    1984; is that correct?

10          A.       That's correct.

11                               (Document marked as  
12                               Complainant's Exhibit No. 5  
13                               for identification,  
14                               3-23-04.)

15               MR. STONE:  I would move that Exhibit  
16    No. 5 be admitted into evidence.

17               HEARING OFFICER HALLORAN:  Any  
18    objection, Mr. Stringini?

19               MR. STRINGINI:  No.

20               HEARING OFFICER HALLORAN:  Okay.  
21    Complainant's Group Exhibit No. 5 is admitted  
22    into evidence.  And I do want to note for the  
23    record that the exhibit stickers, some of  
24    them have Plaintiff's, but we all know it's

1           the complainant, so I just wanted to note  
2           that for the record.

3                   MR. STRINGINI: Here's another one.  
4           Here's another one. Here's another one.

5 BY MR. STONE:

6           Q.       These are all 1984, correct?

7           A.       Yeah.

8           Q.       Now, you've gone through the records  
9           that you delivered and these represent all of the  
10          records that you have of receipts from --

11          A.       It's what I have now and, you know,  
12          it's been a long time and a lot of this stuff was  
13          just -- because I moved several times and were in  
14          several boxes different years and I went through a  
15          few -- a couple of audits, IRS audits, and when they  
16          were finished, you know, I got rid of the old stuff.

17          Q.       But what we've put in the folder  
18          that's marked as Exhibit 5 represents all of the  
19          records that you have and they are all from 1984?

20          A.       If that's what the date is, yes.

21                   HEARING OFFICER HALLORAN: Any  
22          objection to these additional receipts you've  
23          just located to put these in Complainant's  
24          Group Exhibit?

1 MR. STRINGINI: No, I don't object to  
2 it.

3 HEARING OFFICER HALLORAN: Thank you.  
4 So admitted.

5 MR. STONE: Thank you.

6 BY MR. STONE:

7 Q. You were also ordered to produce your  
8 copies of your tax returns for the years 1980 to  
9 1984?

10 A. Right -- 1980 to '84?

11 Q. Yes.

12 A. You mean '83?

13 Q. Maybe it was '83. Did you have any of  
14 those?

15 A. Yeah -- well, actually, 2002, I  
16 haven't done yet, but I have something here  
17 indicating my --

18 Q. By 1980 to 1984 --

19 A. Oh, no, I don't have any of those.

20 Q. So you don't have those records?

21 A. No.

22 Q. Now, you did produce records for the  
23 years -- you were also ordered to produce income tax  
24 records for the years 2001 and 2002?

1 A. Yes.

2 Q. And do you have those?

3 A. Yeah. I gave you 2000, 2001,  
4 Schedule K1 on 2002, because I haven't filed it yet,  
5 but it shows what I earned. And then -- I'm  
6 retired. I don't really get a paycheck anymore.

7 (Document marked as  
8 Plaintiff's Exhibit No. 6  
9 for identification,  
10 3-23-04.)

11 Q. Okay. I'm showing you what we've  
12 marked as Exhibit 6. Can you tell me what this  
13 document is?

14 A. This is my 2001 tax return.

15 Q. That's your 2001 individual federal  
16 tax return?

17 A. Yeah, it's my individual -- my wife  
18 and myself -- or my ex-wife and myself.

19 Q. And that shows wages and salaries of  
20 \$5450.00?

21 A. What was the question?

22 Q. It shows wages, salaries, and tips on  
23 line 7 of 5450?

24 A. Yeah, that's correct.

1           Q.       And on line number 12 on the first  
2 page of Exhibit 6 has business income of \$2,597?

3           A.       Okay.

4           Q.       And under your Schedule C, business  
5 income, you say that it's for real estate sales; is  
6 that correct?

7           A.       That might be my ex-wife. I'm not in  
8 real estate. I have no --

9           Q.       So real estate sales was your former  
10 wife?

11          A.       Yeah.

12                   MR. STONE: All right. I move that  
13 Exhibit No. 6 be admitted into evidence.

14                   HEARING OFFICER HALLORAN: Any  
15 objection, Mr. Stringini?

16                   MR. STRINGINI: No.

17                   HEARING OFFICER HALLORAN: Exhibit  
18 No. 6 -- Complainant's Exhibit No. 6 is  
19 admitted into evidence.

20                               (Document marked as  
21 Complainant's Exhibit No. 7  
22 for identification,  
23 3-23-04.)

24 BY MR. STONE:



1           Q.       And I'm showing you what's been marked  
2 as Exhibit No. 7, which purports to be your 2001  
3 Illinois income tax return with you and your former  
4 wife?

5           A.       Yeah.

6                   MR. STONE: And I move that Exhibit  
7 No. 7 be admitted into evidence.

8                   MR. STRINGINI: No objection.

9                   HEARING OFFICER HALLORAN:  
10 Complainant's No. 7 is admitted into  
11 evidence.

12   (Document marked as  
13   Complainant's Exhibit No. 8  
14   for identification,  
15   3-23-04.)

16 BY MR. STONE:

17           Q.       I'm showing you what we marked as  
18 Exhibit No. 8. That is a Schedule K1 for the year  
19 2002?

20           A.       Right, that was my income, right.

21           Q.       And that shows that you received  
22 income from Industrial Waste Recycling of \$9,227?

23           A.       That's correct.

24           Q.       And you have not filed your 2002

1 income tax returns?

2 A. No. I'm going to do it. I haven't  
3 done it.

4 Q. Okay. Did you get an extension to  
5 file them?

6 A. No.

7 Q. Just haven't filed them?

8 A. Haven't filed them.

9 MR. STONE: I would move that Exhibit  
10 No. 8 be admitted into evidence.

11 HEARING OFFICER HALLORAN: Any  
12 objection, Mr. Stringini?

13 MR. STRINGINI: No.

14 HEARING OFFICER HALLORAN:  
15 Complainant's Exhibit No. 8 is admitted into  
16 evidence.

17 (Document marked as  
18 Complainant's Exhibit No. 9  
19 for identification,  
20 3-23-04.)

21 BY MR. STONE:

22 Q. I'm showing you what we've marked as  
23 Exhibit No. 9 for identification, which purports to  
24 be an 1120S Form for a corporation by the name of

1 Industrial Waste Recycling, Inc.

2 A. Uh-huh.

3 Q. And that is the 2003 tax return?

4 A. Right.

5 Q. And you're saying that this would  
6 reflect that you received income in 2003 from this  
7 company in the amount of 13,000-something?

8 A. I don't know that that will show that;  
9 it may.

10 Q. Well, what shows your income for 2003?

11 A. I had it here. Is it in that other  
12 folder there?

13 (Witness perusing  
14 the document.)

15 I'm not finding it. It indicated that  
16 last year -- well, what is the K1 that I gave you?

17 HEARING OFFICER HALLORAN: The 2002 --  
18 oh, excuse me. Here's a K1, 2003 attached to  
19 Exhibit 8.

20 MR. STONE: Why don't we remove that  
21 then and leave Exhibit 8 --

22 HEARING OFFICER HALLORAN: Okay.  
23 Complainant's Exhibit No. 8 is the Schedule  
24 K1-2002 tax return.



3 MR. STRINGINI: Is that necessary, the  
4 corporate return?

8 MR. STRINGINI: Shareholder, yes.  
9 That's where I get my income.

12 MR. STRINGINI: No. I just asked.

14 Complainant's Exhibit No. 9 is admitted into  
15 evidence.

20 BY MR. STONE:

23           A.       That's part of the tax return from the  
24   form 1120S, 2003; that goes with that.

1 Q. Okay. So that's part of Exhibit  
2 No. 9?

3 A. Yeah. It's the asset part of. It's  
4 got 10 on it but it's part of 9.

5 (Document marked as  
6 Complainant's Exhibit No. 11  
7 for identification,  
8 3-23-04.)

9 Q. I'm showing you now what we've marked  
10 as Exhibit No. 11, which purports to be a Schedule  
11 K1 from Industrial Waste Recycling, Inc., for the  
12 year 2003 showing an income to you from the  
13 corporation of 13,706?

14 A. That's right.

15 MR. STONE: We move that Exhibit  
16 No. 11 be admitted into evidence.

17 HEARING OFFICER HALLORAN: Any  
18 objection?

19 MR. STRINGINI: No.

20 HEARING OFFICER HALLORAN: Exhibit  
21 No. 11 is admitted into evidence.

22 If we could back up a little, I'm  
23 still a little confused on this Exhibit 9 and  
24 10.

1                   MR. STONE: Well, 10 I'm not even  
2 going to introduce because he said it was  
3 part of 9.

4                   MR. STRINGINI: Yeah, it shows the  
5 assets of the corporation. There's no reason  
6 to not put it in there.

7                   MR. STONE: What's your question,  
8 Mr. Halloran?

9                   HEARING OFFICER HALLORAN: Well, we're  
10 on Exhibit No. 9 and then we skipped to  
11 Exhibit No. 11 with Exhibit No. 10 hanging  
12 out there.

13                  MR. STONE: Exhibit No. 10 is -- he  
14 claimed was a part of 9 except I can't find  
15 it.

16                  HEARING OFFICER HALLORAN: Well, maybe  
17 what he means is it was supposed to be part  
18 of 9 and it's not in there.

19                  MR. STONE: All right. We'll admit  
20 No. 10 then.

21                  HEARING OFFICER HALLORAN: Okay.  
22 Yeah, let's keep it clean. Exhibit No. 10 is  
23 a form 1120S, year 2003. Any objection?

24                  MR. STRINGINI: No.

1                   HEARING OFFICER HALLORAN: Exhibit No.  
2                   10 is admitted into evidence as is Exhibit  
3                   No. 9. And 11 was also --

4                   MR. STONE: Yes.

5                   HEARING OFFICER HALLORAN: And you  
6                   have no objection to 11?

7                   MR. STRINGINI: No objection.

8                   HEARING OFFICER HALLORAN: Okay.  
9                   Exhibit No. 11 is also admitted into  
10                  evidence.

11 BY MR. STONE:

12                  Q.        So those represent what you've  
13                  produced in response to the hearing officer's order  
14                  with regard to the years 2001, 2002 and you  
15                  voluntarily provided 2003?

16                  A.        Yes.

17                  Q.        You were also ordered to produce a  
18                  financial statement?

19                  A.        Right (indicating.)

20                               (Document marked as  
21                               Complainant's Exhibit No. 12  
22                               for identification,  
23                               3-23-04.)

24                  Q.        I'm showing you what's been marked as



1 Exhibit No. 12, which is a document dated March 15,  
2 2004 which has your name on it on the right-hand  
3 side and it says list of assets; is that correct?

4 A. That's correct.

5 Q. And that is what you are submitting as  
6 your financial statement?

7 A. That's right.

8 MR. STONE: I move that Exhibit No. 12  
9 be admitted into evidence.

10 HEARING OFFICER HALLORAN: Any  
11 objection?

12 MR. STRINGINI: No objection.

13 HEARING OFFICER HALLORAN: Exhibit 12  
14 is admitted into evidence.

15 BY MR. STONE:

16 Q. Now, with regard to Exhibit No. 12,  
17 which is your -- you say you have 400 shares of  
18 Industrial Waste Recycling Corp.?

19 A. Uh-huh.

20 Q. What does Industrial Waste Recycling  
21 Corporation do?

22 A. Brokers. We broker in hazardous or  
23 nonhazardous recycling waste.

24 Q. And does Industrial Waste have permits

1 from the EPA?

2 A. It doesn't need a permit. We're  
3 brokers. We don't handle any material; we never  
4 touch it. All we do is arrange for the pickup and  
5 arrange for the delivery.

6 Q. So in this business, Industrial Waste  
7 Recycling Corporation, you're essentially doing the  
8 same thing now that you were doing back in 1980 to  
9 '84 on the Zimmerman property?

10 A. The same thing, no.

11 Q. What's different?

12 A. I'm not doing anything. I'm shipping  
13 it to a plant where they're permitted in Canada to  
14 recycle the materials that I send them.

15 Q. Okay. So Industrial Waste Recycling  
16 doesn't do anything physical?

17 A. Nothing physical, strictly brokers.

18 Q. And do you have an automobile, sir?

19 A. Yes, sir.

20 Q. What kind?

21 A. A Dodge Ram.

22 Q. What year?

23 A. '98.

24 Q. And does it have a debt on it?

1           A.       Yes, it does.

2           Q.       To whom?

3           A.       Right over here in Crystal Lake, Great

4 Bank.

5           Q.       Okay. And what is your payment on

6 that?

7           A.       \$269.

8           Q.       A month?

9           A.       Yes.

10          Q.       You don't list that as one of your

11 assets?

12          A.       It's not an asset. It's not worth

13 what I'm paying. I paying at 17 percent interest on

14 that.

15          Q.       What do you owe on it?

16          A.       I don't know the balance on it, but

17 it's more than the car is worth.

18          Q.       Okay. You don't show the debt as a

19 liability. You don't show any liabilities on this?

20          A.       That would be about the only liability

21 I have.

22          Q.       Okay. So you have a debt for this

23 1998 Dodge vehicle and you're paying \$269 a month on

24 that?

1           A.       That's right.

2           Q.       Do you have any life insurance?

3           A.       No.   And no hospitalization either.

4   I've had cancer once.   I had insurance then.

5           Q.       You're renting where you live?

6           A.       I'm renting where I live.

7           Q.       What is your rent?

8           A.       \$375 a month.   The last couple of

9   years it was 250 until my wife left, and when she

10   left it jumped to 375.

11          Q.       What about other monthly expenses do

12   you have, do you pay utilities?

13          A.       No gas, just electric.

14          Q.       How much is that per month?

15          A.       On an average over the year?

16          Q.       Uh-huh.

17          A.       About \$50 a month.

18          Q.       And what about telephone?

19          A.       Telephone is 40.

20          Q.       \$40 per month?

21          A.       Uh-huh.

22          Q.       What other fixed monthly expenses do

23   you have?

24          A.       My car insurance.

1 Q. How much is that per month?

2 A. That's \$60 a month.

3 Q. What other monthly --

4 A. No cable, no newspapers. Oh, I got

5 credit card. The limit is \$200.

6 Q. \$200 a month?

7 A. No, no. The limit on the card is --

8 Q. Oh, it's \$200?

9 A. Yeah.

10 Q. Okay.

11 A. My credit was in the dumper, but I

12 think it's better now. That's \$20 a month. I'm

13 going to try and pay it off.

14 Q. Okay. Now, it would be your testimony

15 before the Board that your only source of income is

16 through this Industrial Waste Management Recycling

17 Corporation?

18 A. Until three months ago, I started on

19 Social Security. Now I'm getting Social Security.

20 Q. Okay. And how much do you receive in

21 Social Security?

22 A. \$1,030.

23 Q. When did that start?

24 A. Third week in January.

1 Q. And how did you qualify for Social  
2 Security?

3 A. I'm 62.

4 Q. Okay.

5 A. I took it early.

6 Q. Do you have any other pensions or  
7 other disability payments of any kind?

8 A. Nothing, healthy as a horse, no  
9 disabilities.

10 MR. STONE: I believe No. 12 is  
11 already admitted?

12 HEARING OFFICER HALLORAN: Yes, it is.

13 MR. STRINGINI: No objection.

14 HEARING OFFICER HALLORAN: No  
15 objection. Complainant's Exhibit No. 12 is  
16 admitted into evidence.

17 (Document marked as  
18 Complainant's Exhibit No. 13  
19 for identification,  
20 3-23-04.)

21 BY MR. STONE:

22 Q. I'm showing you what's been marked as  
23 Plaintiff's Exhibit No. 13 for identification.

24 A. That's me.

1           Q.       Those are pictures that you produced  
2   at our request; is that correct?

3           A.       Yes.

4           Q.       And those are pictures taken in  
5   1980 --

6           A.       Thereabouts, yeah.

7           Q.       -- which shows the start-up of your  
8   operations on the Zimmerman property?

9           A.       Yes -- well, you know, that's some of  
10   it.

11          Q.       That's some of it, right?

12          A.       Yeah.   That's a table and my kids and  
13   there's --

14          Q.       Now, you saw the pictures that we  
15   introduced in 1993.   Some of these piles would still  
16   be there in 1993; is that correct?

17          A.       Yeah, they just would have shrunk.

18                   MR. STONE:   Okay.   I move that  
19   Exhibit No. 13 be admitted into evidence.

20                   HEARING OFFICER HALLORAN:   Any  
21   objection?

22                   MR. STRINGINI:   No.

23                   HEARING OFFICER HALLORAN:  
24   Complainant's Exhibit No. 13 is admitted into

1 evidence.

2 (Document marked as  
3 Complainant's Exhibit No. 14  
4 for identification,  
5 3-23-04.)

6 BY MR. STONE:

7 Q. I'm showing you what's been marked as  
8 Exhibit 14.

9 A. Yes.

10 Q. Now, that's a letter from you to Sloan  
11 Valve dated September 23, 1981 where you set up your  
12 arrangement with them where you were -- the pricing  
13 arrangement is that you're going to receive \$300 per  
14 truckload of foundry sand to be delivered to the  
15 Zimmerman property?

16 A. Including the freight. The freight  
17 was 150, so yeah -- but 300 is on here. That's  
18 right.

19 Q. Okay. Who paid the freight?

20 A. It came out of the 300. I paid the  
21 300.

22 MR. STONE: Okay. I move that Exhibit  
23 14 be admitted into evidence.

24 HEARING OFFICER HALLORAN: Any



1 objection?

2 MR. STRINGINI: No objection.

3 HEARING OFFICER HALLORAN: Plaintiff's  
4 14 is admitted.

5 (Document marked as  
6 Complainant's Exhibit No. 15  
7 for identification,  
8 3-23-04.)

9 BY MR. STONE:

10 Q. I'm showing you what's been marked as  
11 Exhibit 15, which purports to be a letter from you  
12 to Sloan Valve dated October 17, 1983, and that  
13 letter is increasing the rate from 450 to 550; is  
14 that correct?

15 A. That's right.

16 Q. That would be effective October 5 of  
17 1983?

18 A. Yes.

19 MR. STONE: I move that Exhibit No. 15  
20 be admitted into evidence.

21 HEARING OFFICER HALLORAN: No  
22 objection?

23 MR. STRINGINI: No objection.

24 HEARING OFFICER HALLORAN: Exhibit

1           No. 15 is admitted into evidence.

2                               (Document marked as

3                               Complainant's Exhibit No. 16

4                               for identification,

5                               3-23-04.)

6   BY MR. STONE:

7           Q.       I'm showing you what we marked as

8   Exhibit No. 16, which purports to be a letter dated

9   May 8, 1984 from Sloan Valve to you; is that

10   correct?

11          A.       Yeah.

12          Q.       And this letter makes reference in

13   there that says: At such time that you raised the

14   price from 300 to 450 and then to 550 -- blahdi,

15   blahdi, blah; is that correct?

16          A.       Yeah.

17          Q.       Now, do you recall when you raised the

18   price from 300 to 450?

19          A.       No, I don't remember.

20          Q.       Well, it would have been before

21   October 5 of 1983 sometime?

22          A.       You know, you're asking me to guess.

23   It would be between the letter -- right in the

24   middle.

1 Q. Well --

2 A. I would accept that.

3 Q. Didn't you -- when you first started  
4 doing this, you realized that the amount of metal  
5 that you were able to extract from the sand wasn't  
6 at the percentage that Sloan -- that you and Sloan  
7 thought?

8 A. You know, you've got to remember, I  
9 was in scrap metal. I was looking at Sloan's slag  
10 grindings, dryer chips and they asked me to look at  
11 their sand because for some reason there was a large  
12 amount of money that would have to be paid if they  
13 had the land filled with sand. I don't know what  
14 they were doing before that.

15 Q. The question was didn't you somehow  
16 calculate the percentage or recovery you were making  
17 from the amount of stuff they were giving you and  
18 the amount you were able to extract, like one  
19 percent or two percent?

20 A. Yeah. It appeared to be like one or  
21 two percent.

22 Q. But when you realized it was less than  
23 you thought it was going to be, that was when you  
24 raised the price from 300 to 450?

1           A.       No. When I realized that they weren't  
2 going to give me the slag and they weren't -- they  
3 were still like stringing me along. I wanted to  
4 talk to Bill Sloan. I needed their slag. You  
5 couldn't make money or two or three percent in the  
6 sand. There's no money to be made there. That was  
7 strictly to get the metal which contained the lead  
8 out of the sand. I wanted their other scrap.

9           Q.       But it would be a fair estimate to say  
10 that some time about halfway between the time you  
11 started and October 5 of '83 when you raised the  
12 price from 450 to 550, you raised the price from 300  
13 to 450?

14          A.       Yeah, to put pressure on them, I sure  
15 did.

16                   MR. STONE: Move that 16 be admitted.

17                   HEARING OFFICER HALLORAN: Any  
18 objection?

19                   MR. STRINGINI: No objection.

20                   HEARING OFFICER HALLORAN:  
21 Complainant's Exhibit 16 is admitted.

22                   MR. STRINGINI: One note about that  
23 letter, Collier wrote that letter. That was  
24 like, I don't know, the same week that I got

1           locked out of the gravel pit, so that was  
2           sort of a -- you know, to me it was a BS  
3           letter, a Bologna letter.

4                   MR. STONE: There's no question  
5           pending right now, so he's not allowed to  
6           offer gratuitous testimony. I move that be  
7           stricken.

8                   MR. STRINGINI: But if you read it, it  
9           sounds like he's telling the truth and he's  
10          just covering --

11                  MR. STONE: Again, I ask that that  
12          testimony be stricken, Mr. Halloran.

13                  HEARING OFFICER HALLORAN: I'll allow  
14          it. He was qualifying Complainant's Exhibit  
15          No. 16.

16                               (Document marked as  
17                               Complainant's Exhibit No. 17  
18                               for identification,  
19                               3-23-04.)

20   BY MR. STONE:

21           Q.       Okay. I'm showing you what's been  
22   marked as Exhibit No. 17, which is a series of what  
23   appears to be, I don't know, bills of lading but  
24   they're documents that Sloan or somebody would use

1    when the truckloads were shipped to the Zimmerman  
2    property and this exhibit is numbered 3.1 through  
3    3.22?

4                    You previously admitted in your  
5    request to admit that those are genuine documents.  
6    Now, what I'd like to ask you is that these appear  
7    to be individual truckloads, is that correct, each  
8    sheet is a truckload?

9            A.       Yeah, it would be truckload 41,000  
10   pounds.

11           Q.       And those are all during the year  
12   1982? You can check those.

13           A.       Yeah. Okay.

14                   MR. STONE: I move that Exhibit No. 17  
15   be admitted into evidence.

16                   HEARING OFFICER HALLORAN: Any  
17   objection?

18                   MR. STRINGINI: No objection.

19                   HEARING OFFICER HALLORAN: Exhibit 17  
20   is admitted into evidence.

21                   MR. STRINGINI: I'm sorry. Can I look  
22   at them again? You know there were two  
23   different kinds of -- there was one material  
24   that was a wheelabrator bag house dust, which

1           was sand, which was one of the items that I  
2           recycle regularly; it has 20 percent copper.

3                     And I found that industry was throwing  
4           this away as -- you know, way back in the  
5           beginning, I would offer them a couple  
6           pennies a pound and they would say, it's not  
7           worth it, we'll just throw it away. But  
8           there was 20 percent copper in there and  
9           that, to me, was -- I could sell that to  
10          Nuranda, up in Canada there.

11                    And I just want to make sure that that  
12          material was held separate and was shipped to  
13          Nuranda all through the years that I was  
14          handling Sloan's material. I just want to  
15          make sure that I'm not saying that this was  
16          sent to the gravel pit, but I guess it was  
17          because it says Huntley here. Okay.

18                    Yeah, that's no problem. Somewhere  
19          along the way it had to be wheelabrator or  
20          what have you.

21                               (Document marked as  
22                               Complainant's Exhibit No. 18  
23                               for identification,  
24                               3-23-04.)

1 BY MR. STONE:

2 Q. I'm showing you what's marked as  
3 Plaintiff's Exhibit No. 18, which is page  
4 numbers 3.23 through 3.139. This purports to be the  
5 same type of bills of lading, I guess, you would  
6 call them --

7 A. Yeah, bills of lading.

8 Q. -- for the year 1983?

9 A. Okay. Right. No objection.

10 MR. STONE: I move that Exhibit No. 18  
11 be admitted into evidence.

12 HEARING OFFICER HALLORAN: 18 is  
13 admitted into evidence.

14 (Document marked as  
15 Complainant's Exhibit No. 19  
16 for identification,  
17 3-23-04.)

18 BY MR. STONE:

19 Q. I'm showing you what's marked as  
20 plaintiff's Exhibit 19, which purports to be the  
21 same type of bills of lading for the year 1984.

22 A. Okay.

23 Q. That is pages 3.140 through 3.186.

24 A. The only thing that troubles me on



1 this is, like I said, I want to make sure they don't  
2 put the wheelabrator dust in here because the dust  
3 is a hazardous waste if you landfill it. If you  
4 sell it to a copper mining operation, that's  
5 perfectly legal. That's what the EPA said --

6 Q. These bills of lading reflect that  
7 this material was being shipped to the Zimmerman  
8 property?

9 A. I know, but none of my people have  
10 signed these bills of ladings and it's like, you  
11 know, I don't know who BO is or, you know --

12 Q. I understand.

13 A. They're all the same there, BO, right,  
14 on these bill of ladings?

15 HEARING OFFICER HALLORAN: I'm looking  
16 at Plaintiff's Exhibit No. 18. It looks  
17 like BC or BO.

18 MR. STRINGINI: All right. Yeah, no  
19 problem.

20 MR. STONE: I move that Exhibit 19 be  
21 admitted into evidence.

22 MR. STRINGINI: No objection.

23 HEARING OFFICER HALLORAN: Plaintiff's  
24 Exhibit 19 is admitted into evidence without

1 objection.

2 (Document marked as  
3 Complainant's Exhibit No. 20  
4 for identification,  
5 3-23-04.)

6 BY MR. STONE:

7 Q. I'm showing you what's been marked as  
8 Exhibit No. 20, which purports to be a series of  
9 invoices, I believe, that are copies of the same  
10 invoice that you previously submitted?

11 A. Yes, right -- well, it might be  
12 copies. There may be some missing.

13 Q. Do those represent materials delivered  
14 to Zimmerman during the year 1984?

15 A. Yes.

16 MR. STONE: Okay. I move that Exhibit  
17 No. 20 be admitted into evidence.

18 HEARING OFFICER HALLORAN: Any  
19 objection, sir?

20 MR. STRINGINI: No.

21 HEARING OFFICER HALLORAN:  
22 Complainant's Exhibit No. 20 is admitted into  
23 evidence.

24 BY MR. STONE:

1           Q.       These monthly expenses that you  
2 testified to earlier have been going on for more  
3 than a year?

4           A.       Well, you know what, you've got to  
5 realize, first of all, I was living with my son and  
6 my ex-wife -- she hadn't yet -- and myself, so any  
7 bills like, for instance, if the electric came in  
8 and it was \$80, it was split three ways. The phone  
9 bill was split three ways. The rent was split three  
10 ways. Everything was split three ways.

11          Q.       When did that stop?

12          A.       She moved out I would say in December.

13          Q.       December of what year?

14          A.       December of last year, 2003.

15                   MR. STONE: I have no further  
16 questions.

17                   HEARING OFFICER HALLORAN: Okay. You  
18 may step down, sir.

19                   MR. STRINGINI: Okay.

20                               (Witness excused.)

21                   HEARING OFFICER HALLORAN: Have you  
22 rested in your case in chief, Mr. Stone?

23                   MR. STONE: We rest.

24                   HEARING OFFICER HALLORAN: Let's take

1 a five-minute break. And, Mr. Stringini,  
2 when we come back, you can present your case  
3 in chief. I don't think you have any  
4 witnesses but, if not, you're still under  
5 oath and you can stay up here and give a  
6 summary or a narrative of your side.

7 MR. STRINGINI: Thank you.

8 HEARING OFFICER HALLORAN: We're off  
9 the record.

10 (Whereupon, after a short  
11 break was had, the  
12 following proceedings  
13 were held accordingly.)

14 HEARING OFFICER HALLORAN: We took a  
15 short break. Mr. Stone, the Complainant, has  
16 rested in his case in chief, and we have  
17 Mr. Stringini who is still under oath and he,  
18 I believe, wishes to give a summary, a  
19 narrative of his side of the case.

20 You may proceed. And, Mr. Stone, you  
21 may cross when he's through.

22 MR. STRINGINI: I'd like to start with  
23 back in 1979 or 1980, whenever I started on  
24 this, I'm not really sure of the date, but I

1           did get the -- there were several books,  
2           Environmental Protection Act, and I went  
3           through them looking for something in there  
4           about scrap metal and what I found was that  
5           scrap metal was exempt front EPA regulations.

6                     There are no rules under the EPA for  
7           scrap metal and so I went at this recycling  
8           of the sand as I would scrap metal. I was  
9           after -- I was a scrap metal man. I wasn't a  
10          waste person. I never land filled anything.  
11          I just was scrap.

12                    I didn't have any money, so I couldn't  
13          get big accounts, so I was stuck with looking  
14          at the waste and I found waste. I found 20,  
15          30, 40 percent copper being thrown away. It  
16          was amazing. I spent my own money.

17                    I traveled to Morenci, Arizona and I  
18          visited a copper mine, Felbtsdodge, and I saw  
19          the money they spent to get a half of one  
20          percent copper out of the rock. And then  
21          they would make a copper matt, which was a  
22          concentrated copper,  
23          20 percent, that's what they put in the  
24          furnace and that's what gave them the copper.



1                   Well, industry was throwing 20  
2                   percent, you know, you didn't have to go dig  
3                   it up. You didn't have to -- but they didn't  
4                   want the material, so I looked around and I  
5                   found Nuranda Minerals and Mining Company in  
6                   Quebec, and they were interested in the  
7                   material because they could use the silica as  
8                   part of their flux.

9                   They needed sand for flux at a copper  
10                  mine. They were buying new sand. Here I  
11                  could deliver sand for nothing, you know, and  
12                  they had copper values. They would pay me  
13                  for the copper. So this bag house dust,  
14                  which is really the hazardous material coming  
15                  out of foundries, brass foundries, was what I  
16                  would ship to Nuranda.

17                 I would send it to a warehouse in  
18                 Chicago and they would load it into a car, a  
19                 rail car, and I would ship that to Nuranda.  
20                 Incidentally, the railroads turned around and  
21                 sued me because they didn't charge me enough  
22                 freight and I, you know -- everybody is suing  
23                 me.

24                 It was never my intention to abandon

1 the site. It was never my intention to  
2 landfill the material. I was locked out by  
3 Zimmerman, Jerry Zimmerman contrary to his  
4 father, Norman Zimmerman's, agreement with  
5 me, which I made with him that I would pay my  
6 debt down gradually.

7 I got a phone call from Jerry when his  
8 dad, Norman, was on vacation and he said, pay  
9 up or you're out. I couldn't pay up. I  
10 didn't have the money and so they locked me  
11 out and then they sued me via Mr. Stone.

12 I gave a deposition by my attorneys.  
13 I flew in attorneys I couldn't afford, but a  
14 friend of mine that was with me, Neil Miller,  
15 his brother, Norman Miller, was a big shot  
16 attorney downtown and so he fought for me,  
17 and the Zimmermans dropped their suit because  
18 they had locked me out, I think.

19 I mean, they ruined me really, because  
20 I had backing up to that point. I had  
21 backing with Northwest Industries, and the  
22 intention was to turn that silica into glass,  
23 brake it up, and use it for Portland cement.

24 And if I couldn't do it, there were



1            plenty of cement plants around that would do  
2            it once the brass was removed. The brass is  
3            a bad contaminant because it has lead. But  
4            it's brass. It's not some, you know,  
5            radioactive material; it's brass, metal.

6            It wasn't even oxide. The oxides were  
7            recycled at Nuranda, but the metal -- anyway,  
8            special waste is not hazardous waste, but if  
9            you landfill special waste and the weather  
10           gets to it, it will turn green and it will  
11           start leaching; that's nature.

12           The material that was in drums was  
13           actually concentrated product that was  
14           intended for sale, and I would have run the  
15           sand had I had a chance, but I was locked  
16           out, never made much money out of it.

17           When Norman called me and said, hey, I  
18           want to plow that stuff under, I said, you  
19           better not do that because I didn't finish  
20           cleaning it. So he called the EPA and that's  
21           when the whole thing -- and then my lawyer  
22           said stay out because Norman and his sons  
23           were -- they gave us a hard time, my workers,  
24           they would -- you know, rough guys. That's

1           it.

2                   HEARING OFFICER HALLORAN:   Okay.

3           Mr. Stone any cross?

4                   MR. STONE:   No.

5                   HEARING OFFICER HALLORAN:   Okay.

6           Thank you.   You may step down.

7                   MR. STRINGINI:   Thank you very much.

8                   HEARING OFFICER HALLORAN:   Do you have  
9           any witnesses today?

10                  MR. STRINGINI:   No, I don't.

11                  HEARING OFFICER HALLORAN:   So you've  
12           rested in your case in chief?

13                  MR. STRINGINI:   Yeah.

14                  HEARING OFFICER HALLORAN:   Mr. Stone,  
15           any rebuttal?

16                  MR. STONE:   No rebuttal.

17                  HEARING OFFICER HALLORAN:   All right.  
18           Before I forget, I'll make a credibility  
19           determination on the witnesses and based on  
20           my legal experience, judgment, and  
21           observations, I find that there are no  
22           credibility issues with any of the witnesses  
23           that testified here today.

24                  With that said, Mr. Stone, would you

1           like to proceed with your closing?

2                   MR. STONE:   I would.

3                   HEARING OFFICER HALLORAN:   Thank you.

4                   C L O S I N G   A R G U M E N T

5   BY MR. STONE:

6                   As the Board knows, we've already  
7           ruled that there should be a civil penalty in  
8           this case, therefore, only those elements  
9           considered under paragraphs 1 through 5 of  
10          paragraph H of Section 42 is relevant to the  
11          matter of determining a civil penalty.

12                  The first element is the duration and  
13          gravity of the violation.   The evidence  
14          contains photographs of the property in 1980  
15          and 1993 which would indicate to anyone  
16          viewing those photographs that Mr. Stringini  
17          began depositing materials on that land in  
18          1980.

19                  And some 13 years later, the pictures  
20          graphically show that what is deposited there  
21          looks like a tremendous amount of waste  
22          material.   The respondent has stipulated that  
23          the cost to remedy this situation to Sloan  
24          Valve was in excess of \$500,000.

1                   And the testimony from Mr. Richard  
2                   Zimmerman indicated that the cost to remedy  
3                   the situation for them was over \$100,000,  
4                   therefore, the gravity of this situation is  
5                   in the three-quarter million dollar range,  
6                   which makes this a tremendously grave  
7                   situation.

8                   And in fact, the record which showed  
9                   that the remediation didn't take place until  
10                  1998 and, therefore, that material sat there  
11                  leaching for some 18 years.

12                  The second element is the presence or  
13                  absence of due diligence on the part of the  
14                  violation in attempting to comply with the  
15                  recurrence of this act and regulations  
16                  thereunder are to secure relief from there  
17                  that is provided by this Act.

18                  Well, it's pretty obvious that  
19                  Mr. Stringini thinks that he didn't do  
20                  anything wrong. He still thinks he didn't do  
21                  anything wrong, which is rather bizarre in  
22                  view of the fact that the Board has already  
23                  found him guilty of the violations.

24                  And the fact that he thinks he's

1 exempt when he isn't isn't of any particular  
2 relevance, but the fact of the matter is that  
3 he didn't do anything. He just assumed that  
4 he could do this operation and, in fact, the  
5 operation was illegal from the get-go.

6 Therefore, there is no evidence of due  
7 diligence on his part other than the  
8 mistaken belief that he could do whatever  
9 he wanted. Any economic benefits -- the  
10 third element is any economic benefits  
11 accrued by the violator because of the delay  
12 in compliance with the requirements.

13 Well, the testimony of Mr. James Moore  
14 indicates that had Mr. Stringini complied  
15 with the EPA regulations, a conservative  
16 estimate of the cost of that would be about  
17 \$110,000. His testimony can be reviewed, but  
18 it was \$50,000 for the permits, \$10,000 for  
19 fencing, and \$50,000 for monitoring -- water  
20 monitoring.

21 In addition, the benefit to  
22 Mr. Stringini -- we put in a lot of records  
23 of the -- obviously, were so far removed from  
24 this, the records are somewhat difficult to

1           get, but in the exhibits with the bills of  
2           lading, the Board will find that in 1982, we  
3           have records of 21 truckloads of materials  
4           delivered to the premises.

5                     Again, we don't know when he increased  
6           his price from 300 to 450. He testified it's  
7           got to be sometime between -- he started on  
8           October 5 of 1983, which would make 1982 at  
9           the 450, but I'm putting in 21 trucks at \$300  
10          would be 63,000 of gross profits.

11                    In 1983, there are 77 loads prior to  
12          October 5 of 1983 and 33 loads after  
13          October 5 of 1993, which would produce gross  
14          revenues to Mr. Stringini of \$52,800. And  
15          then in 1984, there were 46 loads of bills of  
16          lading at \$550 and would have produced  
17          \$25,3000 of gross revenue to Mr. Stringini.

18                    And then Mr. Stringini testified that  
19          he -- and he submitted invoices in 1984 to  
20          Sloan Valve and those invoices are in  
21          Exhibit, I believe, 5, which is his folder of  
22          materials and then my Exhibit No. -- I  
23          believe it's 19 or 18. I better view that.

24                    HEARING OFFICER HALLORAN:

1 (Indicating.)

2 MR. STONE: I'm sorry, Exhibit No. 20,  
3 my last exhibit, those invoices for year 1984  
4 total \$135,917.88. So Mr. Stringini's  
5 activities conservatively estimated are close  
6 to -- or a little over \$220,000 of gross  
7 revenue, so, you know, obviously, he wasn't  
8 paying his rent, wasn't paying for the  
9 delivery.

10 By his own testimony, he had some kind  
11 of arrangement with Mr. Zimmerman about  
12 making the payments for his arrearages. So  
13 he has benefited substantially by his  
14 activities that are in violation of the EPA  
15 Act.

16 The fourth element is the amount of  
17 monetary penalty which will serve to defer  
18 further violations by the violator to  
19 otherwise aide enhancing voluntary compliance  
20 with this act by the violator and other  
21 persons similarly subject to the Act.

22 You know, this is kind of like playing  
23 God a little bit. I think it's up to the  
24 Board to decide what that monetary penalty

1           should be to defer people similarly situated  
2           to Mr. Stringini. The bottom line is I don't  
3           know that Mr. Stringini can be deferred. He  
4           doesn't think he's violating the law.

5                       So it would seem to me to get somebody  
6           like him to pay attention, you would need a  
7           substantial penalty. You have to ring his  
8           bell to say you can't do this in the State of  
9           Illinois. You just can't dump tons of  
10          materials that are hazardous on property and  
11          walk away from it.

12                      And then the fifth element is the  
13          number of proximity, time, and gravity of the  
14          previously adjudicated violation of this Act  
15          by the violator. I don't have any -- there  
16          is no evidence that he has done this in the  
17          past, but there's certainly evidence that he  
18          may do it in the future.

19                      And then the final element that isn't  
20          in the subchapter H of 42 would be his -- the  
21          hardship that the penalty would impose on  
22          Mr. Stringini, and the Board certainly  
23          mentioned that in it's opinion order with  
24          regard to the summary judgment, it's pretty



1           obvious that at this point in his life he  
2           doesn't have much. He has very little  
3           assets.

4                   I suppose I could extrapolate and try  
5           to say, well, why is he paying \$9600 a year  
6           in expenses when he only makes \$13,000 and  
7           nobody could live on that, but I don't know  
8           that that's worth the effort.

9                   I think the Board has to, in this  
10          case, take into consideration the seriousness  
11          of the offense. You know, two other people  
12          spent close to -- at least over \$600,000. It  
13          seems to me that the penalty should be -- he  
14          should share in that and his penalty should  
15          be equal to his share of the cost of  
16          remediation.

17                  And I believe in my motion for summary  
18          judgment, I ask for a \$200,000 penalty, and I  
19          guess the People would stand with that  
20          position that we would like a penalty of  
21          \$200,000. Thank you very much for your time.

22                  HEARING OFFICER HALLORAN: Thank you,  
23          Mr. Stone.

24                  Mr. Stringini, closing?

1 C L O S I N G A R G U M E N T

2 BY MR. STRINGINI:

3 You know, there aren't too many people  
4 that recycle waste. You were back there at  
5 the time, Mr. Stone, when the deposition was  
6 given and you know very well that I was  
7 locked out. I was locked out. It was a  
8 legitimate recycling operation. I had spent  
9 40,000, 50, 60, 70, 80,000 on equipment.

10 Sloan Valve, unbeknownst to anybody  
11 here, had made some commitments to me and  
12 didn't follow through. And to me, if they  
13 paid that much to clean up, they should have.  
14 Because of the wisdom of our Congress, they  
15 made it cradle the grave so that companies  
16 like Sloan Valve couldn't come along and grab  
17 a scrap metal man and stick it to him real  
18 good.

19 And then the state comes along not  
20 knowing anything about the nature of the  
21 beast, we're talking about brass, not poison,  
22 brass with lead, it needs to be handled  
23 properly. I had my kids around there.

24 I handled it properly; it's metal. I

1           don't feel I did anything wrong. The  
2           Zimmermans locked me out because they had one  
3           son that was a jerk.

4                     Norman was a great kid, but Jerry was  
5           just an inconsiderate -- he ruined me. I  
6           could have gone a long way with this.  
7           There's people in Canada that are doing this  
8           now and are making a lot of money. I'm  
9           finished. I'm out of the business, and I  
10          think I've been finished enough. I've lost  
11          everything, my business, ever penny I put  
12          into it.

13                    Everybody sued me, the equipment  
14          companies, my lawyers, railroads, Zimmerman  
15          originally and you know what, I fought them  
16          all and compromised. And I would ask that  
17          the Board consider that I'm not a lawyer.  
18          I'm a simple person, started as a butcher,  
19          not a very big education.

20                    I wanted to go into my own business  
21          and I had, you know, a guy bring me into the  
22          scrap metal business, and I was basically a  
23          scrap metal man looking for accounts. Sloan  
24          Valve offered me a good chance to make some

1 decent money and I took it and went forward  
2 with it because I was specializing in foundry  
3 scrap.

4 And wasn't aware of the problem with  
5 the sand, the metal being the problem.  
6 Wheelabrator dust was a different problem.  
7 That had not so much metal, but oxides and  
8 metal mixed. That was handled properly. I  
9 shipped that to Nuranda where it was  
10 recycled, not land filled. Landfills are  
11 running out. You know, the thing was either  
12 recycle, eliminate or treat.

13 I even bought a treatment plant in the  
14 end in the event that things didn't work out.  
15 I spent good money on that, all for nothing.  
16 Sloan Valve pulled the rug out from under me.  
17 They even went as far as to go to equipment  
18 companies and look at equipment as if they  
19 were going to -- yeah, Mike, okay, we'll go  
20 along with you, we're going to do this, you  
21 know, and they dumped me.

22 So Zimmerman dumped me and Sloan  
23 dumped me and now you want to stick it to me,  
24 the state. I don't think the People want you

1 to do that if they really knew what went on  
2 there. I'm a recycler and I'm recycling  
3 waste. And even now the EPA is still  
4 throwing away stuff.

5 Do you think the EPA would say, Mike,  
6 you could recycle this stuff, we're going to  
7 give some leads? No. I've got to go to the  
8 EPA or what is it, right of knowledge, right  
9 of knowing or something and get the books and  
10 go through them. I just don't want to do  
11 that anymore. I'm tired. I'm finished.  
12 That's it.

13 HEARING OFFICER HALLORAN: Thank you  
14 Mr. Stringini.

15 Any rebuttal?

16 MR. STONE: No rebuttal.

17 HEARING OFFICER HALLORAN: Okay.  
18 Thank you.

19 When we were off the record, we  
20 discussed a post-hearing briefing schedule.  
21 We came to the conclusion that the transcript  
22 will be ready on April 2, 2004 and you can  
23 download that, print it from our web site.  
24 And with that, we've agreed that the

1 complainant's brief is due on or before  
2 May 3.

3 The respondent's post-hearing brief is  
4 due on or before June 2, 2004 and the  
5 complainant's reply, if any, is due on or  
6 before June 17, 2004 and I will also set  
7 public comment on or before April 16, 2004.  
8 And if there's no other questions or  
9 anything -- I do want to thank McHenry County  
10 for their hospitality, Mr. Stone, and I do  
11 want to thank both parties for their civility  
12 throughout the proceedings.

13 Thank you very much. Have a safe  
14 drive home.

15 (Which were all the proceedings  
16 had in the above-entitled cause  
17 on this date.)  
18  
19  
20  
21  
22  
23  
24

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

3

4

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

13

14

15   \_\_\_\_\_  
16   Maria E. Shockey, CSR  
17   Notary Public,  
   DuPage County, Illinois

18     SUBSCRIBED AND SWORN TO  
19     before me this \_\_\_\_ day  
20     of \_\_\_\_\_, A.D., 2004.

21

22                             \_\_\_\_\_  
23     Notary Public

24

25

26