

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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4 PEOPLE OF THE STATE OF ILLINOIS,

5 Petitioner,

6 vs.

No. PCB 96-075

7 HARVEY CASH, d/b/a

8 CASH OIL COMPANY,

9 Respondent.

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13 Proceedings held on September 9, 1997, at

14 2:00 p.m., at the Illinois Pollution Control Board,

15 600 South Second Street, Suite 402, Springfield,

16 Illinois, before the Honorable Michael L. Wallace,

17 Hearing Officer.

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21 Reported by: Darlene M. Niemeyer, CSR, RPR

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A P P E A R A N C E S

STATE OF ILLINOIS, OFFICE OF THE ATTORNEY
GENERAL

BY: Amy Jackson, Esq.
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
On behalf of the People of the State of
Illinois.

On behalf of Respondent:
Pro se

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I N D E X

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E X H I B I T S

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P R O C E E D I N G S

(September 9, 1997; 2:00 p.m.)

HEARING OFFICER WALLACE: Pursuant to the direction of the Illinois Pollution Control Board, I now call Docket PCB 96-075. This is the matter of the People of State of Illinois versus Harvey Cash, doing business as Cash Oil Company.

May I have appearances for the record, please?

MS. JACKSON: Amy Jackson on behalf of the complainant.

HEARING OFFICER WALLACE: And, Mr. Cash, would you state your name.

MR. CASH: Harvey Cash.

HEARING OFFICER WALLACE: You are appearing pro se, or you are appearing on your own as the respondent in this matter?

MR. CASH: That's correct.

HEARING OFFICER WALLACE: Thank you. Do you wish to make an opening statement?

MS. JACKSON: I have a brief opening statement, yes. Before I even do that I will hand you what we have as People's Exhibit 1 in this case and ask the record to reflect that I have already

1 provided Mr. Cash with a copy of our exhibit.

2 HEARING OFFICER WALLACE: All right.

3 (Whereupon said document was
4 duly marked for purposes of
5 identification as People's
6 Exhibit 1 as of this date.)

7 MS. JACKSON: Hearing Officer Wallace,
8 Mr. Cash, we are here today to present evidence
9 regarding Mr. Cash's responsibility for alleged
10 violations of the Illinois Environmental Protection
11 Act and Board Regulations resulting from the June
12 1994 demolition of a commercial building in the
13 City of Flora, Clay County, Illinois. At the
14 outset, I would remind the Board that the People
15 did file a request for admission of facts on
16 October 18, 1995. Respondent never made a response
17 to this request and, therefore, pursuant to Board
18 rules, each of the facts for which a request to
19 admit was made are now deemed admitted by the
20 respondent.

21 Among those facts deemed admitted are the
22 following. The Respondent admits that on or before
23 June 1, 1994 he performed a demolition of a Flora
24 Lumber Company building. The respondent admits

1 that he did not provide prior notification to the
2 Agency of the impending demolition. The respondent
3 admits that he openly burned demolition debris.
4 Finally, respondent admits that he openly dumped
5 and discarded the remains of the demolition debris
6 on property which is not permitted as a sanitary
7 landfill.

8 In addition to considering these
9 admissions, the People will also offer for the
10 Board's consideration the testimony of Scott
11 Arnold, an Environmental Protection Engineer with
12 the Illinois EPA, and testimony from Harvey Cash,
13 the respondent herein. Mr. Arnold will explain for
14 the Board what he observed with regard to Mr.
15 Cash's demolition burning and dumping activities
16 during his inspection in June of 1994. Mr. Cash,
17 on the other hand, will explain for us what he did
18 during June of 1994 and why.

19 Once the complainant has presented its
20 case we will ask this Board for an order directing
21 the respondent to cease and desist from further
22 violations and ordering the respondent to pay a
23 reasonable monetary penalty for the violations
24 proven herein. Thank you.

1 HEARING OFFICER WALLACE: All right. Mr.
2 Cash, do you wish to make an opening statement?

3 MR. CASH: Yes. I will just kind of
4 start from the start of this. I was --

5 HEARING OFFICER WALLACE: Well, not to
6 interrupt you, but you will have an opportunity to
7 present what is called evidence which would be your
8 testimony based upon your recollection of what
9 occurred. An opening statement is just to give a
10 very brief statement of what you think the facts
11 are or will show, but not the entire amount.

12 MR. CASH: Okay. Well, I will just -- I
13 will just, I guess, come up with, like, I was
14 contacted to tear this building down, and I didn't
15 realize, once I -- I went to the City of Flora and
16 I talked to them about getting a demolition
17 permit. I contacted Mr. Franklin, and he had a low
18 spot in his ground that he wanted to kind of build
19 back up. We decided to dig a hole and burn part of
20 this -- of course, this building -- I was talking
21 about it being a building. It was actually built
22 in the 1850s as kind of a train depot in the City
23 of Flora. Most of it was just old logs, hand hewn
24 logs and sawmill, old type lumber. But as far as

1 tearing it down, I tore it down and did burn two
2 loads of it, if that's what I am supposed to be
3 saying.

4 HEARING OFFICER WALLACE: Okay. Well, we
5 will go on at this point, and I will give you a
6 chance to say more if you wish to say anything
7 more.

8 MR. CASH: Okay.

9 HEARING OFFICER WALLACE: All right. Do
10 you have a witness?

11 MS. JACKSON: Yes, Scott Arnold.

12 (Whereupon the witness was
13 sworn by the Hearing Officer.)

14 S C O T T A R N O L D,
15 having been first duly sworn by the Hearing
16 Officer, saith as follows:

17 DIRECT EXAMINATION

18 BY MS. JACKSON:

19 Q Would you please state your name for the
20 record.

21 A My name is Scott Arnold.

22 Q Mr. Arnold, with whom are you currently
23 employed?

24 A I work for the Illinois Environmental

1 Protection Agency.

2 Q How long have you been with the Agency?

3 A Since June of 1990.

4 Q And what position do you currently hold
5 with the Agency?

6 A Environmental Protection Engineer, a
7 Field Engineer.

8 Q What are your job duties as an
9 Environmental Protection Engineer?

10 A Well, I work with the Bureau of Air
11 Pollution, the Bureau of Air, and I basically have
12 the -- I am responsible for 11 counties in which I
13 do routine inspections of facilities that are
14 permitted. I also, in the course of my duties,
15 have to take care of citizen complaints.

16 Q And was that the same job you had in
17 1994?

18 A Yes, it was, except with the exception
19 that in 1994 I was also a certified asbestos
20 inspector with the Agency.

21 Q You are no longer a certified asbestos
22 inspector?

23 A No, no. By the end of 1994 I was no
24 longer in that program. I was taken out of it.

1 Q You said you started with the Agency in
2 1990?

3 A Yes.

4 Q From 1990 to 1994 were you a certified
5 asbestos inspector?

6 A From 1991 to 1994.

7 Q Okay. Can you tell us briefly about your
8 educational background?

9 A Yes. I attended Southern Illinois
10 University in Carbondale, Illinois, and obtained my
11 Bachelor's and Master's Degrees in Engineering from
12 that University.

13 Q Can you tell me what year you obtained
14 your Bachelor's?

15 A In December of 1983. And I obtained my
16 Master's Degree in May of 1990.

17 Q Have you taken any further educational
18 courses since then?

19 A I have taken several further educational
20 courses through the United States EPA available
21 both here in Springfield and in Chicago, technical
22 courses in various types of air pollution control,
23 control equipment strategies, inspection,
24 inspection procedures, things like that.

1 Q Okay. Now, you said in 1994 you were a
2 certified asbestos inspector. What is --

3 A Yes.

4 Q -- involved in becoming certified?

5 A Okay. I am sorry. Yes. In 1991 I took
6 a 40 hour initial course through the Springfield
7 office in becoming certified as an asbestos
8 inspector, and in the following two years after
9 that I took a 24 hour refresher.

10 Q Are you familiar with Mr. Harvey Cash?

11 A Yes, I am.

12 Q How so?

13 A Well, as a result of a complaint that I
14 investigated in 1994 in June I became -- I got to
15 know Harvey Cash.

16 Q Okay. What was this complaint that you
17 referred to?

18 A Well, I think in June -- I can't remember
19 exactly, but it was in the first couple days of
20 June of 1994, the regional manager, John Justice,
21 in the Collinsville office received a complaint
22 from an individual. Am I to give that individual's
23 name?

24 Q You may. It is part of an exhibit we

1 will be offering into evidence.

2 A Okay. A person by the name of Mr. Berk
3 (spelled phonetically). I don't recall the first
4 name. He called the complaint in. The complaint
5 was basically an open burning complaint. When Mr.
6 Justice received the complaint, he wanted to know
7 where the debris was coming from that was being
8 burned. When he was informed that it was, you
9 know, a commercial building he became alarmed
10 because, you know, that kicks in the asbestos
11 NESHAP regulations. So at that point I learned
12 through my investigation that Mr. Justice contacted
13 the Flora Lumber Company, when he found out that
14 they owned the building, and told them to halt the
15 demolition.

16 Q Okay. Now, at some point you did
17 conduct -- or did you conduct an investigation into
18 this open burning complaint?

19 A I made a physical inspection on June 7th
20 of 1994. I arrived in Flora. I went to the site
21 of the alleged open burning, which was at Franklin
22 Sandblasting, I believe, was the name of the
23 company, and I met with Mr. Franklin on site and
24 there was open burning going on behind -- had been

1 open burning going on behind the building. It was
2 since put out and it had been burned in a ditch, a
3 couple of ditches in the ground, and they were
4 filled in.

5 Q Did you visit any other locations during
6 your investigation of this complaint?

7 A Yes. After I visited with Mr. Franklin,
8 I went directly downtown to the site of the
9 demolition of the old railroad building in downtown
10 Flora.

11 Q Okay. Now, when you conduct an
12 inspection, such as you did, is there a certain
13 protocol or standard operating procedure that you
14 follow in performing that inspection?

15 A Well, yes. I mean, I took photographs.
16 I interviewed different individuals who I thought
17 may be involved or have information regarding the
18 investigation. Then after I compiled all of my
19 evidence I put it into the form of a memo and
20 attached all of the necessary attachments.

21 Q Okay. Is that what you did in this
22 situation?

23 A Yes, it is.

24 Q Okay. I am going to hand you now what we

1 have already marked as People's Exhibit 1. Can you
2 confirm that that is -- that it is a memorandum
3 dated June 20th, 1994?

4 A Right.

5 Q That is, in fact, a memorandum from your
6 June 7, 1994, investigation?

7 A Yes, it is.

8 Q Okay. Can you identify for the record,
9 please, which documents are a part of that exhibit?

10 A Well, there is the memorandum and then
11 there is the initial complaint form that is
12 handwritten that I filled out when I got the
13 referral from the regional manager, Mr. Justice.
14 Then there is some photographs that I took attached
15 to the back, of both the Franklin Sandblasting with
16 the burning -- the open burning -- the burn pits, I
17 guess, the filled in burn pits, and then the actual
18 demolition.

19 Q And you actually prepared this
20 memorandum?

21 A Yes.

22 Q Is this memorandum something that is
23 normally prepared in the regular course of the
24 Illinois EPA business?

1 A Yes, it is.

2 MS. JACKSON: Mr. Hearing Officer, I
3 would move to admit People's Exhibit 1 into
4 evidence.

5 HEARING OFFICER WALLACE: All right. Mr.
6 Cash, you have been provided with a copy of this
7 exhibit?

8 MR. CASH: Yes.

9 HEARING OFFICER WALLACE: Do you have any
10 objections to it?

11 MR. CASH: No.

12 HEARING OFFICER WALLACE: People's
13 Exhibit Number 1 is admitted.

14 (Whereupon said document was
15 admitted into the record as
16 People's Exhibit 1 as of this
17 date.)

18 Q (By Ms. Jackson) All right. Now, let's
19 go back to the beginning of your investigation.
20 You said you first went to the Franklin
21 Sandblasting property?

22 A Yes, I did.

23 Q What did you observe when you were there?

24 A Well, you know, I knocked on the door and

1 Mr. Franklin came out. I identified myself and
2 told him what I was there for. He took me around
3 to the back of the building and showed me the site
4 where the burning had taken place. There were two
5 ditches that had been dug, as you can see in the
6 photographs, I think photographs 1 and 2. As I
7 stated, they both were partially buried. There was
8 a little bit of -- this is, unfortunately, not in
9 color, but -- oh, they are there. There is a
10 little bit of debris sticking out of the top. Mr.
11 Franklin told me that the ditches were maybe 6 feet
12 deep.

13 Q Okay. When you talk about --

14 A They were 6 to 8 feet deep.

15 Q Okay. When you talk about some debris
16 sticking out from the top, can you be real
17 specific?

18 A Well, wood. I didn't see anything other
19 than charred wood and ash.

20 Q Is that observable in the color
21 photographs that are part of the original?

22 A Could I see them, please?

23 Q Sure.

24 A Yes, it is.

1 Q Can you identify which photograph and
2 then where on the photograph, whether it is in the
3 middle of the photograph or to the right?

4 A Okay. Photograph 1, it is not quite as
5 clear, but on photograph 2 you can see the charred
6 remains in the center and then along the bottom of
7 the photograph.

8 Q Thank you. Was there actually any open
9 burning occurring while you were there?

10 A I did not see any.

11 Q Were you able to determine from your
12 investigation what types of materials had been
13 burned?

14 A From my investigation, I determined that
15 the burning consisted of wood. I didn't find any
16 evidence of anything else.

17 Q Was it your -- did you have an
18 understanding as to where this wood had come from?

19 A Well, I interviewed Mr. Franklin, and I
20 determined that the wood had come from the old
21 Flora Lumber Company's warehouse downtown that was
22 being demolished.

23 Q Okay. Now, if I use the term "trade
24 waste" do you know what I mean?

1 A Yes. That is waste that is generated as
2 a result of a business venture or trade.

3 Q Would you consider the debris that was
4 burned in these pits to be a trade waste?

5 A Yes, I would.

6 Q And as an Environmental Protection
7 Engineer for the Illinois EPA, did the open burning
8 of this type of trade waste concern you at all?

9 A Under the regulations in the Title 35
10 Administrative Code, it is not -- it is a violation
11 of the open burning regulations to burn trade
12 waste.

13 Q Is burning of trade waste ever
14 permissible?

15 A Not that I know of.

16 Q Okay.

17 A Well, I take that back. Yes, you can
18 burn trade waste in a permitted incinerator.

19 Q Was it --

20 A But you cannot open burn trade waste.

21 Q Was the facility at the Franklin
22 Sandblasting site an incinerator?

23 A No, this was open burning.

24 Q Can you describe the appearance of the

1 pits in which this burning had occurred?

2 A Well, you know, the ground was loose.
3 Like I stated earlier, you could see the remains of
4 a little bit of the wood and the char and the ash
5 in the area.

6 Q Was there any type of capture or control
7 device over the pits that would --

8 A No.

9 Q -- capture any emissions from any
10 burning?

11 A No, there was not. You mean like an air
12 curtain destructor?

13 Q Anything like that.

14 A No.

15 Q Are there certain materials that you
16 would, based on your experience, expect to find
17 being discharged during the open burning of this
18 type of material?

19 A Well, according to the reference guide,
20 the AP42 for emissions factors, open burning of
21 wood emits carbon monoxide, carbon dioxide, and
22 various volatile organic chemicals.

23 Q Would there be any kind of particulate
24 matter or ash when --

1 A And particulate. I am sorry. Yes, and
2 particulate matter.

3 Q Were you able to determine, from
4 observing the pits, how much wooden debris was
5 actually burned?

6 A It was -- I was not able to determine
7 exactly how much was burned. But, I mean, the pits
8 looked to be full.

9 Q What were the size of the pits?

10 A The pit was roughly 8 by 10 feet.

11 Q In diameter?

12 A Yes. Maybe 8 or 9 feet in diameter if it
13 was a round hole. It looked like it was kind of a
14 rectangular hole to me.

15 Q How deep was the hole? Were you able to
16 determine that?

17 A I determined the depth of the hole to be
18 roughly 6 to 8 feet.

19 Q Do you know how long debris was burned in
20 these open pits?

21 A Well, I received the -- the Agency
22 received the complaint on June 1st. The fire was
23 out when I got there on June the 7th. After
24 conducting several interviews, the conclusion of my

1 investigation was that the fire was put out on the
2 afternoon of June 1st.

3 Q So on the same day as it was reported to
4 you or to the Illinois EPA?

5 A Yes.

6 Q Now, are you familiar with the
7 regulations regarding air pollution?

8 A Yes, I am.

9 Q And do you have an opinion as to whether
10 the open burning of this type of trade waste or
11 debris caused, threatened, or allowed the discharge
12 of contaminants into the environment?

13 A Yes. The open burning of wood would
14 definitely threaten air pollution.

15 Q Would it cause the discharge of
16 contaminants into the environment?

17 A Yes, it would. The contaminants would be
18 discharged into the atmosphere.

19 Q In your opinion, then, would this
20 discharge be of such nature and extent as to cause
21 or tend to cause air pollution?

22 A It could tend to cause air pollution.

23 Q Okay.

24 A It depends, you know. I mean, if someone

1 was right there and the smoke was bothering them
2 then it would be classified as air pollution.
3 Since we had a citizen complaint, we considered
4 this 9A to be air pollution.

5 Q What was being done with the remains of
6 this burned debris?

7 A Pardon me?

8 Q What was being done to the remains of the
9 burned debris?

10 A It was just being buried on site at the
11 request of the local health department.

12 Q Okay. Now, you said that this is -- you
13 would consider this to be a trade waste; is that
14 correct?

15 A Yes, I did.

16 Q And how must trade waste be disposed of?

17 A The proper disposal for demolition or
18 trade waste would be to take it to a sanitary
19 landfill.

20 Q Is Franklin Sandblasting a sanitary
21 landfill?

22 A No, I don't -- no, it is not.

23 Q Based upon your knowledge of the
24 situation, do you know whether the burned debris

1 was ever removed to a sanitary landfill?

2 A No, I do not.

3 Q Now, you said the health department
4 suggested that it be buried on site. Do you know
5 why?

6 A Well, the health department -- during the
7 investigation it was brought to my attention that
8 the health department stated that the debris could
9 be buried on site at Franklin Sandblasting behind
10 there. I informed them that that was incorrect
11 after I found out.

12 Q In your opinion, burying the waste on
13 site was not a proper means of disposing of it?

14 A No, it was not.

15 Q All right. Now, after you left Franklin
16 Sandblasting you next went to the Flora Lumber
17 Company site where the demolition had occurred?

18 A Yes, I did. I went to the site of the
19 actual demolition which was about a block away from
20 the lumber company.

21 Q Are there photographs attached to your
22 inspection report, which is People's Exhibit 1,
23 that depict what you observed on that date?

24 A Yes, there is.

1 Q Which photographs?

2 A Photographs 3, 4 and 5.

3 Q Do you know what type of building was
4 being demolished or had been demolished?

5 A It was an old railroad building. As Mr.
6 Cash stated earlier, it was well over 100 years
7 old. I am not exactly sure of the exact date it
8 was built.

9 Q Was the demolition completed on June 7,
10 when you arrived at the site?

11 A The building appeared to be completely
12 down. Now, whether or not the demolition was
13 deemed completed before it is removed from the
14 site, I don't know.

15 Q Now, are we just talking about one
16 building?

17 A Yes, it was one rather large warehouse.
18 It was used for a warehouse.

19 Q So would this be considered -- what type
20 of building would this be considered, a residential
21 or --

22 A It would really be considered a
23 commercial building. It was owned by the Flora
24 Lumber Company, and they used it for a warehouse.

1 It was torn down because, you know, they were --
2 the building actually sat on railroad property, and
3 they were leasing the property from the railroad,
4 and it was too expensive. So they chose to tear
5 the building down.

6 Q Do you know what size the building was
7 prior to demolition?

8 A Yes. During the investigation I learned
9 that the building was roughly 25 by 100 feet.

10 Q You said the building was made entirely
11 of wood; is that accurate?

12 A With the exception of the roof.

13 Q What material was the roof?

14 A It had a shingled roof on it.

15 Q Are you familiar with the asbestos
16 portion of the National Emission Standards for
17 Hazardous Air Pollutants?

18 A Yes, I am.

19 Q What is that? What am I talking about
20 when I say the asbestos NESHAPS?

21 A Well, the National Emission Standards for
22 Hazardous Air Pollutants for asbestos, it is the --
23 the Federal Register -- the regulations requiring
24 the notification for demolition and renovation of

1 public and/or commercial buildings, and then if
2 asbestos is present in a building that has to be
3 demolished or renovated, then there is a whole set
4 of specific procedures for handling that, that
5 hazardous material. Friable asbestos, that is. I
6 should clarify that.

7 Q When we say NESHAP, we are referring to
8 the acronym for National Emission Standards for
9 Hazardous Air Pollutants, NESHAP?

10 A Correct.

11 Q That is N-E-S-H-A-P, correct?

12 A Correct.

13 Q Do the asbestos NESHAPs apply to the
14 particular building that was demolished in this
15 situation?

16 A Yes. Well, the notification requirements
17 applies to any commercial building which is
18 demolished in the State of Illinois.

19 Q This was a commercial building?

20 A Yes, it was.

21 Q Now, you said the building was more than
22 100 years old, correct?

23 A Yes. Well, through the investigation,
24 after interviewing several different people, I

1 determined that the building was somewhere over 100
2 years old.

3 Q Is there any significance to the age of
4 the building as far as your investigation was
5 concerned?

6 A Well, yes there was. The original -- you
7 know, the age of the building indicated that the
8 building was erected prior to the use of asbestos.

9 Q So with that knowledge, what did that
10 mean to you?

11 A Well, you know, that knowledge plus the
12 fact that I, you know -- I walked around the
13 perimeter of the building and looked it over and
14 looked through the debris, and I didn't find
15 anything that even resembled anything that may be
16 asbestos.

17 Q You mentioned that friable asbestos is
18 what we are really --

19 A Friable asbestos, exactly. I mean, I
20 guess there could have possibly been some asbestos
21 in the roofing shingles and you wouldn't know, but
22 that is not considered friable.

23 Q What is considered friable asbestos?

24 A Friable asbestos is asbestos in any form

1 which can be broken up or made friable and made
2 into a powder or dust and become airborne and can
3 be inhaled.

4 Q Why is friable asbestos regulated?

5 A Well, friable asbestos can -- you know,
6 if it is inhaled can cause very serious respiratory
7 problems and/or death.

8 Q Now, what do the asbestos NESHAPs
9 specifically say about building demolitions or
10 renovations?

11 A Well, the asbestos NESHAP requires that
12 any building, demolition, or renovation of a
13 commercial or public building requires that there
14 be a notification postmarked 10 days prior to the
15 commencement of the demolition or renovation that
16 has to be filed with the Agency.

17 Q Was such a notification ever received by
18 the Agency?

19 A No, it was not.

20 Q Does the presence or absence of friable
21 asbestos in a demolished building have any impact
22 or affect on this notice requirement?

23 A The notice requirement is for all
24 buildings whether or not asbestos is present. That

1 responsibility is the responsibility of whoever is
2 taking the building down.

3 Q Why is notice required? Why is it
4 important?

5 A Well, this is how we ascertain whether or
6 not asbestos is being removed in an area, and
7 whether or not if there is asbestos present if it
8 is quantified, if the quantities are there
9 sufficient to make it necessary to remove them with
10 all the specialized techniques provided for in the
11 regulations.

12 Q So even if it turns out that there was no
13 friable asbestos in the building, the prior notice
14 requirements --

15 A Right.

16 Q -- still must be followed?

17 A Right.

18 Q Whose responsibility is it to submit this
19 prior notification to the Agency?

20 A It is the responsibility of the owner
21 and/or demolition contractor.

22 Q And do you know, was there a demolition
23 contractor for this particular demolition?

24 A Yes, there was.

1 Q Who was that?

2 A Mr. Cash, Harvey Cash.

3 Q How do you know that?

4 A Well, through my investigation I learned
5 that the demolition was done by Mr. Cash.

6 Q To the best of your knowledge, did Mr.
7 Cash submit prior notification of this impending
8 demolition to the Agency?

9 A No, no one did. There was a notification
10 filed by the Flora Lumber Company but it was filed
11 three days after the demolition had commenced.

12 Q Do you know why they filed that?

13 A Well, because the regional manager
14 contacted them and halted the demolition because it
15 hadn't been filed.

16 Q To the best of your knowledge, Mr.
17 Arnold, has Mr. Cash ever been the subject of a
18 prior enforcement case by the Illinois EPA?

19 A No, he hasn't.

20 MS. JACKSON: Those are all the questions
21 I have for Mr. Arnold.

22 HEARING OFFICER WALLACE: Mr. Cash, would
23 you like to ask Mr. Arnold any questions?

24 MR. CASH: No. He pretty well told it

1 just about like it was.

2 EXAMINATION

3 BY HEARING OFFICER WALLACE:

4 Q All right. Mr. Arnold, are there any
5 exceptions to the notice that is required to be
6 given to the Agency?

7 A Not that I know of.

8 Q And how do you determine what is a
9 commercial building?

10 A Well, a building that is owned by a
11 business and used in conjunction with the business
12 would be a commercial building. For example, when
13 you start talking about apartments and that sort of
14 thing, any residence greater than -- if a residence
15 has more than four separate units in it then it is
16 considered commercial also.

17 Q In your investigation did you find that
18 the Flora Lumber Company was using the building in
19 a commercial manner?

20 A They had been using it in a commercial
21 manner as a warehouse prior to the demolition.

22 Q What does the Agency do once the notice
23 comes in?

24 A The notice comes in and the Agency -- it

1 comes into our Springfield office, and we have an
2 asbestos group in the Bureau of Air over on Ninth
3 Street and, you know, they review the notification
4 and take a look at the demolition contractor if it
5 is maybe -- you know, to see if they have any
6 concerns with the demolition to see whether there
7 is asbestos present. Then they issue a copy of
8 them out to the regions to the district and, you
9 know, eventually the field engineer responsible for
10 the particular area ends up with that notice
11 hopefully before the 10 days is up. We have that
12 10 day period to get that circulated and out.

13 Q Once the field engineer gets it, does the
14 field engineer proceed to the site at all?

15 A Yes. There are times when that occurs.
16 It is depending on the nature of the demolition and
17 then again if the asbestos is present, but not all
18 of them, no.

19 Q So you rely on the notice to tell you
20 whether asbestos is present?

21 A Exactly.

22 HEARING OFFICER WALLACE: All right.

23 Thank you, Mr. Arnold.

24 MS. JACKSON: I don't have any redirect.

1 HEARING OFFICER WALLACE: Thank you. You
2 are going to call Mr. Cash?

3 MS. JACKSON: Yes, the People call Mr.
4 Cash.

5 (Whereupon the witness was
6 sworn by the Hearing Officer.)

7 H A R V E Y C A S H,
8 having been first duly sworn by the Hearing
9 Officer, saith as follows:

10 DIRECT EXAMINATION

11 BY MS. JACKSON:

12 Q Would you please state your name for the
13 record.

14 A Harvey Cash.

15 Q And, Mr. Cash, where do you currently
16 reside?

17 A Route two, Clay City, Illinois. Route 1,
18 Clay City. I am sorry. Route 1.

19 Q And with whom are you currently employed?

20 A I am still self-employed.

21 Q Doing what?

22 A Mostly farm work and just building ponds,
23 waterways, and brush removal, things of that
24 nature.

1 Q How long have you been so self-employed?

2 A Since I got out of the Marine Corps in
3 1967.

4 Q So you have been self-employed since
5 1967?

6 A Yes, ma'am.

7 Q Okay.

8 A With my father. Me and my dad were in
9 business together.

10 Q Now, in June of 1994, how were you
11 employed?

12 A At that time I was -- had an oil field
13 company.

14 HEARING OFFICER WALLACE: An oil what?

15 THE WITNESS: An oil field company. We
16 done oil field construction, building tank
17 batteries and building roads and anything that was
18 involved with the oil field for Union 76 in Clay
19 City. They have a large oil field there, and I
20 worked for them for quite a few years.

21 Q (By Ms. Jackson) How many years did you
22 work in that oil field business?

23 A Probably 15.

24 Q Have you ever done any work for the Flora

1 Lumber Company?

2 A Prior to this, no.

3 Q In 1994 did you do any work for the Flora
4 Lumber Company?

5 A Yes, uh-huh.

6 Q And what was it that you did for them?

7 A I was in the lumber company one day and
8 they had a building that they wanted me to look at
9 to see about tearing it down. I went to look at it
10 and not knowing, you know, what we are supposed to
11 be doing, I told them, yes, I would demolition it
12 for them, you know, and take care of it.

13 Q Okay. Since you were involved in this
14 oil field company, how was it you came to do this
15 type of work for Flora Lumber Company?

16 A Well, at that time in 1994 -- in the oil
17 business, along about 1989 and 1990, it pretty well
18 died out. My business was hurting. I branched out
19 trying to find other work to, you know, keep myself
20 busy, and that's how this come about.

21 Q Had you been doing any other projects for
22 the Flora Lumber Company?

23 A No.

24 Q Have you done any for them since then?

1 A Huh-uh.

2 Q What was it specifically that the Flora
3 Lumber Company hired you to do?

4 A Okay. As Mr. Arnold said awhile ago,
5 they owned this depot. I think they told me it was
6 built in the late 1850s. This structure that I
7 went and looked at, I don't know if you are
8 familiar with an old farm barn. This building had
9 never been insulated.

10 It was just -- they just took two boards
11 and put one little board in the gap, you know,
12 that's what this building consisted of. They just
13 wanted me to tear it down and get rid of it, you
14 know. It was on the railroad right of way. I
15 think the railroad for years and years they had
16 charged them like a \$100.00 lease.

17 So this come that they raised their lease
18 to like \$1,200.00 a year so they decided, well, you
19 know, they hadn't used it for other than just
20 keeping a few odds and ends to set in there once in
21 awhile. It had not been insulated or anything.
22 You couldn't put anything that would freeze in it.
23 So they decided to have it removed instead of
24 paying the high lease on it.

1 Q Had you done any other demolition
2 projects prior to being hired by Flora Lumber
3 Company?

4 A Throughout the years -- my dad started
5 business in 1937. As a kid I used to go with him.
6 The community that we live in is strictly farm, a
7 farm area. We would work for farmers and every
8 once in awhile you would come across an old farm
9 house that had fell in and there would be maybe a
10 barn and trees and stuff around it.

11 So throughout the years we have like with
12 old houses removed the brush and parts of the old
13 house that would be there. You know, it was mostly
14 just -- never nothing downtown like this before.

15 Q So mostly old farm houses?

16 A Old farm houses, yes, throughout the
17 years.

18 Q What did you do in preparation for the
19 demolition of the Flora Lumber Company building?

20 A I contacted Mr. Franklin. He told me one
21 time that he had a low spot in his -- I might add,
22 his place is outside of the city limits. It is not
23 in town.

24 Q We are talking about Franklin

1 Sandblasting?

2 A Yes, right, Franklin Sandblasting. I
3 asked him if it would be all right to maybe haul --
4 most of this was just all boards and hand hewn
5 logs, most of it was. It was very little metal or
6 anything involved in it. I wanted to see if we
7 could burn it on his property in the spot he wanted
8 to build back up, and he said, you know, that that
9 would be all right.

10 So we done that. I dug a pit out, like
11 Scott talked about, Mr. Arnold talked about a while
12 ago. We hauled two loads. We had two loads hauled
13 out. If you look on -- you can see what we hauled
14 out on photograph number 5. You can see some of
15 this -- Mr. Arnold was probably standing right on
16 the railroad tracks. You see the large timber
17 sticking out here. This had a dock. They had a
18 dock that actually joined the railroad ties.

19 The dock probably just missed the tracks
20 by about two foot. A train could pull up there.
21 They could walk to the train car right to the
22 dock. We hauled this dock out. That's what was
23 burned. The rest of this all went to the landfill.

24 Q Okay. When you referred to photograph

1 number 5, for the record, you were kind of pointing
2 to the center portion of the photograph?

3 A Right. There is like a log sticking
4 out. This is what the dock sat on, this hand hewn
5 log sitting right here.

6 Q A log sticking out to the left hand side
7 of the photograph?

8 A Right.

9 Q Okay.

10 A Yes. This went plumb down the length of
11 this building, which was -- if I remember right, it
12 was probably about 80 feet long, somewhere along in
13 there. That's what we removed. That's what was
14 hauled to the Franklin Sandblasting place and what
15 was burned, was two dump truck loads of the logs
16 off of that.

17 Q What size were the dump trucks that you
18 took out there?

19 A They were two single axles. There was
20 probably a 14 foot bed on them.

21 Q Who made the decision to take the debris
22 to Franklin Sandblasting to burn it?

23 A I did.

24 Q Why was that?

1 A Well, it was just, you know, not knowing
2 that we should have went to the landfill, it was
3 out of town. We did pick a day when there was no
4 wind so we wouldn't bother anybody. There is
5 houses in that area. It is not real close, but
6 they are close. This is on a large lot behind his
7 business where we actually done it. We didn't want
8 to interfere with nobody. I wouldn't want nobody
9 to put smoke in my house. We did take care not to
10 do that, you know, but it was my decision to do
11 it.

12 Q Now, did the Flora Lumber Company pay you
13 for the demolition of their building?

14 A Yes.

15 Q Did they pay you anything for the
16 landfilling of the waste?

17 A No.

18 Q Was that discussed with them when you
19 agreed to do the demolition?

20 A No. When I agree to do a job I just give
21 them a lump sum, and it ended up costing me money
22 out of my own pocket before it was over with.

23 Q Okay. So the lump sum or the estimate
24 that you gave them --

1 A Uh-huh.

2 Q -- what work did that include?

3 A The complete removal of the building and
4 put the ground back in a good state, which today it
5 is nice and pretty and green. It is mowed all of
6 the time. There is green grass.

7 Q So it just would have included, and
8 correct me if this is wrong, like your manpower or
9 your working hours?

10 A Right, everything that we --

11 Q Your equipment?

12 A The equipment and the trucks that I would
13 have hired to haul it out. We ended up hauling it
14 to Fairfield, Illinois. We hauled it to the
15 landfill.

16 Q So the estimate didn't include any fees
17 for disposal of the waste?

18 A Huh-uh.

19 HEARING OFFICER WALLACE: No?

20 THE WITNESS: You mean for the landfill?

21 MS. JACKSON: Right.

22 THE WITNESS: Right. No, no.

23 Q (By Ms. Jackson) Did it include any fees
24 for any other means of disposing of the waste?

1 A No, it was just a lump sum to have it
2 demolished and hauled off.

3 Q Okay. Did you eventually then take some
4 of this debris to the landfill?

5 A Yes. As I stated before, we hauled it to
6 the -- we hauled the dock to the hole that I had
7 dug. The rest of it all went to the landfill after
8 the EPA contacted us.

9 Q Which landfill did you take it to?

10 A To Fairfield, Illinois, Wayne County.
11 Whenever we were contacted, I had a fire going in
12 the bottom of the pit and, of course, it was pretty
13 well done burned up. We had stopped for the day
14 when they finally contacted us. So we just quit,
15 you know, and it burned that afternoon. There was
16 very little left other than ashes and some hot
17 coals. So we just covered it back up, you know,
18 and quit right then. That's when Scott come up,
19 Mr. Arnold come up.

20 Q Do you know how much it cost for you to
21 dispose of all of this waste at the Wayne County
22 Landfill?

23 A If I remember, the trucking and
24 everything was right at \$4,000.00.

1 Q And did you ask Flora Lumber Company to
2 reimburse you for those expenses?

3 A No, no. It was a bad situation just all
4 the way around for everybody. We just didn't know
5 what we was getting into.

6 Q How much were you paid total for the
7 demolition of --

8 A The total was \$5,000.00. That included
9 mine and the trucking and the landfill and
10 everything. My total expenses ended up being over
11 \$5,000.00.

12 Q How much did Flora Lumber Company pay
13 you?

14 A They paid me \$5,000.00.

15 Q They did?

16 A Uh-huh.

17 Q Then the total expenses that you had
18 totaled the same, \$5,000.00?

19 A No, it was a little over \$5,000.00. As I
20 say, it cost me money out of my own pocket to do
21 this job, so I lost all the way around.

22 Q Do you know how much out of your own
23 pocket?

24 A Probably around \$600.00 or \$700.00.

1 Q Now, you said when you had the waste in
2 the burn pits at some point during that day you
3 were ready to go home and the fire was almost out?

4 A Yes. I forget what the gentleman's name
5 was that contacted the -- they called the Flora
6 Lumber Company. I forget what his name was now. I
7 guess Mr. Justice, whenever he contacted us, I
8 guess it was probably about 3:00, 3:30 in the
9 afternoon. That's all we -- we didn't have -- in
10 the pictures we had it roped off for demolition and
11 everything. That's all we was going to do for the
12 day when they contacted us and asked if we were
13 doing open burning and we said, yes, we are. He
14 said stop immediately, you know.

15 Q So how long did the open burning occur
16 until you stopped?

17 A We probably started about dinner time and
18 it probably burned, oh, four hours, because the
19 logs were real, real old and dry and they went
20 fast, you know, that dry wood.

21 Q Were you present while the burning was
22 taking place?

23 A Yes.

24 Q The whole time?

1 A Yes.

2 Q Can you describe what the smoke and
3 everything looked like coming off the fire?

4 A Well, it was -- it gets hot, you know,
5 and usually a hot fire like that usually don't put
6 out a whole lot of smoke. Like I said, all my life
7 I have pushed fence rows and dug ponds and cleared
8 brush. Apparently, it is against the law to do
9 that. I don't know. I am just totally confused on
10 what is legal and what is not. But, you know, to
11 me it was no worse than burning a fence row,
12 pushing out a fence row on the farm and burning it,
13 pushing with the dozers.

14 Q Okay. So what did you do when the fire
15 went out?

16 A We was contacted by the EPA, you know,
17 and they told us not to do no more open pit
18 burning. So we closed the pit up and I hired the
19 trucks to haul the rest to the landfill.

20 Q Did anybody tell you to cover it up there
21 on site?

22 A No. They said to put the fire out. We
23 had a fire going, but the fire was gone at that
24 time. We had just hot coals. Like, if you build a

1 big bonfire you are going to have coals burning in
2 there.

3 Q Were you told that you couldn't just bury
4 it there at the site?

5 A No.

6 Q Did you ever remove that waste from the
7 Franklin Sandblasting site and put it in the
8 landfill?

9 A No, there was really not that much left
10 to -- it was all burned up and it was just ashes
11 and hot coals.

12 Q Have you demolished any buildings since
13 this one?

14 A Yes, five.

15 Q Can you tell me where those were?

16 A They are all -- let's see. They are all
17 in the City of Flora.

18 Q You heard Mr. Arnold give his
19 understanding of what a commercial building is?

20 A Uh-huh.

21 Q Were these other five commercial?

22 A They were all residential homes.

23 Q Did you obtain any type of permit for
24 those demolitions?

1 A Demolition permits from the City of
2 Flora.

3 Q Okay. Those are the only buildings you
4 have demolished since June of 1994?

5 A Yes. They all went -- they have all went
6 to the landfill. I have turned down three or four
7 jobs from people that didn't want to go to the
8 landfill, you know. I have turned the jobs down.

9 Q So who contacted you for these five
10 residential buildings that were demolished?

11 A Who did?

12 Q Yes.

13 A The people that owned the houses.

14 Q And they paid you for the demolition and
15 for the landfilling?

16 A Yes, which is very expensive, you know,
17 to do that anymore.

18 Q You took that waste to the Wayne County
19 Landfill also?

20 A Most of it went to Wayne County, and I
21 think part of it might have went to Effingham.

22 Q Now, you acknowledge that you didn't
23 provide any prior notice to the Agency for the
24 demolition of the Flora Lumber Company building,

1 right?

2 A Right. I didn't know it was required.
3 We went to the city and got the city's demolition
4 permits. I contacted J.U.L.I.E. and the gas
5 companies and everything that -- I just didn't know
6 what we was supposed to do.

7 Q That was my next question. What all did
8 you do before you conducted this demolition? Who
9 did you contact?

10 A I was notified probably 30 days prior to
11 when we actually done this that they wanted me to
12 do the job. So I went to the city and they told me
13 they had a requirement of a demolition permit that
14 had to be filed. Of course, you have to contact
15 J.U.L.I.E., which you know that is the underground
16 digging, you know, which I was going to be doing
17 out where I dug the pit. I did contact them. They
18 come and marked the telephone, gas, water and
19 everything, and pretty well had everything, you
20 know, set to go, you know. Had I known I was to
21 contact the EPA, I would have done it.

22 Q Did anyone at the City of Flora tell you
23 that you needed to get notification?

24 A Apparently, the City of Flora didn't know

1 it either. The lumber yard didn't know it. None
2 of us knew it. I have been in business all those
3 years and I had never come across that before. Of
4 course, that was the first commercial building, if
5 you want to call it commercial. Actually, to me it
6 was just like an old barn, like an old barn on a
7 farm. It was just used for storage.

8 Q Now, do people know you in the City of
9 Flora as a demolition contractor now since you have
10 demolished these residential buildings?

11 A They know me now, yes, after this.

12 Q Do you hold yourself out or do you tell
13 people that I do demolitions or --

14 A No, you know, just word of mouth gets
15 out. People will contact you because they know you
16 will do that. Of course, what demolition -- I use
17 a trackhoe, you know, to tear the house down and
18 load the trucks and they haul it off. In fact, I
19 have a project coming up now that I will be
20 contacting the EPA before too long about.

21 Q Do you have business cards or letterhead
22 or stationery or anything that identifies you as a
23 demolition contractor?

24 A No. Once the oil field business died

1 out, I just strictly work by myself. I do what I
2 do and just word of mouth. It is a small community
3 and everybody knows who is in the business, you
4 know, like that.

5 Q Okay.

6 A My business is farm work mostly. Most of
7 what I do now is farm work.

8 Q One last question, then. What percentage
9 would you say of your work now is made up by the
10 demolition work that you do?

11 A Per year?

12 Q Sure.

13 A Oh, I would say maybe if I tear one house
14 down a year I am lucky.

15 Q Is that just a small fraction of the
16 overall work you do?

17 A Yes. This summer -- I tore down two this
18 summer. I have -- I have tore down five since
19 1994, so it will be a real small percentage, maybe
20 five percent.

21 MS. JACKSON: Okay. That's all I have.

22 EXAMINATION

23 BY HEARING OFFICER WALLACE:

24 Q Mr. Cash, when you say farm work would

1 you be a little more specific?

2 A Yes, sir, like digging ponds and building
3 waterways, like ditches down through fields. We go
4 in and build back into a waterway, put grass in
5 them so the water runs straight. We move brush,
6 fence rows. You know, most of the time when you
7 dig ponds you have trees you have to remove. I am
8 still confused today on what I am supposed to be
9 doing and what I am not supposed to be doing.

10 Q What type of equipment do you have?

11 A Construction equipment like bulldozers
12 and trackhoes and backhoes.

13 Q Now, the dump trucks -- you don't have
14 any dump trucks?

15 A No, I always hire that done.

16 Q You don't do any oil field work at all
17 anymore?

18 A No, huh-uh. It has got so slow that
19 there is not that much going on.

20 Q Has it bounced back at all?

21 A No, I don't think it ever will. I wish
22 it would sometime.

23 Q Pardon me?

24 A I wish it would, but I don't think it

1 ever will.

2 Q On the \$600.00 to \$700.00 you spent of
3 your own money, did that go to anything
4 specifically?

5 A No, sir, just the cost of -- I had to buy
6 dirt where this building had sat because, you know,
7 it was low. Apparently, when they built it with
8 the old dock, they must have took some dirt out.
9 There was a street here and the railroad here, and
10 it left a pond on that side. I had to buy dirt.
11 You might say the cost of the dirt, I had to put
12 back in to get it back level. When I looked at
13 this job originally I had that all figured in, but
14 I was not figuring the high cost of the landfill
15 expenses.

16 Q The depot itself and the dock had to
17 follow the tracks, right?

18 A Right. When the train pulled up to the
19 dock it was like -- there must have been like 6
20 inches between the dock and train. They walked out
21 there back in the old days. When they first built
22 this it was built for a depot. In fact, I am kind
23 of a historian. It was kind of a shame to tear it
24 down. A lot of people didn't want to see it come

1 down. Of course, it was my job to tear it down.

2 It was built a long time ago.

3 HEARING OFFICER WALLACE: Okay. I don't
4 have any further questions. Anything else?

5 MS. JACKSON: No.

6 HEARING OFFICER WALLACE: Thank you, Mr.
7 Cash. Any further evidence from the People?

8 MS. JACKSON: The People rest.

9 HEARING OFFICER WALLACE: Thank you. Mr.
10 Cash, at this time if you have anything else that
11 you wish to add, in terms of anything that you
12 haven't brought out through our questions or that
13 Mr. Arnold didn't mention, that you want to put
14 into the record, you --

15 MR. CASH: I might add it has been a good
16 learning device. I have learned my lesson what you
17 are supposed to do and what you are not supposed to
18 do. What demolitions I have done since then I have
19 done it legal and to the EPA codes. I guess you
20 might say it has been a good learning experience
21 for me. Here on out -- I have got a commercial
22 building coming up in Flora that they are talking
23 about demolition, and I will make sure it is all
24 done right, you know.

1 HEARING OFFICER WALLACE: Are there any
2 other facts or any other evidence that you want the
3 Board to consider in this matter that hasn't been
4 mentioned before? I don't know what it would be,
5 that's why I am giving you this opportunity.

6 MR. CASH: I am still confused. Maybe
7 Mr. Arnold can tell what you are supposed to burn
8 and what you are not supposed to burn. Last summer
9 I went to Greenup, Illinois, and along Interstate
10 70 the state employees were burning cedar trees,
11 which create creosote. I suppose maybe they had a
12 special permit to do that. I don't know.

13 But, like, I see people all the -- a
14 while back I went through the City of Decatur, and
15 they was tearing a house down in town and burning
16 the house in town. They had the fire trucks out
17 there, but they had a large pit dug and the house
18 in the pit with the fire trucks.

19 I just -- I am just still confused on
20 what you are supposed to do and what you are not
21 supposed to do. As I say, I was in business all
22 the years and just never ever read or ever --
23 nobody ever told me or I never seen where I was
24 supposed to have contacted the EPA. Had I read

1 that or somebody -- if I had the knowledge I was
2 supposed to have, I would have done it. I was not
3 trying to hide nothing, which is obvious, you know,
4 when I done this. It is just -- I just was not
5 educated, I guess, up to the EPA standards.

6 HEARING OFFICER WALLACE: Okay.

7 MR. CASH: I am now. I learned, you
8 know.

9 HEARING OFFICER WALLACE: All right.
10 Well, we will go on then as long as there is
11 nothing else concerning the demolition incident
12 that you have forgotten or anything like that.

13 MR. CASH: That I have forgotten?

14 HEARING OFFICER WALLACE: Right. Are
15 there any other facts that haven't come out which
16 you wish to put in the record?

17 MR. CASH: No, I think we all told it
18 pretty well as it happened.

19 HEARING OFFICER WALLACE: All right.
20 That's just -- I wanted to give you an opportunity
21 to put anything in that you wanted.

22 MR. CASH: The EPA was good. Amy has
23 been good to talk with. Everybody has been nice
24 about it. It was just a bad circumstance.

1 HEARING OFFICER WALLACE: All right.

2 Thank you, Mr. Cash.

3 Nothing further from the People, then?

4 MS. JACKSON: No.

5 HEARING OFFICER WALLACE: Do you wish to
6 make a closing statement or file a short brief?

7 MS. JACKSON: I would like to file a very
8 short brief.

9 HEARING OFFICER WALLACE: Are you going
10 to make a recommendation?

11 MS. JACKSON: I assume that would be
12 preferable to the Board?

13 HEARING OFFICER WALLACE: I think they
14 would like that, yes.

15 MS. JACKSON: That would be my intention
16 in the brief.

17 HEARING OFFICER WALLACE: Okay. Is 30
18 days --

19 MS. JACKSON: That would be fine.

20 HEARING OFFICER WALLACE: Mr. Cash, Ms.
21 Jackson is going to file a post hearing brief which
22 she will basically sum up and argue to the Board
23 the aspects of this case. She will serve a copy on
24 the board and on you, and if you wish to respond to

1 that you may in writing. If you have any questions
2 about responding you can feel free to give me a
3 call on the procedural aspects of responding, or I
4 suppose you could call Ms. Jackson, too, if you
5 feel that you want to file a written response.

6 MR. CASH: Okay.

7 HEARING OFFICER WALLACE: Okay. Also,
8 pursuant to the Board rules, I find no credibility
9 issues raised by the testimony of Mr. Arnold or Mr.
10 Cash.

11 The post hearing brief will be due 30
12 days following receipt of the transcript. Mr. Cash
13 will have two weeks following receipt of the brief
14 to file a response, if he so desires.

15 Anything else?

16 MS. JACKSON: No.

17 HEARING OFFICER WALLACE: Mr. Cash?

18 MR. CASH: No.

19 HEARING OFFICER WALLACE: Okay. Thank
20 you very much. This hearing is closed.

21 (People's Exhibit 1 retained by
22 Hearing Officer Wallace.)

23

24

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF MONTGOMERY)

3 C E R T I F I C A T E

4 I, DARLENE M. NIEMEYER, a Notary Public
5 in and for the County of Montgomery, State of
6 Illinois, DO HEREBY CERTIFY that the foregoing 57
7 pages comprise a true, complete and correct
8 transcript of the proceedings held on the 9th of
9 September A.D., 1997, at 600 South Second Street,
10 Springfield, Illinois, in the case of People of the
11 State of Illinois v. Harvey Cash, d/b/a Cash Oil
12 Company, in proceedings held before the Honorable
13 Michael L. Wallace, Hearing Officer, and recorded
14 in machine shorthand by me.

15 IN WITNESS WHEREOF I have hereunto set my
16 hand and affixed my Notarial Seal this 18th day of
17 September A.D., 1997.

18

19

20 Notary Public and
21 Certified Shorthand Reporter and
Registered Professional Reporter

22 CSR License No. 084-003677
My Commission Expires: 03-02-99

23

24