

ILLINOIS POLLUTION CONTROL BOARD
October 5, 2011

COUNTY OF JACKSON,

)

)

Complainant,

)

No. AC 10-30

v.

)

Administrative

FRANCES KLINK,

)

Citation

)

Respondent.

)

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STATE OF ILLINOIS
Pollution Control Board

REPORT OF THE PROCEEDINGS held in the
above-entitled cause before Hearing Officer Carol Webb,
taken by Debra M. Musielak, CSR, RDR, CRR, for the State
of Illinois, at the Jackson County Courthouse, 1001
Walnut Street, Murphysboro, Illinois, on the 8th day of
November, 2011, commencing at the hour of 10:30 a.m.

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A P P E A R A N C E S

Ms. Carol Webb, Hearing Officer
Daniel Brenner, Esq., Assistant State's Attorney
Mr. Don Terry
Ms. Frances Klink
Mr. Larry Klink
Ms. Shelly Imhuff

I N D E X O F E X A M I N A T I O N

WITNESSES CALLED ON BEHALF OF THE COMPLAINANT:

Don Terry
Direct Examination 5

WITNESSES CALLED ON BEHALF OF THE RESPONDENT:

Frances Klink 19
Cross-Examination 23

I N D E X O F E X H I B I T S

Complainant's Exhibit No:
1 Photos 8
2 Inspection narrative 17

1 HEARING OFFICER WEBB: Okay. We'll go
2 ahead and begin. Good morning. My name is Carol Webb
3 and this is the hearing for AC 10-30, Jackson County v.
4 Frances Klink. It's November 8th, 2011, and we are
5 beginning at 10:30 a.m.

6 I'll note for the record there are no members
7 of the public present, although Mrs. Klink's family is
8 present.

9 At issue in this case is the County's
10 allegation that Respondent violated sections 21(p)(1),
11 (p)(3) and (p)(7) of the Environmental Protection Act at
12 her site in Murphysboro, Jackson County. This hearing
13 was noticed pursuant to the Act and the board's rules and
14 will be conducted pursuant to sections 101.600 through
15 101.632 of the board's procedural rules.

16 At this time I will ask the parties to please
17 make their appearances on the record.

18 MR. BRENNER: Daniel Brenner, Assistant
19 State's Attorney, County of Jackson.

20 HEARING OFFICER WEBB: Okay. And, Ms.
21 Klink, you're here representing yourself, is that
22 correct?

23 MS. KLINK: Yes.

24 HEARING OFFICER WEBB: Okay. Are there any
25 preliminary matters you wish to discuss on the record?

1 MR. BRENNER: No, just a very brief opening
2 statement.

3 HEARING OFFICER WEBB: Go ahead.

4 MR. BRENNER: The County has filed an
5 administrative citation under the Illinois Environmental
6 Protection Act, and pursuant to that there was an
7 inspection conducted on this parcel on May 11th, 2010.
8 That parcel is owned by Miss Frances Klink who is the
9 respondent here today. We believe that the evidence
10 should show she's the owner of, controls, and resides at
11 81 Our Lane in Murphysboro, Illinois, which is also the
12 parcel at issue here.

13 The evidence will also show that on that day
14 there was observed open dump waste and various debris as
15 well as evidence of open burning. The site is still not
16 in compliance. The evidence will show that as well. The
17 evidence will also show that the debris contained general
18 construction demolition debris or clean construction
19 debris as defined by the Illinois Environmental
20 Protection Act.

21 There is three violations that have been cited
22 by the hearing officer, 21(p)(1), 21(p)(3) and 21(p)(7),
23 which are respectively litter, open burning and
24 deposition of construction demolition debris. That's my
25 opening.

1 HEARING OFFICER WEBB: Ms. Klink, would you
2 like to make an opening statement? You don't have to.

3 MS. KLINK: I don't have to.

4 HEARING OFFICER WEBB: Okay. Well, the
5 County may call its witness.

6 MR. BRENNER: I'd like to call Mr. Terry.

7 DON TERRY

8 of lawful age, being first duly sworn to tell the truth,
9 the whole truth and nothing but the truth, says as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. BRENNER:

13 Q. Mr. Terry, what is your name and occupation?

14 A. My name is Don Terry. I'm an environmental
15 compliance inspector for Jackson County.

16 Q. And how long have you been doing that
17 occupation?

18 A. Eight and a half years.

19 Q. And tell us briefly what you do.

20 A. Generally my job is to investigate complaints
21 and situations regarding open dumping and burning within
22 the county.

23 Q. Have you received any special training related
24 to your occupation?

25 A. Yes. I completed the Illinois EPA's inspector

1 training course.

2 Q. So you have an occupation-specific license and
3 certifications?

4 A. Yes. The Illinois EPA certified me as an
5 inspector for nonhazardous solid waste management sites.

6 Q. Do you know if the County has a delegation
7 agreement with the Illinois Environmental Protection
8 Agency?

9 A. Yes, it does.

10 Q. And what does that delegation agreement allow?

11 A. It allows for the investigation and inspection
12 of situations like this.

13 Q. Does that delegation agreement also include the
14 prosecution of these --

15 A. Yes, it does.

16 Q. -- alleged offenses?

17 A. Yes.

18 Q. And is the Jackson County Health Department
19 part of the County of Jackson?

20 A. Yes.

21 Q. Do you believe this present administrative
22 citation enforcement action is within that delegation
23 group?

24 A. Yes.

25 Q. Are you familiar with the Respondent, Frances

1 Klink?

2 A. Yes.

3 Q. She's here today?

4 A. Yes.

5 Q. And did you inspect the site on May 11th, 2010?

6 A. I did.

7 Q. And that site was identified with the site code
8 of 0778145040?

9 A. Yes.

10 Q. Or commonly known as 81 Our Lane?

11 A. Yes.

12 Q. Murphysboro, Illinois?

13 A. Yes.

14 Q. Who owns the site?

15 A. Frances Klink.

16 Q. And who currently occupies the site?

17 A. Mrs. Klink. And I know that there are two or
18 three other residents there. I think there are a couple
19 of tenants, and I think her daughter lives there.

20 Q. Taking you back to May 11th, 2010, do you
21 recollect what you saw on the site that day?

22 A. Yeah. On that particular day, which was
23 cloudy, a little bit of wind, about 78 degrees, when I
24 entered the site, excuse me, which was -- is a little
25 over six acres in size, driving up to the lane to go to

1 the residence I observed material that was open dumped on
2 the site. It was material that was not in use and was
3 not being protected for future use.

4 Q. Okay. If I may, I'm going to hand you what
5 I've identified as Exhibit 1. This would be County's
6 Exhibit 1. Could you identify that document, please?
7 I'm also handing a copy to Ms. Klink and to the judge as
8 well. Could you identify that document, please?

9 A. Yes. These are the photo sheets of the photos
10 that I took during that inspection.

11 Q. Okay. And do the photos accurately and fairly
12 depict the site's condition as you observed them that
13 day?

14 A. Yes.

15 Q. Okay. Let's go through those photos, if you
16 will. On the first -- very first photo, just to make
17 sure we're on the same page, identified as 01 -- the last
18 number is 01, what is that photo? What's in that photo?

19 A. The materials that are lying outside on the
20 ground are objects such as gasoline cans or fuel cans,
21 furniture, and various items like that, which are
22 overgrown with vegetation.

23 Q. And in photo 02 below it?

24 A. There is a camper top or a truck top, some
25 dimensional lumber, and a motorized lawnmower sitting,

1 again, outside unprotected.

2 Q. On page 2, photograph three, what can you
3 identify in that picture?

4 A. There's just various metal containers, plastic
5 containers. Let's see, some plastic lawn ornaments.
6 Different things like that, again, sitting outside, not
7 in use and not protected for future use.

8 Q. Again, you took these photos?

9 A. I did.

10 Q. Photo 4, below that photo.

11 A. You see some -- particle board is what I call
12 it. There's electrical wiring that's wrapped up in a
13 bunch. Different things like that. A tarp that has been
14 weathered and has really been rendered useless, among
15 other materials that are wedged into that particular
16 metal frame structure.

17 Q. Okay. On page 3, if I could, direct your
18 attention to photograph number five, what do you see
19 there?

20 A. Just a collection of different kinds of
21 furniture, wooden boxes, things like that.

22 Q. And below it, photograph six?

23 A. There are open coolers, open plastic
24 containers, metal pipe structures, different things that,
25 again, are outside unprotected and you can see vegetation

1 growing up through them.

2 Q. Okay. Continuing on page 4, photograph seven,
3 what do you see there?

4 A. More material, plastic items, plastic crates,
5 containers, things like that.

6 Q. And below it photograph number eight?

7 A. You see some metal railing. Let's see, a
8 plastic container filled -- several plastic containers.
9 Some plywood in the background. Things like that, once
10 again, lying on the ground unprotected.

11 Q. Okay. Direct your attention to page number 5,
12 photograph nine. What do you see there?

13 A. What I would consider an abandoned vehicle.

14 Q. Would you consider the vehicle abandoned?

15 A. I would. If you notice the vegetation growing
16 up around it. There's no evidence it's been disturbed.
17 And one of the definitions of an abandoned vehicle is
18 that it hasn't been moved or used in seven consecutive
19 days.

20 Q. Do you believe that vehicle is driv -- is
21 operable?

22 A. I would really have no idea for that particular
23 vehicle, but it hasn't been used.

24 Q. Okay. Photograph number ten.

25 A. Again, just a collection of different kinds of

1 plastic furniture, metal containers, plastic containers
2 sitting up against a camper-type vehicle.

3 Q. Okay. And on page 6, photograph 11?

4 A. You see an open suitcase. There's a hose on
5 the ground. There are metal objects, a wooden chair.
6 There's a metal -- like a sliding closet door. Things
7 like this laying outside being grown up and also not
8 being protected.

9 Q. And in photograph 12?

10 A. Two vehicles sitting between a mobile home and
11 a shed. Again, appear to be abandoned, given that the
12 vegetation is growing up around it, as well as a pile of
13 material to the right containing a waste tire, springs,
14 other materials.

15 Q. All right. Page 7, photograph 13.

16 A. You see a closer view of the one pile I just
17 described with the tire and the metal springs. Another
18 pile in the back. A metal fuel container of some kind.
19 A grey truck, which appears abandoned. Once again, no
20 evidence it appears to have been moved in seven
21 consecutive days.

22 Q. Photograph 14?

23 A. You see some cloth furniture, like a chair.
24 You see some metal folding chairs laying up against the
25 frame of a mobile home. The mobile home is in a state of

1 being demolished. The flooring is rotting on that with
2 other materials lying on top of that.

3 Q. Okay. Directing your attention to page 8,
4 photograph 15.

5 A. Some bicycles, a part of the mobile home that
6 is lying on its top. So that would be the walls of the
7 mobile home. You see some carpeting there as well as in
8 the foreground there roofing material.

9 Q. Would that be construction debris, you believe?

10 A. Yes, I would.

11 Q. Demolition debris?

12 A. Yes.

13 Q. Photograph 16, please.

14 A. Again, it's the demoed mobile home. You see
15 plants growing up around it. You also see the
16 interior -- some of the interior contents, including some
17 of the furniture, some of the carpet, carpet padding,
18 things like that.

19 Q. All right. Page 9, photograph 17.

20 A. Again, part of the wall and top of the mobile
21 home.

22 Q. Photograph 18?

23 A. Photograph 18 shows several metal containers,
24 the closest one containing a great deal of coated
25 electrical wiring.

1 Q. Okay. Direct your attention to page 10 and
2 photograph 19.

3 A. In 19 we see a large pontoon-type boat with
4 vegetation growing up around it. There's a couple of
5 waste tires lying on the ground next to it, and also two,
6 what I would call, above-ground fuel storage tanks also
7 lying on the ground.

8 Q. Photograph 20?

9 A. Photograph 20 shows a collection of waste tires
10 lying on the ground outside uncovered.

11 Q. Page 11 now, photograph 21.

12 A. In photograph 21 I observed a waste pile where
13 burning had occurred within the waste pile. I observed
14 lumber, the rusting charred springs of a mattress, also
15 ash, metal cans, things like this.

16 Q. Photograph 22?

17 A. There was a second smaller pile next to that
18 one pile, again with ash. There's metal food cans in
19 there, dimensional lumber.

20 Q. Page 12, photograph 23?

21 A. This is a different view of the larger burn
22 pile. Again you can see charred dimensional lumber.
23 There's ash. You can see metal cans within the pile.

24 Q. And photograph 24?

25 A. Is a truck which appears abandoned, given that

1 it's sitting there growing -- with vegetation growing up
2 around it. There's also waste tires nearby.

3 Q. Page 13, photograph 25?

4 A. Another abandoned vehicle. Again, you can see
5 trees and grass and other vegetation growing up around
6 it. There is a recently mowed path near it, and there
7 was no evidence that the truck had disturbed any of the
8 vegetation around it.

9 Q. And photograph 26?

10 A. Two more abandoned vehicles that were sitting
11 in a wooded area with vegetation growing up around them.

12 Q. Okay. And on page 14 now, photograph 27?

13 A. An abandoned vehicle. This is a bus. You can
14 see the vegetation growing up around it. And, again,
15 there was no evidence that this vehicle had been moved,
16 because there was some -- the vegetation around it had
17 not been disturbed.

18 Q. Photograph 28?

19 A. A vehicle sitting in a field, again, apparently
20 abandoned, given that the vegetation around it had not
21 been disturbed.

22 Q. Okay. Page 15, photograph 29?

23 A. This is another burn pile. This is behind a
24 mobile home, so it was north of the mobile home where,
25 you know, there was household garbage, ash, different

1 things like that. And you also see sitting close to it
2 in the background a little bit was a plastic metal barrel
3 that had somewhat melted, indicating that the burning had
4 occurred here.

5 Q. And photograph 30?

6 A. Is what I can see from this particular angle of
7 another abandoned vehicle, which is a bus sitting down in
8 a lower wooded area.

9 Q. Page 16, photograph 31?

10 A. This is like a collection of different
11 materials. There's a -- like a truck camper top,
12 different things like that sitting on the ground in a
13 wooded area with vegetation growing up around it.

14 Q. Photograph 32?

15 A. The back end of the one bus can be seen. You
16 can also see a larger, like, black and white truck
17 sitting in a field. And, again, no evidence that those
18 items or those vehicles had been moved in the last seven
19 days.

20 Q. Okay. Page 17, please, photograph 33?

21 A. What we see here is some fencing, some
22 plywood-like material lying on the ground, some waste
23 tires also lying on the ground that are not in use, being
24 used, or being protected for future use.

25 Q. Okay. Photograph 34?

1 A. Another possible spot where you can see
2 material like roofing tin, dimensional lumber, different
3 things like that, construction demolition debris sitting
4 outside and not being protected for future use.

5 Q. Okay. Page 18, photograph 35?

6 A. It's another pile near the one we just
7 discussed. There was, like, a television stand lying
8 upside-down, some plastic material, and some rolls of
9 fencing -- metal fencing that were being overgrown by
10 vegetation.

11 Q. Photograph 36?

12 A. This is a pile of loose lumber and railroad
13 ties that were sitting. You can see vegetation growing
14 over them. You can see weeds on it where the material
15 has not been protected for future use.

16 Q. And finally on page 19, photograph 37?

17 A. This is just a small pile near a mobile home
18 where the railroad ties were. Just a collection of
19 material, again, wooden items, plastic items that were
20 being overgrown by vegetation.

21 Q. And all of these photos were taken on her site
22 on that day?

23 A. Yes.

24 Q. On May 10th?

25 A. May 11th.

1 Q. I'm sorry, May 11, 2010.

2 MR. BRENNER: Judge, I'd like to admit
3 those photographs for the record.

4 HEARING OFFICER WEBB: Exhibit 1 is
5 admitted into the record.

6 MR. LARRY KLINK: May I speak for just a
7 brief minute?

8 HEARING OFFICER WEBB: Not yet.

9 Q. (By Mr. Brenner) I'm going to hand you what
10 I've identified as Exhibit 2. Can you please identify
11 that as well? The record will reflect I'm handing a copy
12 to Ms. Klink as well as the law judge.

13 A. Yes. This is the inspection narrative that I
14 wrote and submitted along with the rest of my inspection
15 packet.

16 Q. And they support basically your allegations
17 here today?

18 A. Yes.

19 Q. And also is there contained in there a map of
20 this site where each one of the photographs -- or is that
21 not part of this?

22 A. There was a map, yes.

23 MR. BRENNER: Judge, without having him
24 retestify to what he's already testified to, we do ask
25 this be admitted on the record as well.

1 HEARING OFFICER WEBB: Exhibit 2 is
2 admitted into the record.

3 MR. BRENNER: Thank you.

4 Q. (By Mr. Brenner) Do you have any idea how this
5 material got on this parcel?

6 A. From conversations with Mrs. Klink, she said
7 that she inherited a great deal of it from, I guess, her
8 husband and father, and also she had collected it from
9 the estates of a relative or relatives who had passed.
10 So some already there, some brought in.

11 Q. Could any of the debris that you've identified
12 here today, could that be seen from a public road?

13 A. A small portion of it could be, yes.

14 Q. In your opinion, were any of the violations you
15 noted in the inspection report due to uncontrollable
16 circumstances?

17 A. No.

18 Q. Has the site been issued a permit by the EPA to
19 store the waste items noted in your inspection?

20 A. No.

21 Q. Since your inspection has there been any
22 improvement in the conditions of the site?

23 A. Yes.

24 Q. In your opinion, is the site or is it not in
25 compliance with the open dumping laws of the State of

1 Illinois?

2 A. Currently it's still not in compliance.

3 MR. BRENNER: Okay. That's all I have for
4 this witness, Judge.

5 HEARING OFFICER WEBB: Okay. Now, Miss
6 Klink, you will have a chance to present your own
7 defense, but right now I'm just asking you, do you have
8 any questions for Mr. Terry about anything he just said?

9 MS. KLINK: No.

10 HEARING OFFICER WEBB: Okay. All right.
11 Thank you, Mr. Terry. Do you have anything further?

12 MR. BRENNER: We conclude. We rest our
13 case, Judge.

14 HEARING OFFICER WEBB: All right. Miss
15 Klink, you may present your case. The court reporter
16 will please swear you in.

17 FRANCES KLINK
18 of lawful age, being first duly sworn to tell the truth,
19 the whole truth and nothing but the truth, says as
20 follows:

21 HEARING OFFICER WEBB: Okay. Miss Klink,
22 you can go ahead and present your defense in narrative
23 form.

24 MS. KLINK: Well, to start with, a lot of
25 this debris that he has pictures and stuff of was from a

1 storm that we had back, what, three years ago, four, that
2 came through Murphysboro. The litter and -- it threwed
3 that trailer stuff that was all in that one trailer, just
4 throwed it all over the yard, everywhere.

5 HEARING OFFICER WEBB: Wait. I'm going to
6 move over here, so you can face this way.

7 MS. KLINK: That's where the biggest part
8 started right there, was the storm. Trees and
9 everything. And trees in my yard, the whole yard, trees
10 and everything. And I started trying to clean it up.

11 Now, I have pictures of what we have done on
12 the site, that we have cleaned it up. Now, who wants to
13 see them?

14 MS. IMHUFF: Somebody needs to look.

15 MR. LARRY KLINK: If you look at what we've
16 done compared to -- over half of those pictures --

17 HEARING OFFICER WEBB: Wait. Let's go off
18 the record for a minute.

19 (Off-the-record discussion held.)

20 HEARING OFFICER WEBB: Back on the record.

21 MS. KLINK: Now, I have pictures here of
22 what we have cleaned up and what we have done. A lot of
23 them pictures he has there has been cleaned up. The cars
24 are gone. A lot of the buses are gone. A lot of
25 everything is gone. These pictures here, this stuff is

1 cleaned up. It's gone. There's a lot of it that's gone.
2 It's not there. We've cleaned it up. And I've been
3 working the last few days -- and here is a letter that
4 I'd like for somebody to read why I'm having trouble
5 getting moved as much and as fast as I can. I'm doing it
6 as fast as I can.

7 HEARING OFFICER WEBB: Basically this
8 letter is from Mrs. Klink's doctor about her health
9 problems.

10 MR. BRENNER: Okay. Noted. I'm sorry
11 about your health issues.

12 MS. KLINK: I mean, I can't help that, you
13 know. But I'm doing the best I know how. Now, there's
14 one in there around my swing -- the swing is up in the
15 trees -- that he complained about and was fussing about.
16 That's where I live when the weather is permissible and I
17 can be outside. I spent all summer taking stuff and
18 cleaning it up, washing it, putting it in a clean box,
19 putting it in my other trailer for a yard sale or for an
20 auction to sell it. That's my work area. And I do have
21 a lot of things sitting around there, but that's my work
22 area where I do it in front of that camper. That stuff
23 is not all there no more either. It's gone. The only
24 thing I really have left in -- that red truck is gone out
25 of the one picture. The only thing that I actually have

1 left is a blue bus, and it's up on the hill, and it is
2 not leaking nowhere, there's no air getting in there.
3 It's got boxes of stuff that was my father's that I need
4 to go through before it is disposed of or anything.

5 Now, the open dumping, I don't know where he's
6 calling open dumping. There isn't no actual open dumping
7 at my house. That one picture behind that trailer, there
8 was a woman lived there, she had two great big old Dane
9 dogs or what -- vicious dogs. I couldn't go around and
10 help cut nothing out. She's the one that done that
11 burning in that barrel. And I told her she wasn't to do
12 that, but she wouldn't listen to me. She done it anyway.
13 So that was on my shoulders, too.

14 The other part, I don't know where he gets open
15 dumping, because there hasn't been any open dumping. One
16 time there was some dumping done and I wasn't -- I told
17 them not to do it. I didn't do it. It accidentally
18 caught a fire when we was trying to burn off that bank,
19 and we got it out. And we cleaned all that bank off.
20 Every bit of that bank has all been cleaned off. There
21 is nothing on that bank, no.

22 I have trouble remembering things and keeping
23 my mind straight with all of it, so I'm going to let my
24 son -- if I've left out anything, he can go ahead and
25 tell you.

1 HEARING OFFICER WEBB: Okay. Mr. Brenner,
2 do you have any questions?

3 MR. BRENNER: Just a couple questions.

4 CROSS-EXAMINATION

5 BY MR. BRENNER:

6 Q. One of the things you said was that the
7 storm -- I don't know what storm you're talking about --
8 is responsible for some of this debris.

9 A. Yeah.

10 Q. What kind of a storm was that?

11 MS. IMHUFF: Mother's Day weekend. It was
12 a really bad tornado storm.

13 Q. (By Mr. Brenner) Is it your claim all this
14 debris was --

15 A. I'll show you pictures.

16 MS. IMHUFF: The main trailer was --

17 HEARING OFFICER WEBB: Ma'am, if you'd like
18 to give your mother some dates.

19 MS. IMHUFF: I live next door and I'm there
20 through a lot of this. I want to make sure it's
21 accurate.

22 A. This red truck is gone from this, and has been
23 for I don't know how long.

24 Q. (By Mr. Brenner) But the red truck was
25 deposited by the storm?

1 A. No. I'm getting to that. I'll find the
2 picture and I'll show you. All right. This one right
3 here is from that storm.

4 Q. Okay.

5 A. This one there. This here is from the storm.

6 Q. Now, one of the pictures you pointed to I think
7 was picture 18, correct?

8 A. Yes.

9 Q. You're claiming picture 17 and 18, those items
10 were deposited by the storm?

11 A. By the storm. That stuff was in that trailer
12 all over the place.

13 Q. But you admit that the vehicles, the boats, the
14 tires were not deposited there by the storm, correct?

15 A. No. The houseboat was my houseboat. I was on
16 the lake many, many years with it.

17 Q. And the storm does not cause the open burning,
18 correct?

19 A. No, it did not.

20 Q. That's all the questions I have.

21 HEARING OFFICER WEBB: Okay. Thank you.
22 All right.

23 MR. BRENNER: Thank you, Ms. Klink.

24 HEARING OFFICER WEBB: Thank you, Ms.
25 Klink. It's my understanding that Ms. Klink's son,

1 Larry, would like to testify in this matter, also. Mr.
2 Klink, if you'd like to come up here and maybe have a
3 seat right there, the court reporter will swear you.

4 LARRY KLINK

5 of lawful age, being first duly sworn to tell the truth,
6 the whole truth and nothing but the truth, says as
7 follows:

8 MR. LARRY KLINK: On the pictures he's not
9 really giving mom a chance to tell him what we've done.
10 All these pictures, I can go through here and show you
11 over three-quarters of these pictures is cleaned up and
12 gone. There's a few things we've moved. We're still
13 cleaning up. I've been trying to get rid of it. It's
14 just hard to do with her income. She can't afford to be
15 paying somebody to do it. I actually rented two of them
16 great big -- I don't know what they call them -- like,
17 30-foot dumpsters, and we filled two of those up, got rid
18 of them. Then we hauled all the cars off. There's one
19 car out there that runs, has a license on it. It's my
20 nephew's car. And there's a vehicle in the back, and one
21 bus we pulled up on the hill so we can go through it and
22 get rid of it. But, I mean, we're trying.

23 This shed here, everything around this shed is
24 gone. Cleaned up. I cleaned the side, cut the trees
25 down. The lawnmower has been pulled out and mowed. It's

1 leaving this weekend. This picture here is totally
2 cleaned up. I mean, she's got a picture showing it.

3 HEARING OFFICER WEBB: Which picture are
4 you pointing to?

5 MR. LARRY KLINK: Let me get the pictures
6 and show them to you, ma'am, while we're talking.

7 HEARING OFFICER WEBB: Now, what are these
8 pictures that you're showing me?

9 MR. LARRY KLINK: This is that shed right
10 there. As you can see, we've totally cleaned all around
11 the side, cut the trees down, got rid of everything
12 around the shed. Gas cans, all smashed up, gone.

13 HEARING OFFICER WEBB: You're saying the
14 items in photo one have been removed?

15 MR. LARRY KLINK: Yes, ma'am. And this one
16 here, this is the lawnmower. Shows it sitting here. I
17 think that's it. Yes. And the camper shell, we moved
18 all this out and mowed around it. The lawnmower is
19 pulled out so it can be gone this weekend. The camper
20 shell is still sitting on the ground. We mowed under it
21 and set it back down.

22 On this page, she's cleaned some of this stuff
23 around here and got rid of it. This here has totally
24 been cleaned up.

25 HEARING OFFICER WEBB: Okay. I don't know

1 how many of these photos you have.

2 MR. LARRY KLINK: I have photos of almost
3 all these showing we cleaned them up.

4 HEARING OFFICER WEBB: It's --

5 MR. BRENNER: I'll object to them on the
6 basis that they are not relevant.

7 HEARING OFFICER WEBB: I can take them with
8 me as an offer of proof, but the board -- they generally
9 will not be relevant. But I can take them with me.

10 MR. LARRY KLINK: Well, like I say, we just
11 cleaned everything up. We're trying. Everybody works.
12 All us kids work. Mom can't do nothing hardly, so we try
13 to help when we can. And we didn't really think it was
14 that big of a deal until everybody started pushing
15 everybody.

16 You're talking about can you see it from the
17 road. We're a block off the road. You can see parcels
18 down the road, some items, just a small portion. If you
19 drive down the road two blocks, there's a guy that's got
20 40 cars sitting there in his yard and ain't 50 feet off
21 the road. Grass, weeds all around and everything else.
22 Why ain't they bothering him? They are bothering her and
23 she's not even on the main road. You can't even see it.

24 HEARING OFFICER WEBB: So, Mr. Klink, if I
25 can just summarize then, you're testifying basically that

1 the items in the -- most of the items in the photograph,
2 to your knowledge, have been cleaned up since then?

3 MR. LARRY KLINK: I think there's 37
4 pictures, and I'm going to say we got at least 30 of them
5 that have been cleaned up, them spots.

6 HEARING OFFICER WEBB: Okay. Well, if you
7 would like me to, I can take those photos as an offer of
8 proof. I'm not going to admit them into the record.
9 But, if you like, the board can take a look at them.

10 MR. LARRY KLINK: That's fine. So somebody
11 can see we've done stuff. We're not just slacking off
12 here. We're trying.

13 HEARING OFFICER WEBB: Okay. Hang on. Mr.
14 Brenner, do you have any questions for Mr. Klink?

15 MR. BRENNER: I do not. Thank you.

16 MR. LARRY KLINK: And the old mobile home
17 he kept talking about, it's totally gone. The wind
18 blowed it apart and we had to haul it off. But that
19 whole lot is cleaned, mowed, all that stuff is gone.

20 HEARING OFFICER WEBB: Okay.

21 MS. KLINK: Do they not want where we
22 hauled this off? Do they not want them either?

23 MR. LARRY KLINK: We've got truckloads of
24 metal and everything.

25 HEARING OFFICER WEBB: One at a time. If

1 you'd like, I can take those. I'm not going to admit
2 them into the record, but if you would like me to present
3 them to the board, if you'd like to make an offer of
4 proof --

5 MS. KLINK: I'd like to have them back.

6 HEARING OFFICER WEBB: I can't do that. If
7 you want to keep them, you need to keep them.

8 MR. BRENNER: If I can help on this. We
9 acknowledge that they have made efforts in cleaning that
10 site up, and we have worked with them since May of 2010
11 to get this site cleaned up. It's unfortunate we are
12 here today because we hoped you'd have the site cleaned
13 up.

14 MS. KLINK: I'm trying.

15 MR. LARRY KLINK: You're talking 40 years
16 of stuff. We're trying.

17 MR. BRENNER: So I'll say on the record, we
18 are aware of these tickets. We've --

19 HEARING OFFICER WEBB: Yeah. I'll let you
20 keep these because, really, the board isn't going to do
21 much with them. Okay? So, Mr. Klink, you're finished
22 testifying; is that right?

23 MR. LARRY KLINK: Yeah, because I get upset
24 when I start talking, so I need to stop.

25 HEARING OFFICER WEBB: Okay. Anybody else?

1 MS. IMHUFF: I just have one question. Why
2 is his pictures gold but ours are nothing? That doesn't
3 make sense as far as evidence.

4 HEARING OFFICER WEBB: Well, I'll discuss
5 it with you after the hearing. Okay?

6 MS. IMHUFF: I'm just curious how this
7 works, ma'am.

8 HEARING OFFICER WEBB: All right. Let's go
9 off the record for a minute to discuss a briefing
10 schedule.

11 (Off-the-record discussion held.)

12 HEARING OFFICER WEBB: The transcript is
13 due on November 21st and will be posted on the board's
14 website. The public comment deadline is November 22nd.
15 Any public comment must be filed in accordance with
16 section 101.628 of the board's procedural rules.
17 Complainant's brief is due by January 21st, 2012, and
18 Respondent's brief will be due by February 29th. If a
19 brief is not filed by that date, the board may assume
20 that Respondent will not be filing a brief.

21 Mr. Brenner, would you like to make any closing
22 argument?

23 MR. BRENNER: No, I would not. Thank you.

24 HEARING OFFICER WEBB: Ms. Klink, you
25 probably don't want to make a closing argument?

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THE WITNESS: No.

HEARING OFFICER WEBB: Okay. At this time
I will note there are no members of the public present
and I will conclude the proceedings. We're adjourned.
Thank you.

HEARING ADJOURNED AT 11:04 P.M.

C E R T I F I C A T E

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I, Debra M. Musielak, Registered Diplomate Reporter, Certified Shorthand Reporter within and for the States of Missouri and Illinois, DO HEREBY CERTIFY that I was present at the hearing on the date and at the place aforementioned and that the aforesaid proceedings were had as appears herein, and that this is a true and accurate record of said proceedings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of November, 2011.

Debra Musielak
Debra M. Musielak
IL CSR #084-001684
MO CCR #681

A	after 30:5	14:19	barrel 15:2	bothering	11:2
abandoned	again 9:1,6,8	appear 11:11	22:11	27:22,22	cans 8:20,20
10:13,14,17	9:25 10:10	appearances	basically	box 21:18	13:15,18,23
11:11,19	10:25 11:11	3:17	17:16 21:7	boxes 9:21	26:12
13:25 14:4	11:19 12:14	appears	27:25	22:3	car 25:19,20
14:10,13,20	12:20 13:18	11:19,20	basis 27:6	Brenner 2:2	Carol 1:11
15:7	13:22 14:4	13:25 32:10	before 1:11	3:18,18 4:1	2:2 3:2
about 7:23	14:14,19	area 14:11	22:4	4:4 5:6,12	carpet 12:17
19:8 21:8	15:17 16:19	15:8,13	begin 3:2	17:2,9,23	12:17
21:11,15,15	against 11:2	21:20,22	beginning	18:3,4 19:3	carpeting
23:7 27:16	11:24	argument	3:5	19:12 21:10	12:7
28:17	age 5:8 19:18	30:22,25	BEHALF 2:8	23:1,3,5,13	cars 20:23
above-entit...	25:5	around 10:16	2:11	23:24 24:23	25:18 27:20
1:11	Agency 6:8	11:12 12:15	behind 14:23	27:5 28:14	case 3:9
above-grou...	ago 20:1	13:4 14:2,5	22:7	28:15 29:8	19:13,15
13:6	agreement	14:8,11,14	being 5:8 8:3	29:17 30:21	caught 22:18
AC 1:4 3:3	6:7,10,13	14:16,20	11:7,8 12:1	30:23	cause 1:11
accidentally	ahead 3:2 4:3	15:13 21:14	15:23,24	brief 4:1 17:7	24:17
22:17	19:22 22:24	21:21 22:9	16:4,9,20	30:17,18,19	CCR 32:24
accordance	ain't 27:20	25:23 26:10	19:18 25:5	30:20	certifications
30:15	27:22	26:12,18,23	believe 4:9	briefing 30:9	6:3
accurate	air 22:2	27:21	6:21 10:20	briefly 5:19	certified 6:4
23:21 32:11	allegation	ash 13:15,18	12:9	brought	32:6
accurately	3:10	13:23 14:25	below 8:23	18:10	CERTIFY
8:11	allegations	asking 19:7	9:10,22	bunch 9:13	32:7
acknowledge	17:16	Assistant 2:2	10:6	burn 13:21	chair 11:5,23
29:9	alleged 6:16	3:18	best 21:13	14:23 22:18	chairs 11:24
acres 7:25	allow 6:10	assume 30:19	between	burning 4:15	chance 19:6
Act 3:11,13	allows 6:11	attention	11:10	4:23 5:21	25:9
4:6,20	almost 27:2	9:18 10:11	bicycles 12:5	13:13 15:3	charred
action 6:22	along 17:14	12:3 13:1	big 22:8	22:11 24:17	13:14,22
actual 22:6	already	Attorney 2:2	25:16 27:14	bus 14:13	circumstan...
actually	17:24 18:10	3:19	biggest 20:7	15:7,15	18:16
21:25 25:15	although 3:7	auction	bit 7:23 15:2	22:1 25:21	citation 1:6
adjourned	among 9:14	21:20	22:20	buses 20:24	4:5 6:22
31:4,6	angle 15:6	aware 29:18	black 15:16		cited 4:21
administra...	another	a.m 1:15 3:5	block 27:17	C	claim 23:13
1:5 4:5 6:21	11:17 14:4		blocks 27:19	C 2:1 32:1,1	claiming 24:9
admit 17:2	14:23 15:7	B	blowed 28:18	call 5:5,6	clean 4:18
24:13 28:8	16:1,6	back 7:20	blue 22:1	9:11 13:6	20:10 21:18
29:1	Anybody	11:18 15:15	board 1:1	25:16	cleaned
admitted	29:25	20:1,20	9:11 27:8	CALLED	20:12,22,23
17:5,25	anything	25:20 26:21	28:9 29:3	2:8,11	21:1,2
18:2	19:8,11	29:5	29:20 30:19	calling 22:6	22:19,20
afford 25:14	22:4,24	background	board's 3:13	came 20:2	25:11,24,24
aforementi...	anyway	10:9 15:2	3:15 30:13	camper 8:24	26:2,10,22
32:9	22:12	bad 23:12	30:16	15:11 21:22	26:24 27:3
aforesaid	apart 28:18	bank 22:18	boat 13:3	26:17,19	27:11 28:2
32:9	apparently	22:19,20,21	boats 24:13	camper-type	28:5,19

29:11,12 cleaning 21:18 25:13 29:9 close 15:1 closer 11:16 closest 12:24 closet 11:6 closing 30:21 30:25 cloth 11:23 cloudy 7:23 coated 12:24 code 7:7 collected 18:8 collection 9:20 10:25 13:9 15:10 16:18 come 25:2 commencing 1:15 comment 30:14,15 commonly 7:10 compared 20:16 Complainant 1:4 2:8 Complaina... 2:16 30:17 complained 21:15 complaints 5:20 completed 5:25 compliance 4:16 5:15 18:25 19:2 conclude 19:12 31:4 condition 8:12 conditions 18:22 conducted	3:14 4:7 consecutive 10:18 11:21 consider 10:13,14 construction 4:18,18,24 12:9 16:3 contained 4:17 17:19 container 10:8 11:18 containers 9:4,5,24 10:5,8 11:1 11:1 12:23 containing 11:13 12:24 contents 12:16 Continuing 10:2 CONTROL 1:1 controls 4:10 conversati... 18:6 coolers 9:23 copy 8:7 17:11 correct 3:22 24:7,14,18 county 1:3,13 3:3,12,19 4:4 5:5,15 5:22 6:6,18 6:19 County's 3:9 8:5 couple 7:18 13:4 23:3 course 6:1 court 19:15 25:3 Courthouse 1:13 crates 10:4 Cross-Exa... 2:13 23:4	CRR 1:12 CSR 1:12 32:23 curious 30:6 currently 7:16 19:2 cut 22:10 25:24 26:11 <hr/> D <hr/> Dane 22:8 Daniel 2:2 3:18 date 30:19 32:8 dates 23:18 daughter 7:19 day 1:14 4:13 7:21,22 8:13 16:22 23:11 32:14 days 10:19 11:21 15:19 21:3 deadline 30:14 deal 12:24 18:7 27:14 Debra 1:12 32:5,23 debris 4:14 4:17,18,19 4:24 12:9 12:11 16:3 18:11 19:25 23:8,14 defense 19:7 19:22 defined 4:19 definitions 10:17 degrees 7:23 delegation 6:6,10,13 6:22 demoed 12:14 demolished	12:1 demolition 4:18,24 12:11 16:3 Department 6:18 depict 8:12 deposited 23:25 24:10 24:14 deposition 4:24 described 11:17 different 9:6 9:13,20,24 10:25 13:21 14:25 15:10 15:12 16:2 dimensional 8:25 13:19 13:22 16:2 Diplomate 32:5 direct 2:10 5:11 9:17 10:11 13:1 Directing 12:3 discuss 3:25 30:4,9 discussed 16:7 discussion 20:19 30:11 disposed 22:4 disturbed 10:16 14:7 14:17,21 doctor 21:8 document 8:6,8 dogs 22:9,9 doing 5:16 21:5,13 Don 2:3,9 5:7 5:14 done 20:11	20:16,22 22:10,12,16 25:9 28:11 door 11:6 23:19 down 15:7 25:25 26:11 26:21 27:18 27:19 driv 10:20 drive 27:19 driving 7:25 due 18:15 30:13,17,18 duly 5:8 19:18 25:5 dump 4:14 dumped 8:1 dumping 5:21 18:25 22:5,6,6,15 22:15,16 dumpsters 25:17 during 8:10 <hr/> E <hr/> E 2:1,1 32:1 32:1 each 17:20 efforts 29:9 eight 5:18 10:6 either 21:23 28:22 electrical 9:12 12:25 end 15:15 enforcement 6:22 entered 7:24 environme... 3:11 4:5,19 5:14 6:7 EPA 6:4 18:18 EPA's 5:25 Esq 2:2 estates 18:9	even 27:23 27:23 Every 22:20 everybody 27:11,14,15 everything 20:9,10,25 25:23 26:11 27:11,21 28:24 everywhere 20:4 evidence 4:9 4:13,15,16 4:17 10:16 11:20 14:7 14:15 15:17 30:3 Examination 2:7,10 5:11 excuse 7:24 Exhibit 2:16 8:5,6 17:4 17:10 18:1 EXHIBITS 2:15 <hr/> F <hr/> F 32:1 face 20:6 fairly 8:11 familiar 6:25 family 3:7 far 30:3 fast 21:5,6 father 18:8 father's 22:3 February 30:18 feet 27:20 fencing 15:21 16:9,9 few 21:3 25:12 field 14:19 15:17 filed 4:4 30:15,19 filing 30:20
---	---	--	---	--	---

filled 10:8 25:17	gasoline 8:20	grown 11:7	hereunto 32:13	2:15	30:6
finally 16:16	general 4:17	guess 18:7	hill 22:1	indicating 15:3	<hr/> K <hr/>
find 24:1	generally 5:20 27:8	guy 27:19	25:21	inherited 18:7	keep 29:7,7 29:20
fine 28:10	gets 22:14	<hr/> H <hr/>	him 17:23	inspect 7:5	keeping 22:22
finished 29:21	getting 21:5 22:2 24:1	half 5:18 20:16	25:9 27:22	inspection 2:17 4:7	kept 28:17
fire 22:18	give 23:18	hand 8:4 17:9	home 11:10	6:11 8:10	kids 27:12
first 5:8 8:16 8:16 19:18 25:5	given 11:11 13:25 14:20	handing 8:7 17:11	11:25,25 12:5,7,14 12:21 14:24 14:24 16:17 28:16	17:13,14 18:15,19,21	kind 11:18 23:10
five 9:18	giving 25:9	Hang 28:13	hoped 29:12	inspector 5:15,25 6:5	kinds 9:20 10:25
flooring 12:1	go 3:1 4:3 7:25 8:15 19:22 20:17	hard 25:14	hose 11:4	interior 12:16,16	Klink 1:6 2:3 2:4,12 3:4 3:21,23 4:8 5:1,3 7:1,15 7:17 8:7 17:6,12 18:6 19:6,9 19:15,17,21 19:24 20:7 20:15,21 21:12 24:23 24:25 25:2 25:4,8 26:5 26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
folding 11:24	22:4,9,24 25:10,21 30:8	hardly 27:12	hour 1:15	investigate 5:20	7:17 8:7
follows 5:10 19:20 25:7	going 8:4 17:9 20:5 22:23 28:4 28:8 29:1 29:20	haul 28:18	house 22:7	investigation 6:11	17:6,12
food 13:18	gone 30:2	hauling 25:18 28:22	houseboat 24:15,15	issue 3:9 4:12	18:6 19:6,9 19:15,17,21 19:24 20:7 20:15,21 21:12 24:23 24:25 25:2 25:4,8 26:5 26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
foreground 12:8	gold 30:2	having 17:23 21:4	household 14:25	issued 18:18	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
form 19:23	gone 20:24 20:24,25 21:1,1,23 21:24 23:22 25:12,24 26:12,19 28:17,19	health 6:18 21:8,11	husband 18:8	issues 21:11	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
four 20:1	grass 14:5 27:21	hearing 1:11 2:2 3:1,3,12 3:20,24 4:3 4:22 5:1,4 17:4,8 18:1 19:5,10,14 19:21 20:5 20:17,20 21:7 23:1 23:17 24:21 24:24 26:3 26:7,13,25 27:4,7,24 28:6,13,20 28:25 29:6 29:19,25 30:4,5,8,12 30:24 31:2 31:6 32:8	<hr/> I <hr/>	items 8:21 10:4 15:18 16:19,19 18:19 24:9 26:14 27:18 28:1,1	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
frame 9:16 11:25	great 12:24 18:7 22:8 25:16	held 1:10 20:19 30:11	idea 10:22 18:4	<hr/> J <hr/>	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
Frances 1:6 2:3,12 3:4 4:8 6:25 7:15 19:17	grey 11:19	help 21:12 22:10 27:13 29:8	identified 7:7 8:5,17 17:10 18:11	Jackson 1:3 1:13 3:3,12 3:19 5:15 6:18,19	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
from 15:6 18:6,7,8,12 19:25 21:8 23:22 24:3 24:5 27:16	ground 8:20 10:10 11:5 13:5,7,10 15:12,22,23 26:20	held 1:10 20:19 30:11	identify 8:6,8 9:3 17:10	January 30:17	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
front 21:22	group 6:23	held 1:10 20:19 30:11	IL 32:23	job 5:20	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
fuel 8:20 11:18 13:6	growing 10:1 10:15 11:12 12:15 13:4 14:1,1,5,11 14:14 15:13 16:13	held 1:10 20:19 30:11	Illinois 1:1 1:13,14 4:5 4:11,19 5:25 6:4,7 7:12 19:1 32:7	judge 8:7 17:2,12,23 19:4,13	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
furniture 8:21 9:21 11:1,23 12:17	her 3:12 7:19 16:21 18:7 21:8 22:11 25:14 27:22	held 1:10 20:19 30:11	include 6:13	just 4:1 8:16 9:4,20 10:25 11:16 16:6,17,18 17:6 19:7,8 20:3 23:3 25:14 27:10 27:18,25 28:11 30:1	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
further 19:11		held 1:10 20:19 30:11	including 12:16	lake 24:16	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
fussing 21:15		held 1:10 20:19 30:11	income 25:14	lane 4:11 7:10,25	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
future 8:3 9:7 15:24 16:4,15		held 1:10 20:19 30:11	INDEX 2:7	large 13:3	26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
<hr/> G <hr/>		held 1:10 20:19 30:11			26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
garbage 14:25		held 1:10 20:19 30:11			26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24
Gas 26:12		held 1:10 20:19 30:11			26:9,15 27:2,10,24 28:3,10,14 28:16,21,23 29:5,14,15 29:21,23 30:24

larger 13:21 15:16	29:3,5 30:21	16:8,14,19 18:5	more 10:4 14:10 21:23	north 14:24	19:10,14,21	
Larry 2:4 17:6 20:15 25:1,4,8 26:5,9,15 27:2,10 28:3,10,16 28:23 29:15 29:23	listen 22:12 litter 4:23 20:2 little 7:23,24 15:2 live 21:16 23:19 lived 22:8 lives 7:19 long 5:16 23:23 look 20:14,15 28:9 loose 16:12 lot 19:24 20:22,24,24 21:1,21 23:20 28:19 lower 15:8 lumber 8:25 13:14,19,22 16:2,12 lying 8:19 10:10 12:2 12:6 13:5,7 13:10 15:22 15:23 16:7	materials 8:19 9:15 11:14 12:2 15:11 matter 25:1 matters 3:25 mattress 13:14 may 4:7 5:5 7:5,20 8:4 16:24,25 17:1,6 19:15 29:10 30:19 maybe 25:2 ma'am 23:17 26:6,15 30:7 mean 21:12 25:22 26:2 melted 15:3 members 3:6 31:3 metal 9:4,16 9:24 10:7 11:1,5,6,17 11:18,24 12:23 13:15 13:18,23 15:2 16:9 28:24 mind 22:23 minute 17:7 20:18 30:9 Miss 4:8 19:5 19:14,21 Missouri 32:7 MO 32:24 mobile 11:10 11:25,25 12:5,7,14 12:20 14:24 14:24 16:17 28:16 mom 25:9 27:12	morning 3:2 most 28:1 mother 23:18 Mother's 23:11 motorized 8:25 move 20:6 moved 10:18 11:20 14:15 15:18 21:5 25:12 26:17 mowed 14:6 25:25 26:18 26:20 28:19 much 21:5 29:21 Murphysb... 1:14 3:12 4:11 7:12 20:2 Musielak 1:12 32:5 32:23 must 30:15	noted 18:15 18:19 21:10 nothing 5:9 19:19 22:10 22:21 25:6 27:12 30:2 notice 10:15 noticed 3:13 November 1:15 3:4 30:13,14 32:14 nowhere 22:2 number 8:18 9:18 10:6 10:11,24	note 3:6 31:3 noted 18:15 18:19 21:10 nothing 5:9 19:19 22:10 22:21 25:6 27:12 30:2 notice 10:15 noticed 3:13 November 1:15 3:4 30:13,14 32:14 nowhere 22:2 number 8:18 9:18 10:6 10:11,24	20:5,17,20 21:7 23:1 23:17 24:21 24:24 26:3 26:7,13,25 27:4,7,24 28:6,13,20 28:25 29:6 29:19,25 30:4,8,12 30:24 31:2 Off-the-rec... 20:19 30:11 Okay 3:1,20 3:24 5:4 8:4 8:11,15 9:17 10:2 10:11,24 11:3 12:3 13:1 14:12 14:22 15:20 15:25 16:5 19:3,5,10 19:21 21:10 23:1 24:4 24:21 26:25 28:6,13,20 29:21,25 30:5 31:2 old 22:8 28:16 once 10:9 11:19 one 10:17 11:16 12:24 13:18 15:15 16:6 17:20 20:3 21:14 21:25 22:7 22:10,15 23:6 24:2,5 24:6 25:18 25:20 26:14 26:15 28:25 30:1 only 21:23,25 open 4:14,15 4:23 5:21
last 8:17 15:18 21:3	lawn 9:5 lawnmower 8:25 25:25 26:16,18 laws 18:25 laying 11:7 11:24 leaking 22:2 least 28:4 leaving 26:1 left 21:24 22:1,24 let 22:23 26:5 29:19 letter 21:3,8 Let's 8:15 9:5 10:7 20:17 30:8 license 6:2 25:19 like 5:2,6 6:12 8:21 9:6,13,21 10:5,9 11:6 11:7,23 12:18 13:15 15:1,10,11 15:12,16 16:2,3,7 17:2 21:4 23:17 25:1 25:2,16 27:10 28:7 28:9 29:1,2	may 4:7 5:5 7:5,20 8:4 16:24,25 17:1,6 19:15 29:10 30:19 maybe 25:2 ma'am 23:17 26:6,15 30:7 mean 21:12 25:22 26:2 melted 15:3 members 3:6 31:3 metal 9:4,16 9:24 10:7 11:1,5,6,17 11:18,24 12:23 13:15 13:18,23 15:2 16:9 28:24 mind 22:23 minute 17:7 20:18 30:9 Miss 4:8 19:5 19:14,21 Missouri 32:7 MO 32:24 mobile 11:10 11:25,25 12:5,7,14 12:20 14:24 14:24 16:17 28:16 mom 25:9 27:12	Murphysb... 1:14 3:12 4:11 7:12 20:2 Musielak 1:12 32:5 32:23 must 30:15	noticed 3:13 November 1:15 3:4 30:13,14 32:14 nowhere 22:2 number 8:18 9:18 10:6 10:11,24	Off-the-rec... 20:19 30:11 Okay 3:1,20 3:24 5:4 8:4 8:11,15 9:17 10:2 10:11,24 11:3 12:3 13:1 14:12 14:22 15:20 15:25 16:5 19:3,5,10 19:21 21:10 23:1 24:4 24:21 26:25 28:6,13,20 29:21,25 30:5 31:2 old 22:8 28:16 once 10:9 11:19 one 10:17 11:16 12:24 13:18 15:15 16:6 17:20 20:3 21:14 21:25 22:7 22:10,15 23:6 24:2,5 24:6 25:18 25:20 26:14 26:15 28:25 30:1 only 21:23,25 open 4:14,15 4:23 5:21	
	M M 1:12 32:5 32:23 made 29:9 main 23:16 27:23 make 3:17 5:2 8:16 23:20 29:3 30:3,21,25 management 6:5 many 24:16 24:16 27:1 map 17:19,22 material 8:1 8:2 10:4 11:13 12:8 15:22 16:2	mean 21:12 25:22 26:2 melted 15:3 members 3:6 31:3 metal 9:4,16 9:24 10:7 11:1,5,6,17 11:18,24 12:23 13:15 13:18,23 15:2 16:9 28:24 mind 22:23 minute 17:7 20:18 30:9 Miss 4:8 19:5 19:14,21 Missouri 32:7 MO 32:24 mobile 11:10 11:25,25 12:5,7,14 12:20 14:24 14:24 16:17 28:16 mom 25:9 27:12	Murphysb... 1:14 3:12 4:11 7:12 20:2 Musielak 1:12 32:5 32:23 must 30:15	noticed 3:13 November 1:15 3:4 30:13,14 32:14 nowhere 22:2 number 8:18 9:18 10:6 10:11,24	Off-the-rec... 20:19 30:11 Okay 3:1,20 3:24 5:4 8:4 8:11,15 9:17 10:2 10:11,24 11:3 12:3 13:1 14:12 14:22 15:20 15:25 16:5 19:3,5,10 19:21 21:10 23:1 24:4 24:21 26:25 28:6,13,20 29:21,25 30:5 31:2 old 22:8 28:16 once 10:9 11:19 one 10:17 11:16 12:24 13:18 15:15 16:6 17:20 20:3 21:14 21:25 22:7 22:10,15 23:6 24:2,5 24:6 25:18 25:20 26:14 26:15 28:25 30:1 only 21:23,25 open 4:14,15 4:23 5:21	
			N N 2:1 name 3:2 5:13,14 32:14 narrative 2:17 17:13 19:22 near 14:6 16:6,17 nearby 14:2 need 22:3 29:7,24 needs 20:14 nephew's 25:20 next 13:5,17 23:19 nine 10:12 nonhazard... 6:5	object 27:5 objects 8:20 11:5 observed 4:14 8:1,12 13:12,13 occupation 5:13,17,24 occupation... 6:2 occupies 7:16 occurred 13:13 15:4 October 1:1 off 20:17 22:18,19,20 25:18 27:17 27:20 28:11 28:18,22 30:9 offenses 6:16 offer 27:8 28:7 29:3 officer 1:11 2:2 3:1,20 3:24 4:3,22 5:1,4 17:4,8 18:1 19:5	Off-the-rec... 20:19 30:11 Okay 3:1,20 3:24 5:4 8:4 8:11,15 9:17 10:2 10:11,24 11:3 12:3 13:1 14:12 14:22 15:20 15:25 16:5 19:3,5,10 19:21 21:10 23:1 24:4 24:21 26:25 28:6,13,20 29:21,25 30:5 31:2 old 22:8 28:16 once 10:9 11:19 one 10:17 11:16 12:24 13:18 15:15 16:6 17:20 20:3 21:14 21:25 22:7 22:10,15 23:6 24:2,5 24:6 25:18 25:20 26:14 26:15 28:25 30:1 only 21:23,25 open 4:14,15 4:23 5:21	

8:1 9:23,23 11:4 18:25 22:5,6,6,14 22:15 24:17 opening 4:1 4:25 5:2 operable 10:21 opinion 18:14,24 ornaments 9:5 other 7:18 9:15 11:14 12:2 14:5 21:19 22:14 out 21:24 22:10,19,24 25:19,25 26:18,19 outside 8:19 9:1,6,25 11:7 13:10 16:4 21:17 over 7:25 16:14 20:4 20:6,16 24:12 25:11 overgrown 8:22 16:9 16:20 own 19:6 owned 4:8 owner 4:10 owns 7:14	15:9,20 16:5,16 26:22 parcel 4:7,8 4:12 18:5 parcels 27:17 part 6:19 12:5,20 17:21 20:7 22:14 particle 9:11 particular 7:22 9:15 10:22 15:6 parties 3:16 passed 18:9 path 14:6 paying 25:15 permissible 21:16 permit 18:18 photo 8:9,16 8:18,18,23 9:10,10 26:14 photograph 9:2,18,22 10:2,6,12 10:24 11:3 11:9,15,22 12:4,13,19 12:22,23 13:2,8,9,11 13:12,16,20 13:24 14:3 14:9,12,18 14:22 15:5 15:9,14,20 15:25 16:5 16:11,16 28:1 photographs 17:3,20 photos 2:17 8:9,11,15 9:8 16:21 27:1,2 28:7 picture 9:3 21:25 22:7	24:2,7,9 26:1,2,3 pictures 19:25 20:11 20:16,21,23 20:25 23:15 24:6 25:8 25:10,11 26:5,8 28:4 30:2 pile 11:12,16 11:18 13:12 13:13,17,18 13:22,23 14:23 16:6 16:12,17 pipe 9:24 place 24:12 32:8 plants 12:15 plastic 9:4,5 9:23 10:4,4 10:8,8 11:1 11:1 15:2 16:8,19 please 3:16 8:6,8 12:13 15:20 17:10 19:16 plywood 10:9 plywood-like 15:22 pointed 24:6 pointing 26:4 POLLUTI... 1:1 pontoon-ty... 13:3 portion 18:13 27:18 possible 16:1 posted 30:13 preliminary 3:25 present 3:7,8 6:21 19:6 19:15,22 29:2 31:3 32:8	probably 30:25 problems 21:9 procedural 3:15 30:16 proceedings 1:10 31:4 32:9,11 proof 27:8 28:8 29:4 prosecution 6:14 protected 8:3 9:7 11:8 15:24 16:4 16:15 Protection 3:11 4:6,20 6:7 public 3:7 18:12 30:14 30:15 31:3 pulled 25:21 25:25 26:19 pursuant 3:13,14 4:6 pushing 27:14 putting 21:18 21:19 P.M 31:6	received 5:23 recently 14:6 recollect 7:21 record 3:6,17 3:25 17:3,5 17:11,25 18:2 20:18 20:20 28:8 29:2,17 30:9 32:11 red 21:24 23:22,24 reflect 17:11 regarding 5:21 Registered 32:5 related 5:23 relative 18:9 relatives 18:9 relevant 27:6 27:9 rememberi... 22:22 removed 26:14 rendered 9:14 rented 25:15 report 1:10 18:15 reporter 19:15 25:3 32:6,6 representing 3:21 residence 8:1 residents 7:18 resides 4:10 respectively 4:23 respondent 1:7 2:11 3:10 4:9 6:25 30:20 Responden... 30:18 responsible	23:8 rest 17:14 19:12 retestify 17:24 rid 25:13,17 25:22 26:11 26:23 right 11:13 11:15 12:19 19:7,10,14 20:8 24:2,2 24:22 25:3 26:9 29:22 30:8 road 18:12 27:17,17,18 27:19,21,23 rolls 16:8 roofing 12:8 16:2 rotting 12:1 rules 3:13,15 30:16 runs 25:19 rusting 13:14
<hr/> P <hr/>			<hr/> Q <hr/>	<hr/> S <hr/>	
p 2:1,1 3:11 3:11 packet 17:15 padding 12:17 page 8:17 9:2 9:17 10:2 10:11 11:3 11:15 12:3 12:19 13:1 13:11,20 14:3,12,22			question 30:1 questions 19:8 23:2,3 24:20 28:14	sale 21:19 same 8:17 saw 7:21 saying 26:13 says 5:9 19:19 25:6 schedule 30:10 seat 25:3 second 13:17 section 30:16 sections 3:10 3:14 see 9:5,11,18 9:25 10:3,7 10:7,12 11:4,16,23 11:24 12:7 12:14,15 13:3,22,23	
			<hr/> R <hr/>		
			R 2:1 32:1 railing 10:7 railroad 16:12,18 RDR 1:12 read 21:4 really 9:14 10:22 21:24 23:12 25:9 27:13 29:20		

14:4,14	sitting 8:25	11:17 13:14	swear 19:16	16:3 21:21	21:15 25:24
15:1,6,16	9:6 11:2,10	stand 16:7	25:3	22:22 23:6	26:11
15:21 16:1	14:1,10,19	start 19:24	swing 21:14	25:12	trouble 21:4
16:13,14	15:1,7,12	29:24	21:14	think 7:18,19	22:22
20:13 26:10	15:17 16:3	started 20:8	sworn 5:8	24:6 26:17	truck 8:24
27:16,17,23	16:13 21:21	20:10 27:14	19:18 25:5	27:13 28:3	11:19 13:25
28:11	26:16,20	state 1:12		three 4:21	14:7 15:11
seen 15:15	27:20	11:25 18:25	T	7:18 9:2	15:16 21:24
18:12	situations	statement 4:2	T 32:1,1	20:1	23:22,24
sell 21:20	5:21 6:12	5:2	take 27:7,9	three-quar...	truckloads
sense 30:3	six 7:25 9:22	States 32:7	28:7,9 29:1	25:11	28:23
set 26:21	size 7:25	State's 2:2	taken 1:12	through 3:14	true 32:10
seven 10:2,18	slacking	3:19	16:21	8:15 10:1	truth 5:8,9,9
11:20 15:18	28:11	still 4:15 19:2	taking 7:20	20:2 22:4	19:18,19,19
several 10:8	sliding 11:6	25:12 26:20	21:17	23:20 25:10	25:5,6,6
12:23	small 16:17	stop 29:24	talking 23:7	25:21	try 27:12
shed 11:11	18:13 27:18	storage 13:6	26:6 27:16	threw 20:2	trying 20:10
25:23,23	smaller 13:17	store 18:19	28:17 29:15	20:4	22:18 25:13
26:9,12	smashed	storm 20:1,8	29:24	tickets 29:18	25:22 27:11
sheets 8:9	26:12	23:7,7,10	tanks 13:6	ties 16:13,18	28:12 29:14
shell 26:17	solid 6:5	23:12,25	tarp 9:13	time 3:16	29:16
26:20	some 8:24	24:3,5,10	television	22:16 28:25	two 7:17
Shelly 2:4	9:5,11 10:7	24:11,14,17	16:7	31:2	11:10 13:5
Shorthand	10:9 11:18	straight	tell 5:8,19	tin 16:2	14:10 22:8
32:6	11:23,24	22:23	19:18 22:25	tire 11:13,17	25:15,17
shoulders	12:5,7,16	Street 1:14	25:5,9	tires 13:5,9	27:19
22:13	12:16,17	structure	ten 10:24	14:2 15:23	
show 4:10,13	14:16 15:21	9:16	tenants 7:19	24:14	U
4:16,17	15:21,22	structures	Terry 2:3,9	today 4:9 7:3	uncontroll...
23:15 24:2	16:8,8	9:24	5:6,7,13,14	17:17 18:12	18:15
25:10 26:6	18:10,10	stuff 19:25	19:8,11	29:12	uncovered
showing 26:2	22:16 23:8	20:3,25	testified	told 22:11,16	13:10
26:8 27:3	23:18 26:22	21:17,22	17:24	top 8:24,24	under 4:5
shows 12:23	27:18	22:3 24:11	testify 25:1	12:2,6,20	26:20
13:9 26:16	somebody	26:22 28:11	testifying	15:11	understan...
side 25:24	20:14 21:4	28:19 29:16	27:25 29:22	tornado	24:25
26:11	25:15 28:10	submitted	Thank 18:3	23:12	unfortunate
since 18:21	somewhat	17:14	19:11 24:21	totally 26:1	29:11
28:2 29:10	15:3	subscribed	24:23,24	26:10,23	unprotected
site 3:12 4:15	son 22:24	32:13	28:15 30:23	28:17	9:1,25
7:5,7,7,14	24:25	suitcase 11:4	31:5	trailer 20:3,3	10:10
7:16,21,24	sorry 17:1	summarize	their 3:17	21:19 22:7	until 27:14
8:2 16:21	21:10	27:25	thing 21:24	23:16 24:11	upset 29:23
17:20 18:18	speak 17:6	summer	21:25	training 5:23	upside-down
18:22,24	special 5:23	21:17	things 9:6,13	6:1	16:8
20:12 29:10	spent 21:17	support	9:21,24	transcript	use 8:2,3 9:7
29:11,12	spot 16:1	17:16	10:5,9 11:6	30:12	9:7 15:23
sites 6:5	spots 28:5	sure 8:17	12:18 13:15	trees 14:5	15:24 16:4
site's 8:12	springs 11:13	23:20	15:1,12	20:8,9,9	16:15

used 10:18 10:23 15:24 useless 9:14	15:22 18:19 way 20:6 weather 21:16 weathered 9:14 Webb 1:11 2:2 3:1,2,20 3:24 4:3 5:1 5:4 17:4,8 18:1 19:5 19:10,14,21 20:5,17,20 21:7 23:1 23:17 24:21 24:24 26:3 26:7,13,25 27:4,7,24 28:6,13,20 28:25 29:6 29:19,25 30:4,8,12 30:24 31:2	we've 20:15 21:2 25:9 25:12 26:10 28:11,23 29:18 WHEREOF 32:13 while 26:6 white 15:16 whole 5:9 19:19 20:9 25:6 28:19 wind 7:23 28:17 wiring 9:12 12:25 wish 3:25 witness 5:5 19:4 31:1 32:13 WITNESS... 2:8,11 woman 22:8 wooded 14:11 15:8 15:13 wooden 9:21 11:5 16:19 work 21:20 21:21 27:12 worked 29:10 working 21:3 works 27:11 30:7 wouldn't 22:12 wrapped 9:12 wrote 17:14	29:15 <hr/> # #084-001684 32:23 #681 32:24 <hr/> 0 01 8:17,18 02 8:23 0778145040 7:8 <hr/> 1 1 2:17 8:5,6 17:4 10 13:1 10th 16:24 10-30 1:4 3:3 10:30 1:15 3:5 1001 1:13 101.600 3:14 101.628 30:16 101.632 3:15 11 11:3 13:11 17:1 11th 4:7 7:5 7:20 16:25 11:04 31:6 12 11:9 13:20 13 11:15 14:3 14 11:22 14:12 15 12:4 14:22 16 12:13 15:9 17 2:17 12:19 15:20 24:9 18 12:22,23 16:5 24:7,9 19 2:12 13:2 13:3 16:16 <hr/> 2 2 2:17 9:2 17:10 18:1 20 13:8,9 2010 4:7 7:5 7:20 17:1	29:10 2011 1:1,15 3:4 32:14 2012 30:17 21 13:11,12 21st 30:13,17 21(p)(1) 3:10 4:22 21(p)(3) 4:22 21(p)(7) 4:22 22 13:16 22nd 30:14 23 2:13 13:20 24 13:24 25 14:3 26 14:9 27 14:12 28 14:18 29 14:22 29th 30:18 <hr/> 3 3 3:11 9:17 30 15:5 28:4 30-foot 25:17 31 15:9 32 15:14 33 15:20 34 15:25 35 16:5 36 16:11 37 16:16 28:3 <hr/> 4 4 9:10 10:2 40 27:20 29:15 <hr/> 5 5 1:1 2:10 10:11 50 27:20 <hr/> 6 6 11:3 <hr/> 7 7 3:11 11:15 78 7:23	<hr/> 8 8 2:17 12:3 8th 1:14 3:4 81 4:11 7:10 <hr/> 9 9 12:19 9th 32:14
<hr/> V v 1:5 3:3 various 4:14 8:21 9:4 vegetation 8:22 9:25 10:15 11:12 13:4 14:1,5 14:8,11,14 14:16,20 15:13 16:10 16:13,20 vehicle 10:13 10:14,17,20 10:23 11:2 14:4,13,15 14:19 15:7 25:20 vehicles 11:10 14:10 15:18 24:13 very 4:1 8:16 vicious 22:9 view 11:16 13:21 violated 3:10 violations 4:21 18:14	well 4:15,16 5:4 8:8 11:12 12:7 17:11,12,25 19:24 27:10 28:6 30:4 were 14:10 16:9,13,18 16:19,21 18:14 24:10 24:14 32:9 We'll 3:1 we're 8:17 25:12,22 26:6 27:11 27:17 28:11 28:12 29:16 31:4	<hr/> Y yard 20:4,9,9 21:19 27:20 Yeah 7:22 23:9 29:19 29:23 years 5:18 20:1 24:16	<hr/> 1 1 2:17 8:5,6 17:4 10 13:1 10th 16:24 10-30 1:4 3:3 10:30 1:15 3:5 1001 1:13 101.600 3:14 101.628 30:16 101.632 3:15 11 11:3 13:11 17:1 11th 4:7 7:5 7:20 16:25 11:04 31:6 12 11:9 13:20 13 11:15 14:3 14 11:22 14:12 15 12:4 14:22 16 12:13 15:9 17 2:17 12:19 15:20 24:9 18 12:22,23 16:5 24:7,9 19 2:12 13:2 13:3 16:16 <hr/> 2 2 2:17 9:2 17:10 18:1 20 13:8,9 2010 4:7 7:5 7:20 17:1	<hr/> 3 3 3:11 9:17 30 15:5 28:4 30-foot 25:17 31 15:9 32 15:14 33 15:20 34 15:25 35 16:5 36 16:11 37 16:16 28:3 <hr/> 4 4 9:10 10:2 40 27:20 29:15 <hr/> 5 5 1:1 2:10 10:11 50 27:20 <hr/> 6 6 11:3 <hr/> 7 7 3:11 11:15 78 7:23	<hr/> 8 8 2:17 12:3 8th 1:14 3:4 81 4:11 7:10 <hr/> 9 9 12:19 9th 32:14
<hr/> W Wait 20:5,17 wall 12:20 walls 12:6 Walnut 1:14 want 23:20 28:21,22 29:7 30:25 wants 20:12 washing 21:18 wasn't 22:11 22:16 waste 4:14 6:5 11:13 13:5,9,12 13:13 14:2					