

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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4 PEOPLE OF THE STATE OF ILLINOIS,

5 Petitioner,

6 vs. No. PCB 97-111

7 JOHN PRIOR and

8 INDUSTRIAL SALVAGE, INC.,

9 Respondents.

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13 Proceedings held on May 22nd, 1997, at
14 10:08 a.m., at the Illinois Pollution Control
15 Board, 600 South Second Street, Suite 402,
16 Springfield, Illinois, before the Honorable Michael
17 L. Wallace, Hearing Officer.

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21 Reported by: Darlene M. Niemeyer, CSR, RPR
22 CSR License No.: 084-003677

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A P P E A R A N C E S

No appearance on behalf of the People of
the State of Illinois.

No appearance on behalf of the Illinois
Environmental Protection Agency.

No appearance on behalf of Respondent.

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P R O C E E D I N G S

(May 22, 1997; 10:08 a.m.)

HEARING OFFICER WALLACE: Pursuant to the direction of the Illinois Pollution Control Board, I now call Docket 97-111. This is the People of the State of Illinois versus John Prior and Industrial Salvage, Inc.

Let the record reflect that there are no appearances at today's hearing, and there are no members of the public present at today's hearing. Also let the record reflect that by the Hearing Officer's watch it is about seven or eight after the hour of 10:00.

Notice was sent to all parties, including the Attorney General's office, on behalf of the People; Greg Richardson, on behalf of the Illinois Environmental Protection Agency; and William Becker, on behalf of the Respondents.

The Hearing Officer, on May the 21st, 1997, at approximately 9:21, was engaged in a telephone conference call with Mr. William Becker and Mr. Thomas Davis concerning this matter.

Mr. Becker indicated to Mr. Davis and the Hearing Officer that the respondents, John Prior

1 and Industrial Salvage, Inc., had nothing further
2 to add and were not going to present any evidence
3 in rebuttal to the State's case in this Docket
4 97-111.

5 Mr. Becker stated that Mr. Prior's
6 position was that he was not responsible as the
7 operator, and that he would wish to rely upon
8 evidence that had been presented in prior cases,
9 that there was nothing new in this case that needed
10 to be presented.

11 Mr. Becker was informed that the hearing
12 today, on May 22nd, was for the explicit purpose of
13 taking testimony from the respondents and that if
14 for any reason the respondents changed their minds
15 down the road, that it would be unlikely that the
16 matter would be reopened for any additional
17 contesting of this particular docket.

18 Mr. Becker was also informed that the
19 Hearing Officer could not speak for the Board on
20 whether or not the Board would take into
21 consideration evidence presented in prior
22 proceedings before the Board.

23 Mr. Davis, on behalf of the People of the
24 State Illinois, requested the opportunity to

1 present a brief. Mr. Becker indicated that he did
2 want the opportunity to file a response. However,
3 his response would be very brief and very limited.

4 Therefore, let the record reflect that
5 the People have rested, and the Hearing Officer was
6 informed in his telephone conversation that the
7 respondents would not present any testimony in this
8 matter.

9 The briefing schedule is established as
10 follows: The complainant's brief will be due June
11 19th. The respondent's response brief will be due
12 July 3rd. If the People wish to file a reply,
13 leave is so granted, and that will be due July
14 10th.

15 The Hearing Officer would also note for
16 the record that at our prior hearing, on March the
17 18th, 1997, the People presented one witness, Ms.
18 Connie Letsky, and the Hearing Officer finds that
19 Ms. Letsky was a credible witness in this matter,
20 and this finding is pursuant to the Rules of the
21 Pollution Control Board.

22 I believe that pretty well wraps up this
23 morning's hearing. There being nothing further,
24 this matter is closed. Thank you.

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 5
7 pages comprise a true, complete and correct
8 transcript of the proceedings held on the 22nd of
9 May A.D., 1997, at the Illinois Pollution Control
10 Board Conference Room, 600 South Second Street,
11 Springfield, Illinois, in the case of The People of
12 the State of Illinois v. John Prior and Industrial
13 Salvage, in proceedings held before the Honorable
14 Michael Wallace, Hearing Officer, and recorded in
15 machine shorthand by me.

16 IN WITNESS WHEREOF I have hereunto set my
17 hand and affixed my Notarial Seal this 24th day of
18 May A.D., 1997.

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

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

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