

ILLINOIS ENVIRONMENTAL PROTECTION

AGENCY HEARING

IN RE THE MATTER OF:)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY;)
)
 vs.) No. AC 12-53
)
 THOMAS E. PORTER, BEVERLY)
 J. BIBLE, and TODD &)
 TABITHA BOOTEN, d/b/a)
 C & T RECYCLING.)

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 MAY 29 2013
STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION
 AGENCY HEARING

MARION, ILLINOIS

MAY 21, 2013

REPORTER: MICHELLE ZIMMERMAN, R.P.R, C.S.R

No. 084-004339

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BE IT REMEMBERED, a hearing for the Illinois Environmental Protection Agency was held on May 21, 2013 between the hours of 10:30 a.m. o'clock in the forenoon and 11:20 a.m. of that day at the Marion City Hall, 1102 Tower Square Plaza, Marion, Illinois.

A transcript of the proceedings were taken down in shorthand by Michelle Zimmerman, a Certified Shorthand Reporter and Notary Public within and for the state of Illinois, and afterwards transcribed in written form.

A P P E A R A N C E S

Ms. Carol Webb
Hearing Officer;

Ms. Michelle Ryan
Special Assistant Attorney General
Illinois Environmental
Protection Agency

Ms. Maggie Stevenson
Illinois Environmental
Protection Agency Specialist, III

Also Present:

Ms. Beverly J. Bible

Mr. Tom Edmondson

Mr. Todd Booten

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I N D E X

EXAMINATION

PG.

Conducted by Ms. Carol Webb:

5

E X H I B I T S

IDENTIFICATION

PG.

Exhibits:

No. 1 10

I N F O R M A T I O N - R E Q U E S T E D

To Be Supplied PAGE LINE

(None.)

1 MS. WEBB: Good morning, my name is
2 Carol Webb. This is the hearing for AC 12-53
3 IEPA versus Thomas Porter, Beverly Bible, and
4 Todd and Tabitha Booten doing business as C & T
5 Recycling. It is May 21st and were are
6 beginning at 10:30 a.m. I'll note for the
7 record that there are no members of the public
8 present although members of the public are
9 allowed to provide public comment if they so
10 choose. At issue in this case is a facility
11 owned by Porter and Bible and operated by the
12 Bootens. The location is 3302 Water Tower Road
13 in Marion. The Agency alleges that Respondents
14 violated Sections 21P-1 and P-3 of the Act
15 pertaining to open dumping and open burning.
16 The Pollution Control Board members will make
17 the final decision in this case. My purpose is
18 to conduct the hearing in a neutral and orderly
19 manner so that we have a clear record of the
20 proceedings. This hearing was noticed pursuant
21 to the Act and the Board's rules and will be
22 conducted pursuant to Sections 101.600 through
23 101.632 of the Board's procedural rules. At
24 this time I will ask the parties to please make

1 their appearances on the record.

2 MS. RYAN: Michelle Ryan, Special
3 Assistant Attorney General for the Illinois EPA.
4 I have the Board's copy with the original on top
5 and a copy for you if you'd like.

6 MS. WEBB: Okay. Thank you. And,
7 Ms. Bible, you are here representing yourself;
8 is that correct?

9 MS. BIBLE: That's correct.

10 MS. WEBB: Okay. And I understand
11 your husband is Thomas Porter and he is not able
12 to come today; is that correct?

13 MS. BIBLE: That is correct.

14 MS. WEBB: Okay. Mr. Booten, you are
15 here representing yourself as well?

16 MR. BOOTEN: Yes.

17 MS. WEBB: And your wife is Tabitha
18 Booten and she is not able to attend today?

19 MR. BOOTEN: Correct.

20 MS. WEBB: Okay. Are there any
21 preliminary matters you would like to discuss on
22 the record?

23 MS. RYAN: No, thank you.

24 MS. WEBB: Okay. Would you like to

1 make an opening statement?

2 MS. RYAN: Yes. We believe that the
3 evidence will show that on March 22nd, 2012 open
4 dumping resulting in litter and open burning in
5 violation of Sections 21P-1 and 21P-3 of the
6 Environmental Protection Act occurred at the
7 property located at 3302 Water Tower Road in
8 Marion, Williamson County Illinois and that
9 there are no defenses to these violations.

10 MS. WEBB: Okay. Ms. Bible, would you
11 like the make any opening statement? You don't
12 have to, this is not your -- this does not count
13 as your statement in your defense.

14 MS. BIBLE: No.

15 MS. WEBB: Mr. Booten?

16 MR. BOOTEN: No, ma'am.

17 MS. WEBB: Okay. All right.

18 Ms. Ryan, you may call your witness.

19 MS. RYAN: Call Maggie Stevenson.

20 MS. WEBB: Okay. Wold the court
21 reporter please swear in the witness.

22 MAGGIE STEVENSON,
23 having been duly sworn to tell the truth, the
24 whole truth, and nothing but the truth,

1 testifies as follows:

2 EXAMINATION

3 CONDUCTED BY MS. MICHELLE RYAN:

4 MS. WEBB: Ms. Ryan?

5 MS. RYAN:

6 Q. Can you state your name and spell it for
7 the court reporter, please?

8 A. Yes. Maggie Stevenson.

9 S-T-E-V-E-N-S-O-N.

10 Q. What is your job?

11 A. I am an Environmental Protection
12 Specialist, III and I do field inspections for
13 Illinois EPA.

14 Q. How many years have you been an
15 environmental protection specialist with EPA?

16 A. Thirteen years. I had to think about it,
17 sorry.

18 Q. What are your duties as a field
19 inspector?

20 A. I inspect facilities via complaints for
21 open dumping. I do hazardous waste inspections,
22 tire inspections, those type of things.

23 Q. Approximately how many inspections have
24 you conducted in your 13 years as field

1 inspector?

2 A. Actually in the seven years I've been in
3 Marion I have conducted approximately 750
4 inspections.

5 Q. Okay. Where did you work prior to
6 Marion?

7 A. I worked in Illinois Springfield at the
8 headquarters office.

9 Q. What's your educational background?

10 A. I have a Bachelor's Degree in
11 Environmental Chemistry with a Minor in
12 Education.

13 Q. Do you have any other training besides
14 that degree?

15 A. I have hazardous waste safety training,
16 OSHA training, and various trainings pertaining
17 to environmental issues.

18 Q. Are you familiar with the facility known
19 as C & T Recycling located at 3302 Water Tower
20 Road in Marion?

21 A. Yes.

22 Q. Where is that property located, although
23 I just gave you the address?

24 A. It's located very near the corner of

1 Skyline Drive and Water Tower.

2 Q. Who owns that property?

3 A. Beverly Bible and Thomas Porter.

4 Q. And how many inspections have you
5 conducted at this property?

6 A. At this property I have conducted three
7 inspections on site and two inspections off
8 site.

9 Q. I'm going to hand you what I've marked as
10 Exhibit 1, can you tell me if you recognize that
11 document?

12 A. Yes.

13 Q. What is it?

14 A. It's an open dump inspection checklist
15 that I did for an inspection I performed on
16 March 22nd, 2012.

17 Q. Can you please page through that document
18 for me?

19 A. Okay.

20 Q. Is this a fair, accurate, and complete
21 copy of your report?

22 A. Yes, it is.

23 Q. Can you describe this property generally?

24 A. This property is located next to a

1 trucking kind of excavation company and it is
2 bordered by a fence on the west side and by
3 buildings and a partial fence on the north side.
4 It's a very long narrow type of property. It
5 has a pole barn on it that has one, two, three,
6 four, five overhead doors that I can recall.

7 Q. Who took the photographs that are
8 attached to Exhibit 1?

9 A. I did.

10 Q. Starting with Photograph No. 1, which I
11 think you have listed as Exposure No. 001,
12 please go through the photographs and tell me
13 what each one shows.

14 A. Sure. Photograph No. 1 shows a distant
15 type of picture from Skyline Drive taken to the
16 west of the facility itself. It shows cardboard
17 and miscellaneous waste piled up in front of the
18 open bay doors and to the north of the actual
19 building.

20 Q. And which direction is north in this
21 paragraph?

22 A. To the right is north.

23 Q. Okay.

24 A. Okay. Picture No. 002 shows wet

1 cardboard out in front of the bay doors, shows a
2 recycle bin in the distant back next to a
3 portable building on the right. There's a
4 semitruck/trailer on the -- towards the center
5 of the picture. 003 shows a picture of a wet
6 cardboard box. Picture 004 shows that same
7 recycle bin that was on the north side with a
8 fence area in the background. The semitruck is
9 in the far left background. There's an
10 electrical panel on the right and it shows all
11 the wet cardboard, shows newspaper, and some
12 miscellaneous trash, and some garbage bags that
13 are full of things like glass bottles and
14 plastic bottles and such. Picture 005, it shows
15 the area behind, directly behind the recycle bin
16 and it shows broken pallets, miscellaneous
17 waste, some metals. 006 shows wet paper and
18 cardboard, broken pallets, whole pallets, and
19 just some general miscellaneous waste, and
20 that's on the north side of the building.

21 Q. Is that the same photograph -- or the
22 same area as photograph -- in Photograph 5 or is
23 that a different area?

24 A. It's a different area, it's to the right

1 of it. It's to the west of that area in
2 Photograph 5. Photograph 7, this shows the
3 north side of the pole barn or the metal
4 building.

5 MS. BIBLE: South side.

6 MS. WEBB: Go ahead.

7 THE WITNESS: Oh, I'm sorry. It has a
8 semitrailer to the right and all of the
9 cardboard is wet here and it's also bundles.

10 MS. RYAN:

11 Q. Now, is this a different semitrialer than
12 in the previous photograph?

13 A. Yes, it is.

14 Q. That is a different one?

15 A. Uh-huh.

16 Q. Okay.

17 A. Photograph No. 8 was taken down into a
18 burn barrel that was on the property actually
19 north of the semitrailer.

20 Q. Could you identify any of the material in
21 the burn barrel?

22 A. The burn barrel had charred metals in it,
23 cardboard pieces, it had some burnt dimensional
24 lumber in it.

1 MS. BIBLE: We're not looking at the
2 same numbers.

3 MS. WEBB: We were just looking at
4 008, is that what you're --

5 MS. BIBLE: Oh, I see, okay.

6 MS. WEBB: Okay.

7 THE WITNESS: Photograph 009, there
8 are pallets of -- in this photograph there is
9 plastic, wet paper, wet cardboard, and there's
10 some miscellaneous waste. Some of the pallets
11 are broken and some are in whole pieces.

12 MS. RYAN:

13 Q. In which area was this photograph taken?

14 A. This was also taken north of the metal
15 barn, pole barn area. And the blue buildings in
16 the background are the buildings that border
17 that property.

18 Q. Those are not part of the site, the blue
19 buildings?

20 A. No, huh-uh. Actually there's a little
21 bit of a fence you can see kind of back there
22 and that tree is on this property so anything
23 this way.

24 Q. The one with the leaves?

1 A. Yes. Yes. Picture 010, this is taken
2 also on the north side of the metal pole barn
3 and this shows broken pallets, shows pallets
4 whole, it shows where the burn barrel is placed.
5 The semi is actually to the right of this
6 picture. I'm actually almost standing beside
7 the semi in this picture. There's carpet here
8 and broken pallets towards the foreground of the
9 picture. And there's just miscellaneous waste.
10 Picture 011, this shows the semi into which the
11 cardboard was bundled and stacked beside. It
12 shows that tree in the background and the blue
13 buildings that are on the adjacent property. It
14 shows pallets, whole pallets and broken pallets.
15 There's also some miscellaneous waste in there.
16 Picture 012 shows a broken piece of equipment in
17 a pickup truck with a snowplow on it, also
18 another semitrailer. Shows the south side of
19 that blue pole barn.

20 Q. When you referred to the broken piece of
21 equipment, is that the little item to the left
22 of center with a little blue box on it?

23 A. Yes, that is. Picture 013, this shows
24 between that particular semi that I just

1 discussed in 012 and the pole barn building. As
2 you can see there's scattered waste, wet paper,
3 wet cardboard. There's some pallets in the
4 foreground, just miscellaneous waste. And
5 Picture 014 shows one of the compactors that
6 they use inside the building and it's full of
7 various metals, some kind of a grate, an oil
8 container, and it's obviously not being
9 operated.

10 Q. And what is in the foreground of that
11 picture?

12 A. Bags of miscellaneous waste. If you blow
13 it up you can see plastics and stuff like that.
14 Within there there's a plastic tube or hose or
15 whatever and there's blue plastic hard crates.

16 Q. Do these photographs accurately depict
17 what you saw at the property on March 22nd,
18 2012?

19 A. Yes.

20 Q. When was this report generated?

21 A. This report was generated within ten days
22 of the date of the inspection.

23 Q. Does Illinois EPA keep these reports in
24 the regular course of its business?

1 A. Yes.

2 Q. Is it the regular course of Illinois
3 EPA's business to make such records at or
4 reasonably after the event reflected thereon?

5 A. Yes.

6 Q. What evidence do you have in your
7 photographs that relate to the violation we have
8 cited regarding open burning?

9 A. Open burning is -- open burning would be
10 in Picture 008, the burn barrel with the
11 dimensional lumber and the charred metal pieces
12 and cardboard. Also Picture 010 you can see
13 that some open burning had taken place, there's
14 a dark area in the background to the right of
15 the burn barrel and there was some dimensional
16 lumber there and such too.

17 Q. Now, I'd like you to describe where
18 you're pointing because the Board can't see you
19 from here.

20 A. Sorry.

21 Q. Is that dark area on the gravel area sort
22 of straight in front of where the carpet appears
23 to be leading if it were leading to something?

24 A. Yes.

1 Q. So maybe --

2 A. It's --

3 Q. -- six barrel widths to the right of the
4 actual barrel in the center back of the
5 photograph?

6 A. Yes.

7 MS. RYAN: I move Exhibit 1 into
8 evidence.

9 MS. WEBB: Exhibit 1 is admitted into
10 evidence.

11 MS. RYAN: I don't have anything
12 further at this time.

13 MS. WEBB: Okay. Ms. Bible, do you
14 have questions for the witness about anything
15 she said?

16 MS. BIBLE: No.

17 MS. WEBB: Mr. Booten?

18 MR. BOOTEN: No, ma'am.

19 MS. WEBB: All right. Then we will go
20 ahead and swear both of you and you can both
21 make statements on your own behalf. Let's start
22 with Ms. Bible. Would the court reporter please
23 swear in the witness.

24

1 BEVERLY J. BIBLE,
2 having been duly sworn to tell the truth, the
3 whole truth, and nothing but the truth,
4 testifies as follows:

5 MS. WEBB: And go ahead, you may say
6 just whatever you care to say on your own
7 behalf.

8 MS. BIBLE: My name is Beverly Bible.
9 My husband is Dr. Thomas Porter who is disabled.
10 I own the property, other than that I have
11 absolutely nothing to do with the shape that it
12 is in. I have no clue about the burning, about
13 the trash, about the waste, about nothing.
14 That's all I have to say.

15 MS. WEBB: Ms. Ryan, do you have any
16 questions for Ms. Bible?

17 MS. RYAN: Yes.

18 EXAMINATION

19 CONDUCTED BY MS. MICHELLE RYAN:

20 Q. Ms. Bible, how long have you owned this
21 property?

22 A. Since 1996.

23 Q. And you have been cited before with an
24 administrative citation for this property, have

1 you not?

2 (A discussion was held off the record.)

3 MS. RYAN:

4 Q. You have received another administrative
5 citation previously for this property prior to
6 this one, isn't that correct?

7 A. Referring to? Who was leasing it at the
8 time?

9 Q. Mr. Booten.

10 A. That is correct.

11 Q. And I'm sorry, what did she say about
12 when she owned it?

13 (Whereupon Said answer was read back by the
14 court reporter: "A: Since 1996.")

15 (A discussion was held off the record.)

16 MS. RYAN:

17 Q. And in your petition for review in this
18 case, Ms. Bible, you have indicated that
19 Mr. Booten has failed to pay rent, failed to
20 keep the premises free and clear of any debris,
21 failed to mow the premises --

22 (A discussion was held off the record.)

23 MS. RYAN:

24 Q. -- free and clear of any debris, failed

1 to mow the premises which would show more
2 debris, failed to conduct the recycling business
3 with proper permits or in compliance with the
4 law, and failed to repair damages on the
5 premises; is that correct?

6 A. That is correct.

7 Q. And what have you done about this
8 situation?

9 A. I had the lot cleaned once myself. I had
10 the lot mowed once myself.

11 Q. When was that?

12 A. Roughly guessing 2011 when they first
13 started leasing. I repaired garage door after
14 garage door after garage door until I could not
15 keep up with the damage so I quit repairing.

16 Q. When did they first start leasing the
17 property?

18 A. I'm not sure without looking it up.
19 Maybe 2006, maybe.

20 Q. Do you have a written lease for the
21 property?

22 A. I had one, they refused to sign it.

23 Q. So they're currently renting the property
24 without a written lease?

1 A. That is correct. May the 1st of 2006.

2 Q. Have you had problems with them since
3 2006 on this?

4 A. Yes, I have.

5 Q. In 2010 did you file a petition for
6 forcible entry and detainer against the Bootens?

7 A. Yes.

8 Q. And did that succeed in evicting them
9 from the property?

10 A. No, they started paying.

11 Q. Paying the rent?

12 A. Yes.

13 Q. Did they clean up the property?

14 A. Nope.

15 MS. RYAN: I don't have anything
16 further.

17 MS. WEBB: Okay. We will go ahead and
18 swear in Mr. Booten.

19 TODD BOOTEN,
20 having been duly sworn to tell the truth, the
21 whole truth, and nothing but the truth,
22 testifies as follows:

23 MS. WEBB: All right. Mr. Booten, you
24 may go ahead.

1 MR. BOOTEN: As Ms. Porter stated, we
2 have rented the property from her since 2006.
3 The things that are brought to the attention,
4 some were my fault, some have not been my fault.
5 Concerning the -- as I'm following down this
6 list of things -- can I ask a question off the
7 record?

8 MS. WEBB: Okay. Let's go off the
9 record for a minute.

10 (A discussion was held off the record.)

11 MS. WEBB: We can go back on the
12 record.

13 MR. BOOTEN: Thank you. The matter
14 concerning the open burning, if there was open
15 burning taking place at the facility I did not
16 know about or was aware of nor was my wife at
17 that current time. We had -- right after we had
18 opened we had an employee that did burn some
19 things there, when we caught that we put a stop
20 to that. We did not -- we have told all of our
21 employees that there is no burning whatsoever on
22 property that we have. Material is not to be
23 burned. As far as the burn barrel that was out
24 there, I do not have any knowledge of how or

1 when it showed up at the facility. It is
2 possible but, again, I do not know that anyone
3 that worked for us burned anything in that
4 particular barrel. As far as the open dumping
5 or litter, it is a recycle facility, we collect
6 material from various locations and also we take
7 material that the trash companies bring to us.
8 They dump it out on the ground, it is pushed
9 through the doorways, at which time it is fed
10 into a baler system, baled up, and then sent out
11 to be remanufactured. We did have a machine
12 down at that time which caused us to not be able
13 to load the material, that had been an ongoing
14 problem. The machine was at -- when the
15 inspector came by, the machine was at the Bobcat
16 dealership in Cape Girardeau. And if I recall
17 correctly that was a Thursday, that Monday the
18 machine was to be picked up, at which time it
19 was, and the material that was baled up was then
20 loaded onto semitrucks and sent out. Also what
21 material was outside was pushed into the
22 building. The recycle separator trailer that
23 was pictured in Exhibit -- well, let me find the
24 right picture. Exposure 004, that was the

1 general public dropping material off, at which
2 time we did go out after the inspector came by,
3 that was all picked up, taken in and processed.
4 We do have a no dumping sign out there. I
5 believe it's on the -- or no trash, no dumping,
6 on the collection trailer itself. There again,
7 as you can see it's different people have thrown
8 things down that were in turn picked up and sent
9 to the recycler. The pallet situation, I have a
10 great number of pallets that have been removed
11 from the facility. I had a company come in and
12 they have removed a great deal of those pallets.
13 I do still have some pallets there. I have
14 called them repeatedly to please come back,
15 which I have not had any luck getting them to
16 come and finish the job that I hired them to do
17 to start with. However, I am in the process of
18 getting those out myself. There has been some
19 things throwed out at the facility, which I have
20 cleaned up, I have hauled off. I know we found
21 a box spring and mattress there, we have found
22 clothes, we have found different types of things
23 that people just come by and throw out. We do
24 pick those materials up, we do haul them out to

1 the trash dump and get rid of those things.
2 We're not the only facility in that part of the
3 town that has people come by and just throw
4 things out. When there is not people around all
5 the time, there are people that just go by and
6 throw their trash out. And at that point that's
7 all I have to say about this.

8 MS. WEBB: Okay. And just to clarify,
9 C & T Recycling, that is not an incorporated
10 business?

11 MR. BOOTEN: No, ma'am, that is a
12 private entity.

13 MS. WEBB: Okay. Ms. Ryan, do you
14 have any questions?

15 MS. RYAN: Yes.

16 EXAMINATION

17 Conducted BY MS. MICHELLE RYAN:

18 Q. Mr. Booten, you said that some of the
19 dumping in these pictures is your fault and some
20 wasn't, so which of these pictures are your
21 fault?

22 A. Well, the first two pictures, which would
23 be 1 and 2, that is where the roll-off
24 containers are brought into the facility and

1 unloaded. Is it my fault that they're there, I
2 guess because we have the facility we accepted
3 the material. Picture 004 would not be my
4 fault, that is people from the public that have
5 come by and put things out. 003 is a picture of
6 cardboard, that is what we recycle.

7 Q. Can we go back to 4 again?

8 A. Yes, ma'am.

9 Q. You said the public comes by and leaves
10 this stuff there, do you not accept material
11 from the public?

12 A. We do. 005, that is actually, give it my
13 best look here, the metal and those other things
14 are not anything to do with C & T Recycling,
15 they are another business. The big metal things
16 are not C & T Recycling's or mine or anything
17 that has been dumped, that is for somebody
18 else's business.

19 Q. There is another business operating on
20 the property?

21 A. Yes, ma'am.

22 MS. BIBLE: That's not on my property.

23 MR. BOOTEN: That's correct.

24

1 MS. RYAN:

2 Q. So the metal things that are shown in
3 Photograph 5 are not on the property that you
4 are leasing?

5 A. No, ma'am. No, ma'am. Those are
6 something to do with the trucking company that
7 is next door, that is stuff of his. I have no
8 idea what that is. 006, that is pallets that
9 are on the facility. A great number of those
10 have been cleaned up. When those pallets have
11 been unloaded they were stacked uniformly.
12 Unfortunately, there's scavengers that go around
13 and will knock over a stack of pallets to get a
14 certain size pallets that bring money. 007 is
15 material that has been baled and is waiting to
16 be loaded onto a semitrailer to be sent to the
17 mill for remanufacture of cardboard. It is
18 waiting to be loaded on the semitrailer that you
19 see in the picture that doors are open. 008 is
20 the trash barrel, burn barrel, whatever you want
21 to call it. To my knowledge I did not know nor
22 did my wife know that this barrel was there. As
23 I told you before, we have instructed the
24 employees there is no burning whatsoever. I do

1 not want a fire. A fire is a bad thing around
2 recycled materials.

3 Q. Do you know when that was that you told
4 that employee that was burning that he needed to
5 stop, I'm sorry, he or she?

6 A. The employee that I told originally was
7 right after we first started.

8 Q. So in 2006?

9 A. Yes. It was a female that was there,
10 walked outside one day and she had a little burn
11 going. I asked her what she was doing, she
12 said, well, I'm burning some stuff. And at that
13 point we told her and anybody that works for us
14 from then on has been told we do not burn at
15 this facility. Picture 9, again, is pallets
16 that have been -- as I said, most of -- most
17 part a lot of them have been cleaned up.
18 Picture 10, no idea where carpet would come
19 from. There again, that was -- had to be
20 somebody that has come by and thrown it out. I
21 do see the burn barrel there, I have never taken
22 a burn barrel to that facility, I just am not
23 going to do it. There was a recycle center here
24 in town that burnt to the ground before we

1 opened up. I do not, do not want any kind of
2 fire going on. Picture 11, again, stacks of
3 pallets. Picture 12 is a pickup truck that is
4 drivable. There is a forklift sitting there and
5 there is a bucket for one of the -- for a
6 Bobcat.

7 Q. The forklift is the thing I described
8 with the blue box on it?

9 A. That is correct. The forklift is no
10 longer at the facility nor is the bucket. We
11 had had problems with the forklift, probably was
12 -- I would assume it had been moved outside to
13 get it out of the way of work area. I know that
14 in the past that they have -- had moved it
15 around with the Bobcat or the pickup truck. We
16 no longer have any of that stuff, and I also
17 sold the pickup truck because it was wore out.
18 This is trash which has been cleaned up.

19 Q. Which photograph are you talking about?

20 A. I'm sorry, in 13. And Picture 14, the
21 bags of everything, that is plastic pill bottles
22 that we got from a pharmaceutical place that we
23 recycled for them. And that baler that is in
24 the background that is pictured, that was -- we

1 had that for piece parts for repairs on other
2 equipment and that machine is not any longer in
3 the facility, we removed that machine. We got
4 the things off of it that we needed to use.

5 Q. The cardboard that's shown in say
6 Photograph 1, does that amount of material fit
7 inside the building -- or Photograph 2,
8 whichever one, I think it's the same picture
9 from a different angle?

10 A. Primarily. Primarily. And what happens
11 is the baling systems are on the west side of
12 the building, this is the east side of the
13 building, the material is moved in at which time
14 it is run through the cardboard baler, banded up
15 so the material goes into the facility, runs
16 through the machine, it's baled, tied off, and
17 then sent out for reprocessing.

18 MS. BIBLE: I have a picture I would
19 like to intervene please, if I may.

20 MS. WEBB: Well, why don't -- let's
21 wait until Mr. Booten finishes and then I can
22 come back to you.

23 MS. RYAN:

24 Q. Do the doors on the -- did you say that

1 was the east side of the building we're looking
2 at?

3 A. That is correct.

4 Q. Do the doors on that side of the building
5 operate?

6 MS. BIBLE: That's another question I
7 would like to answer later.

8 MS. WEBB: Okay. We will come back to
9 you, let's finish Mr. Booten's testimony.

10 MR. BOOTEN: The doors at this time --

11 MS. RYAN:

12 Q. Well, actually I don't really care about
13 this time, I care about at that time back in
14 March 2012?

15 A. Right. No, ma'am. One of them did.

16 Q. Okay.

17 A. One of them did, it would be the one to
18 the south.

19 MS. RYAN: That's all I have right
20 now.

21 MS. WEBB: Okay. We will go back and
22 allow Ms. Bible to make some additional direct
23 testimony and, Ms. Bible, you are still under
24 oath so just go ahead and --

1 MS. BIBLE: I have pictures that you
2 might want to see. The cardboard will not fit
3 into the building therefore it has busted out
4 the siding. All the doors on the east side that
5 used to be there that I used to repair have all
6 been busted out because of the cardboard being
7 crammed into the building because it will not
8 fit.

9 MS. WEBB: These are current photos
10 or --

11 MS. BIBLE: Yes. I have taken photos
12 every year and I have many photos.

13 MS. WEBB: Do you have anything else
14 you'd like to say before I ask Ms. Ryan if she
15 has any questions for you?

16 MS. BIBLE: That's all.

17 MS. WEBB: Okay. Ms. Ryan.

18 MS. RYAN: These are photos from this
19 year did you say?

20 MS. BIBLE: Not this year, last year.

21 MS. RYAN: These are photographs from
22 last year. They clearly don't look the same as
23 the photographs in my inspection report so I was
24 trying to see if you knew about when they were

1 taken?

2 MS. BIBLE: The year before that. As
3 long as he's been doing cardboard that's what it
4 always looks like.

5 MS. RYAN: Since 2006 then it's looked
6 like this?

7 MS. BIBLE: No, in 2006 he actually
8 started recycling plastic bottles for Pepsi,
9 it's not always been cardboard.

10 MS. RYAN: Do you know when he started
11 recycling cardboard?

12 MS. BIBLE: Nope. You'll have to ask
13 him.

14 MS. RYAN: Okay. And you said you
15 take photographs every year of the cardboard?

16 MS. BIBLE: Yes.

17 MR. BOOTEN: May I say something now?

18 MS. WEBB: Hang on. Are you done, Ms.
19 Bible? Is there anything else you'd like to say
20 or otherwise I will go back to you.

21 MS. BIBLE: If you'd like to see more
22 photos.

23 MS. WEBB: That's okay, I don't need
24 to see more photos. The Board is really going

1 to decide the case based on this, the site as it
2 was in the inspection report. But having said
3 that we will go back and did you have some
4 additional testimony?

5 MR. BOOTEN: No, ma'am. I will leave
6 it alone.

7 MS. WEBB: Okay.

8 MS. RYAN: I do have an additional
9 question then.

10 MS. WEBB: Oh, okay.

11 MS. RYAN: When did you start
12 recycling cardboard at the facility?

13 MR. BOOTEN: When we started. Not as
14 much, but we processed -- we did start out with
15 Pepsi Cola doing their recycle of their damaged
16 and out of date and we processed the cardboard
17 that we received when we got that material, and
18 that would have been in 2006. Around 2007 we
19 started taking in more cardboard along with the
20 damaged and out of date soda that we processed.

21 MS. RYAN: Thank you.

22 MS. WEBB: Okay. Let's discuss a
23 briefing schedule off the record, please.

24 (A discussion was held off the record.)

1 MS. WEBB: Back on the record. The
2 transcript will be due by June 3rd and will be
3 posted on the Board's web site. The public
4 comment deadline is June 4th, any public comment
5 must be filed in accordance with Section 101.628
6 of the Board's procedural rules. Complainant
7 will file its brief by June 18th and the
8 Respondent's brief will be due by July 8th. If
9 we do not have Respondent's brief by July 8th we
10 will assume that no brief will be filed.

11 Ms. Ryan, would you care to make any closing
12 argument?

13 MS. RYAN: No, thank you, I would like
14 to reserve that for my brief.

15 MS. WEBB: Okay. Would any of you
16 care to make any closing statements?

17 MR. BOOTEN: No, thank you.

18 MS. WEBB: As there are no members of
19 the public to make statements on the record at
20 this time we will conclude the proceeding. We
21 stand adjourned and I thank everyone for coming.

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

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I, Michelle Zimmerman, a Notary Public in and for the County of Perry, State of Illinois, do hereby certify:

That the said proceeding was taken before me as a Notary Public at the said time and place and was taken down in shorthand writing by me;

That I am a Certified Shorthand Reporter of the State of Illinois, that the said proceeding was thereafter under my direction transcribed into computer-assisted transcription, and that the foregoing transcript constitutes a full, true, and correct report of the proceedings which then and there took place;

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this 21st day of May, 2013.

Michelle Zimmerman
Michelle Zimmerman, CSR#084-004339
Notary Public in and for the County
of Perry, State of Illinois

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