

# ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD  
July 1, 2015

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STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY )

Complainant, )

vs. )

KYLE E. PRITCHETT, )

Respondent. )

AC 11-22



**ORIGINAL**

The following is the transcript of a hearing held in the above-captioned matter, taken stenographically by Kimberly Gammon, CSR, a notary public within and for the County of Clinton and State of Illinois, on the 2nd day of September, 2015, commencing at 11:00 a.m.

1 PRESENT:

2

HEARING TAKEN BEFORE:

3

1021 North Grand Avenue East  
Springfield, Illinois 62794-9274

4

BY: CAROL WEBB

5

APPEARANCES:

MICHELLE M. RYAN, ESQUIRE

6

Attorney at Law

1021 North Grand Avenue

7

Springfield, Illinois 62794-9276

8

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KYLE PRITCHETT

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13

ED PRITCHETT

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14

COMPLAINANT'S EXHIBIT:

Admitted

Exhibit No. 1

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1 HEARING OFFICER WEBB: We will go ahead  
2 and begin, good morning my name is Carol Webb.  
3 This is the hearing for AC 11-22, IEPA versus Kyle  
4 Pritchett. It is September 2, 2015, and we are  
5 beginning at 11 o'clock a.m.. There are no --  
6 well there is one member of the public present who  
7 may offer public comment at the end of this  
8 proceeding. In this case, the Agency alleges that  
9 Respondent violated Section 21.P1 of the  
10 Environmental Protection Act at a site located in  
11 Mt. Carmel, Wabash County. The Pollution Control  
12 Board Members will make the final decision in this  
13 case. My purpose is to conduct the hearing in a  
14 neutral and orderly manner so we have a clear  
15 record of the proceedings. This hearing was  
16 noticed pursuant to the Act and the Board's rules  
17 and will be conducted pursuant to Sections 101.600  
18 through 101.632 of the Board's procedural rules.  
19 At this time I will ask the parties to please make  
20 their appearances on the record.

21 MS. RYAN: Michelle Ryan, Special  
22 Assistant Attorney General for the Illinois EPA, I  
23 have my formal appearance here.

24 HEARING OFFICER WEBB: Mr. Kyle

1 Pritchett, you are here representing yourself; is  
2 that correct?

3 MR. PRITCHETT: Yeah, pretty much.

4 HEARING OFFICER WEBB: Are there any  
5 preliminary matters anyone would like to discuss  
6 on the record?

7 MS. RYAN: No.

8 HEARING OFFICER WEBB: Would the agency  
9 like to give an opening statement?

10 MS. RYAN: Yes, we believe that the  
11 evidence today will show that on January 27, 2011,  
12 open dumping resulting in litter was observed at a  
13 property located at 411 and a half West First  
14 Street in Mt. Carmel and that there are no legal  
15 defenses to this activity.

16 HEARING OFFICER WEBB: Mr. Pritchett,  
17 would you like to make any opening statement?

18 MR. PRITCHETT: (Shakes head.)

19 MR. ED PRITCHETT: Can I say something  
20 now?

21 HEARING OFFICER WEBB: No, not yet, at  
22 the end. The agency may call its first witness.

23 MS. RYAN: We call Garrison Gross.

24 HEARING OFFICER WEBB: Would the court

1 reporter please swear in the witness.

2  
3 GARRISON GROSS, being first duly sworn,  
4 testified and deposed as follows:

5  
6 DIRECT EXAMINATION

7 By Ms. Ryan

8 Q. State your name for the court  
9 reporter and spell your last name.

10 A. **Garrison Gross, G-r-o-s-s.**

11 Q. What is your job?

12 A. **Environmental protection specialist,**  
13 **basically an inspector for the EPA Bureau of Land**  
14 **based out of Marion.**

15 Q. How many years have you been an  
16 inspector for the EPA?

17 A. **I have been an inspector for the EPA**  
18 **approximately 11 years.**

19 Q. What are your duties as an  
20 inspector?

21 A. **We take complaints and go out and**  
22 **verify whether those complaints are legitimate**  
23 **complaints or not and do inspections at salvage**  
24 **yards, open dumps, tire facilities, landfills,**

1 **hazardous waste sites.**

2 Q. Over the 11 years that you have been  
3 inspecting for Illinois EPA, approximately how  
4 many inspections can you say you have conducted?

5 A. I don't know how many I conducted in  
6 that period of time but I usually do about 50 to  
7 80 per year.

8 Q. What's your educational background?

9 A. I have two bachelors degrees, safety  
10 engineering and environmental biology.

11 Q. From?

12 A. Environmental Biology is from  
13 Eastern Illinois University in Charleston, safety  
14 engineering is from Murray State in Kentucky.

15 Q. Do you have any other training in  
16 addition to that educational background?

17 A. Yes, the agency routinely requires  
18 us to go through various types of training over  
19 the period of a year and we do Hazwoper training  
20 every year, just random types of training.

21 Q. Are you familiar with the property  
22 known as Mt. Carmel slash Pritchett, Kyle E.?

23 A. Yes.

24 Q. Where is that property located?

1           **A. South of town I believe 411 and a**  
2 **half West First Street.**

3           Q. Which town?

4           **A. In Mt. Carmel, it's adjacent or next**  
5 **to the Snelling Salvage Yard.**

6           Q. Who owns that property?

7           **A. Kyle Pritchett.**

8           Q. How many inspections have you  
9 conducted at that property?

10          **A. I believe four.**

11          Q. I am going to hand you what I marked  
12 for identification as Exhibit 1. Can you tell me  
13 do you recognize that document?

14          **A. Yeah, it's an inspection report from**  
15 **January 2011.**

16          Q. You have looked through all the  
17 pages, is that a fair, accurate and complete copy  
18 of that report?

19          **A. Yes.**

20          Q. Can you describe this property  
21 generally?

22          MR. PRITCHETT: It looks nothing like  
23 that no more.

24          HEARING OFFICER WEBB: You will have an

1 opportunity to say everything you want to say but  
2 not yet, just please let him finish.

3 MR. GROSS: It's a few acres, maybe an  
4 acre and a half property again next to the salvage  
5 yard. I believe there is a mobile home and a  
6 large utility shed on the property.

7 Q. (MS. RYAN CONTINUING) Who took the  
8 photographs attached to your report?

9 A. I did.

10 Q. Starting with photograph No. 1, tell  
11 us what they show.

12 A. Photograph No. 1 appears to be waste  
13 vehicles, couple of large waste tires, looks like  
14 a boat and scrap metal and then there is a back  
15 end of a pickup truck that has been turned into a  
16 trailer and it appears to be full of tires.

17 Q. You can continue on throughout the  
18 photographs.

19 A. Photo 2 just a close up of the boat,  
20 the two large industrial type tires there, photo 3  
21 is ice in a tire, No. 4 two waste vehicles, you  
22 can see the salvage yard on the back side of that  
23 chain link fence, photo 5 some scrap metal, some  
24 white goods, white goods are appliances, No. 6 is



1 a close up of the white goods, a couple more tires  
2 that are off rim. No. 7 is the pickup truck  
3 trailer with quarter tires and No. 8 is the  
4 quarter tires holding water or ice, it's frozen.  
5 No. 9 appears to -- looks like a vehicle that may  
6 have been used in a demo derby and a couple of  
7 other -- looks like a hood or something to a  
8 vehicle, No. 10 the one lawnmower doesn't appear  
9 to be usable, doesn't have a steering wheel, some  
10 other unidentified items back in the back corner  
11 there near the red building, No. 11 was a pile of  
12 dirt that had domicile waste in it and I believe  
13 had some evidence of previous open burning, No. 12  
14 is the same pile with the domicile waste thrown in  
15 it. I got a blank page, I don't know if you have  
16 that or not.

17 Q. Sorry, you can go on if you like.

18 A. 13 is another vehicle without a bed  
19 on it and rolls of what look to be insulation  
20 stored outside, 14 was some metal roofing material  
21 and No. 15 was a large metal tank.

22 Q. Do these photographs accurately  
23 depict what you saw at the property on January 27,  
24 2011?

1           **A. Yes.**

2           Q. When was this report generated?

3           **A. Would have been within a few weeks**  
4 **of January 27.**

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

7           **A. Yes.**

8           Q. Is it the regular course of Illinois  
9 EPA business to make such records at or reasonably  
10 after the event reflected there on?

11          **A. Yes.**

12          MS. RYAN: At this time I move Exhibit 1  
13 into evidence.

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

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

18          HEARING OFFICER WEBB: Mr. Pritchett,  
19 before we start your testimony do you have any  
20 questions for the inspector just based on what he  
21 said today?

22          MR. PRITCHETT: Yes.

23          HEARING OFFICER WEBB: Go ahead.

24          MR. PRITCHETT: I complied with

1 everything that you said and I think you cleared  
2 it and I don't know why I'm here.

3 MR. GROSS: Is that really a question  
4 for me or is that for Michelle?

5 MS. RYAN: I don't think that is a  
6 question for him. I don't think it's a question  
7 at all.

8 HEARING OFFICER WEBB: Do you have any  
9 questions specifically about anything that he just  
10 testified to?

11 MR. PRITCHETT: I appealed it and I was  
12 told that if I appealed it and I complied, I  
13 wouldn't be here today.

14 MS. RYAN: I have to object, that is not  
15 a question.

16 HEARING OFFICER WEBB: Why don't we say  
17 you have no questions for the inspector but we  
18 will start your testimony, how's that? Would the  
19 court reporter please swear in Mr. Pritchett.

20

21 KYLE PRITCHETT, first being duly sworn,  
22 testified and deposed as follows:

23

24 MR. PRITCHETT: I don't know what to

1 say, I just don't know -- I don't know why,  
2 speak.

3 HEARING OFFICER WEBB: He will get a  
4 turn.

5 MR. PRITCHETT: I am done.

6 HEARING OFFICER WEBB: There is nothing  
7 you want to say on your own behalf?

8 MR. PRITCHETT: Besides I don't know --  
9 there is plenty of places around town that are way  
10 worse than mine and I complied and are you trying  
11 to fine me, is that what it is?

12 MR. GROSS: I can't answer that.

13 MR. PRITCHETT: Is that what it is?

14 HEARING OFFICER WEBB: There is a fine  
15 associated with this but I know you know all  
16 that. Do you have any -- I don't want you to feel  
17 like you left here without an opportunity to say  
18 everything you wanted to say. Do you have  
19 anything more to say or should we just move onto  
20 the public comment?

21 MR. PRITCHETT: Move onto the public  
22 comment.

23 HEARING OFFICER WEBB: Ms. Ryan, do you  
24 have any questions for the Respondent?

1 MS. RYAN: Mr. Pritchett, do you deny  
2 your property looked like this on January 27,  
3 2011?

4 MR. PRITCHETT: I said --

5 MS. RYAN: I am sorry, I'll do the whole  
6 question, then you can answer so the court  
7 reporter can get it down, do you deny that your  
8 property looked like the photographs attached to  
9 Exhibit 1 on January 27, 2011?

10 **A. I do not.**

11 HEARING OFFICER WEBB: Let's go off the  
12 record for a minute.

13 (Off the record discussion.)

14 HEARING OFFICER WEBB: We are back on  
15 the record, we have one person here who would like  
16 to make a public comment, Mr. Ed Pritchett who is  
17 the father of the Respondent. Mr. Pritchett, go  
18 ahead.

19 MR. PRITCHETT: I want to look at these  
20 pictures here. I thought this was a bunch of crap  
21 all this. Okay, there's the tires, the tires are  
22 gone. The truck bed, what is wrong with metal  
23 sitting in the truck bed? I want to know.

24 HEARING OFFICER WEBB: Because you are

1 not the Respondent, you don't have an opportunity  
2 to ask the EPA questions, you can make a statement  
3 but you are not entitled to ask him questions.

4 MR. PRITCHETT: You don't want to tell  
5 the truth, you just want me to get up here and say  
6 something? You don't want to tell me why there is  
7 something wrong with that?

8 HEARING OFFICER WEBB: You are not the  
9 Respondent, he doesn't have to answer your  
10 questions.

11 MR. PRITCHETT: All I can say it's a  
12 bunch of crap that we are here for this, we have  
13 done cleaned everything up, done what you wanted.  
14 What more do you want?

15 HEARING OFFICER WEBB: Is that all?  
16 Anything else you'd like to --

17 MR. PRITCHETT: Nobody will give me an  
18 answer so I guess it is.

19 HEARING OFFICER WEBB: The transcript is  
20 the due by September 10 and will be posted on the  
21 Board's website. The public comment deadline is  
22 September 16, any public comment must be filed in  
23 accordance with Section 101.628 of the Board's  
24 procedural rules.

1 MR. PRITCHETT: I won't be in town then.

2 HEARING OFFICER WEBB: You don't need to  
3 be in town. The Agency's brief is due by  
4 September 24 and Respondent's brief if any is due  
5 by October 8, if we do not receive a brief from  
6 Respondent by October 8 we will assume that none  
7 is forthcoming.

8 MR. ED PRITCHETT: You want a written --

9 HEARING OFFICER WEBB: I will answer all  
10 your questions when we're done. At this time --  
11 did you want to make a closing statement?

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

14 HEARING OFFICER WEBB: Did you want to  
15 make any close statement?

16 MR. PRITCHETT: I better not.

17 HEARING OFFICER WEBB: At this time I  
18 will conclude the proceedings, we stand adjourned  
19 and I thank you all for your participation.

20

21

22

23

24

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF CLINTON )

4  
5  
6

7 I, Kimberly Gammon, do hereby certify on  
8 oath that the above and foregoing transcript is a  
9 true and correct transcript of the proceedings had  
10 in the above-entitled cause on the date set forth  
11 herein.

12

13 Dated this 21<sup>st</sup> day of September 2015.

14  
15  
16

17

Kimberly Gammon

18

Kimberly Gammon, CSR 084-3586

19  
20  
21  
22  
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24



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