

ILLINOIS POLLUTION CONTROL BOARD  
November 19, 2009

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. ) AC 10-5  
 ) (Site Code No. 0778105010)  
 GARY CLOVER, ) (Administrative Citation)  
 )  
 Respondent. )

ORDER OF THE BOARD (by G.T. Girard):

On October 21, 2009, the County of Jackson (Jackson County) timely filed an administrative citation against Gary Clover (Clover). *See* 415 ILCS 5/31.1(c) (2008)<sup>1</sup>; 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns Clover’s facility located Jackson County. The property is commonly known to the Illinois Environmental Protection Agency (Agency) as the “Murphysboro/Gary Clover site” and is designated with Site Code No. 0778105010. For the reasons below, the Board accepts Clover’s petition to contest the administrative citation as timely filed but directs Clover to file an amended petition by December 21, 2009..

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the Agency or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations at sanitary landfills or unpermitted open dumps. *See* 415 ILCS 5/3.305, 3.445, 21(o), (p), 31.1(c), 42(b)(4), (4-5) (2008); 35 Ill. Adm. Code 108.

In this case, Jackson County alleges that on September 23, 2009, Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21 (p)(1), (p)(3), and (p)(7) (2008)) by allowing litter, open burning and deposition of general construction or demolition debris or clean construction or demolition debris at Clover’s Jackson County site. Jackson County asks the Board to impose the statutory \$7,500 civil penalty on Clover as the alleged violations of Section 21(p)(1) and (p)(7) are second or subsequent violations.

As required, Jackson County served the administrative citation on Clover within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2008); *see also* 35 Ill. Adm. Code 101.300(c), 108.202(b). Any petition to contest the administrative citation was due by November 17, 2009. On November 16, 2009, Clover timely filed a petition. *See* 415 ILCS

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<sup>1</sup> All citations to the Act will be to the 2008 compiled statutes, unless the provision at issue has been substantively amended in the 2008 compiled statutes.

5/31.1(d) (2008; 35 Ill. Adm. Code 101.300(b), 108.204(b). However, Clover fails to state in the petition the reason why the administrative citation was improperly issued and Clover does not indicate that the petition has been served on Jackson County. *See* 35 Ill. Adm. Code 108.204 and 108.206.

The Board accepts the as petition as timely filed and directs Clover to file an amended petition by December 21, 2009, curing these deficiencies.

IT IS SO ORDERED.

C.K. Zalewski abstained.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 19, 2009, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board