

ILLINOIS POLLUTION CONTROL BOARD
November 6, 2003

CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT,)	
)	
Complainant,)	
)	
v.)	AC 04-13
)	(CDOE No. 03-02-AC)
EDDIE GREER,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On September 22, 2003, the City of Chicago Department of Environment timely filed an administrative citation against Eddie Greer. *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). At issue is the City of Chicago Department of Environment's allegation that Eddie Greer violated Section 21(p)(1) and 21(p)(7) of the Environmental Protection Act. 415 ILCS 5/21(p)(1) and 21(p)(7) (2002). The City of Chicago Department of Environment further alleges that Eddie Greer violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in litter and causing or allowing the open dumping of waste in a manner that resulted in deposition of general or clean construction or demolition debris at 609 West 59th Street, Chicago, Cook County.

As required, the City of Chicago Department of Environment served the administrative citation on Eddie Greer within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2002); *see also* 35 Ill. Adm. Code 108.202(b). On October 17, 2003, Eddie Greer timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2002); 35 Ill. Adm. Code 108.204(b). Eddie Greer alleges that he did not cause any pollution of any kind. *See* 35 Ill. Adm. Code 108.206. The Board accepts the petition for hearing.

The Board directs the hearing officer to proceed expeditiously to hearing. The hearing officer will give the parties at least 21 days written notice of the hearing. 35 Ill. Adm. Code 108.300; *see also* 415 ILCS 5/31.1(d)(2) (2002). By contesting the administrative citation, Eddie Greer may have to pay the hearing costs of the Board and the City of Chicago Department of Environment. *See* 415 ILCS 5/42(b)(4-5) (2002); 35 Ill. Adm. Code 108.500. A schedule of the Board's hearing costs is available at the Board's offices and on the Board's Web site at <http://www.ipcb.state.il.us/>. 35 Ill. Adm. Code 504.

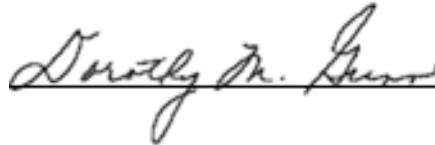
Eddie Greer may withdraw his petition to contest the administrative citation at any time before the Board enters its final decision. If Eddie Greer chooses to withdraw his petition, he must do so in writing, unless he does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If Eddie Greer withdraws his petition after the hearing starts, the Board will require Eddie Greer to

pay the hearing costs of the Board and City of Chicago Department of Environment. *See id.* at 108.500(c).

City of Chicago Department of Environment has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2002); 35 Ill. Adm. Code 108.400. If the Board finds that Eddie Greer violated Section 21(p)(1) and (p)(7), the Board will impose civil penalties on Eddie Greer. The civil penalty for violating Section 21(p) is \$1,500 for a first offense and \$3,000 for a second or subsequent offense. 415 ILCS 5/42(b)(4-5) (2002); 35 Ill. Adm. Code 108.500. However, if the Board finds that Eddie Greer “has shown that the violation resulted from uncontrollable circumstances, the Board shall adopt a final order which makes no finding of violation and which imposes no penalty.” 415 ILCS 5/31.1(d)(2) (2002); *see also* 35 Ill. Adm. Code 108.500(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 6, 2003, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board