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CLERK'S OFFICE

MAY 23 2005

STATE OF ILLINOIS
Pollution Control Board

ACOS-12

INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative Citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

Any person other than individuals **MUST** appear through an attorney-at-law licensed and registered to practice law. Individuals may appear on their own behalf, or through an attorney. 35 Ill. Adm. Code 101.400(a).

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 23 2005

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
GARY CLOVER, d/b/a CLOVER)
CONCRETE,)
))
Respondent.)

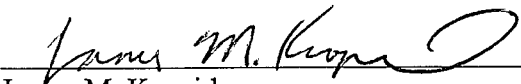
AC 05-72
(IEPA No. 144-05-AC)

NOTICE OF FILING

To: Gary Clover, d/b/a Clover Concrete
11704 North Route 37
Marion, Illinois 62959

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT; and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,


James M. Kropid
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: May 19, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MAY 23 2005

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
GARY CLOVER, d/b/a CLOVER)
CONCRETE,)
))
))
Respondent.)

AC *05-72*
(IEPA No. 144-05-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2002).

FACTS

1. That Gary Clover, d/b/a Clover Concrete ("Respondent") is the present owner and operator of a facility located at 11704 N. Route 37, Marion, Williamson County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Clover Concrete (Gary Clover).
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1990555132.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on March 31, 2005, Scott Arnold of the Illinois Environmental Protection Agency's Marion Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Scott Arnold during the course of his March 31, 2005 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2002).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2002).
- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in the deposition of waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2002).

CIVIL PENALTY

On March 18, 2004, the Board found Gary Clover in violation of Section 21(p)(1) of the Act in AC 04-37.

Because this Administrative Citation addresses a second or subsequent violation of Section 21(p)(1) of the Act, Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), respondent is subject to a civil penalty of Three Thousand Dollars (\$3,000.00) for the violation of Section 21(p)(1). Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the other violations identified above, for a total of Six Thousand Dollars (\$6,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than June 15, 2005, unless otherwise provided by

order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2002), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2002). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.



Renee Cipriano, Director
Illinois Environmental Protection Agency

Date: 5-19-05

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

RECEIVED
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MAY 23 2005

STATE OF ILLINOIS
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Complainant,)
v.)
GARY CLOVER, d/b/a CLOVER)
CONCRETE,)
Respondent.)

AC *05-72*
(IEPA No. 144-05-AC)

FACILITY: Clover Concrete (Gary Clover) SITE CODE NO.: 1990555132
COUNTY: Williamson CIVIL PENALTY: \$6,000.00
DATE OF INSPECTION: March 31, 2005

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY)
)
Complainant,)
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)
)
v.)
)
Clover Concrete)
)
Respondent.)

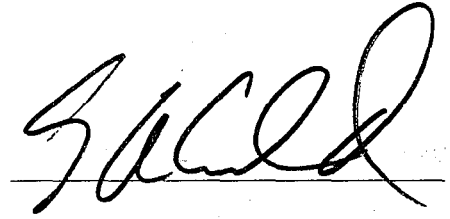
IEPA DOCKET NO.

AFFIDAVIT

Affiant, Scott Arnold, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Bureau of Air of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On March 30, 2005, between 9:15 a.m. and 9:30 a.m., Affiant conducted an inspection of a disposal site operated by Clover Concrete (Gary Clover), located in Williamson County, Illinois, and known as Clover Concrete by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1990555132 by the Agency.
3. Affiant inspected said Clover Concrete site by an on-site inspection which included walking and photographing the site.

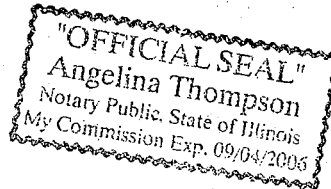
4. As a result of the material actions referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant=s knowledge and belief, is an accurate representation of Affiant' s observations and factual conclusions with respect to said Clover Concrete site.



Subscribed and Sworn to before me

this 25 day of April 2005

Angelina Thompson
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Williamson LPC#: 1990555132 Region: 7 - Marion
 Location/Site Name: Marion / Clover Concrete

Date: 03/31/2005 Time: From 9:15 am To 9:30 am Previous Inspection Date: _____
 Inspector(s): S. Arnold Weather: Sunny, 50
 No. of Photos Taken: # 3 Est. Amt. of Waste: 380 yds³ Samples Taken: Yes # _____ No
 Interviewed: R. Clover & G. Clover Complaint #: _____

Responsible Party
 Mailing Address(es)
 and Phone
 Number(s):

Clover Concrete - Gary Clover
 11704 N. Route 37
 Marion, Illinois 62959

Hodge's Tree Service - Jason Hodge
 20087 Ferrell Church Road
 Marion, Illinois

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input checked="" type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input checked="" type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1990555132

Inspection Date: 03/31/2005

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input type="checkbox"/>
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

Illinois Environmental Protection Agency
Narrative Inspection Report

Site #: 1990555132

Date: March 31, 2005

County: Williamson

Inspector: Scott Arnold

Subject: Clover Concrete

On March 30, 2005, I received a complaint regarding open burning and open dumping occurring in this former quarry. On March 31, 2005, I made a site inspection.

I met with Gary and Ron Clover of Clover Concrete Products. They have a large quarry on site. In the bottom of the pit I noted burned, partially buried and exposed landscape waste. I took photos of this waste.

Mr. Clover told me Hodge Tree Services, out of Marion, had dumped some landscape/trade waste. He stated that he and his son had done the burning. They were letting Hodge bring the materials there because "we were going to fill it up anyway". Tracks show that construction equipment was used to push the logs, limbs and root balls into the bottom of the pit. The exposed waste in this area measured about 40 yards X 4 yards X 2 yards. The pit floor was covered with water. The waste had been pushed into the accumulated water. Surface debris indicated additional wastes might have been buried here.

I advised them this was open dumping and open burning. I also told them this was an illegal waste disposal operation, receiving trade waste from off site and treating that waste.

They committed to cease and desist any further activity of this nature. They said they would bury the remaining waste. I told them they would be in violation if they buried the waste, as they are not a permitted landfill.

I observed the following violation by Clover Construction Company on this day:

Sections 9(a) and 9(c) of the Act for causing or allowing open burning, thereby causing air pollution leading to a citizens complaint.

12 a and 12 d of the Act, cause or allow water pollution and creating a water pollution hazard for wastes placed in the water accumulated in the pit.

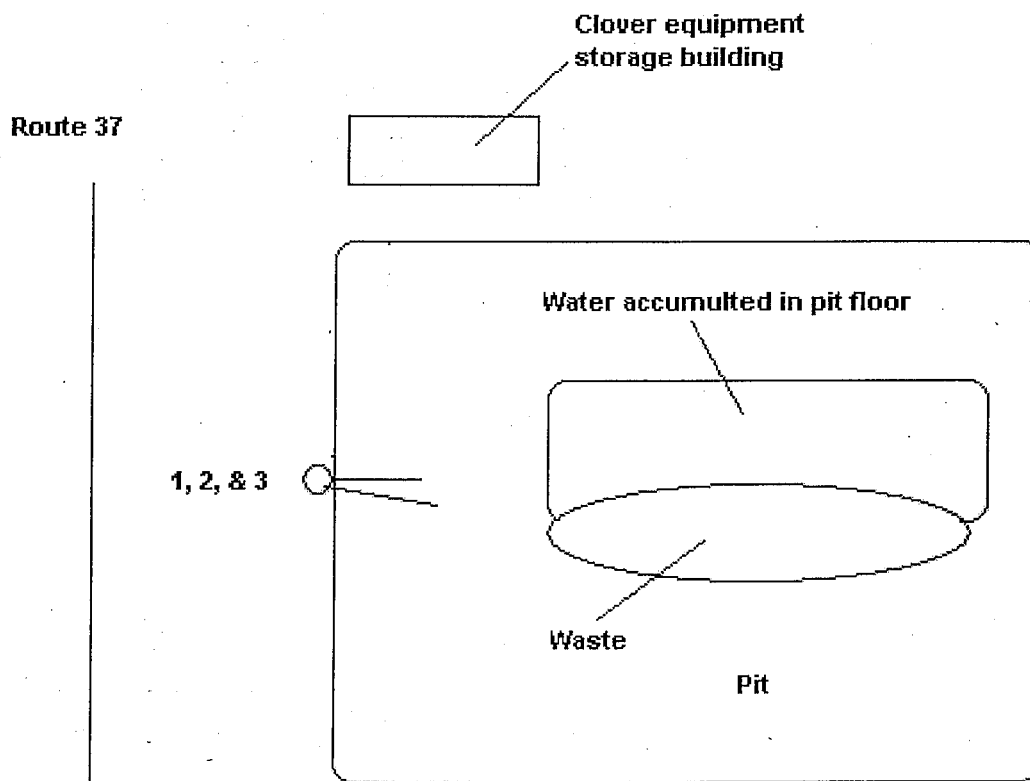
21 a, 21 d, 21 e of the Act, open dumping, conducting a waste disposal operation without a permit and in violation of the standards, and waste disposal at a site that does not meet the

requirements of the Act. Off site waste were observed burned and partially buried in the pit. There is no record of this site having been issued a permit for waste disposal.

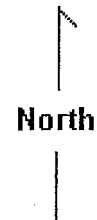
21 p1, 3, and 4 of the Act, open dumping resulting in litter, open burning, and waste in standing water. Off-site generated limbs, logs and root balls had been disposed of at this site. Some of the tree waste had been open burned. Waste was observed pushed into the water accumulated in the bottom of the pit.

35 IAC Section 812.101 a, failure to submit a permit application to operate a landfill. There is no record of a permit being applied for or being issued to this site for waste disposal.

Clover Concrete
1990555132 - Williamson Co.
March 31, 2005



All locations are approximate
Not to scale
○ — = location and direction
of photos





DIGITAL PHOTOGRAPHS



Date: March 31, 2005
Time:
Direction:
Photo by: S. Arnold
Exposure #: 001
Comments:



Date: March 31, 2005
Time:
Direction:
Photo by: S. Arnold
Exposure #: 002
Comments:

File Names: 1990555132~03312005.[Exp. #].jpg



DIGITAL PHOTOGRAPHS



Date: March 31, 2005
Time:
Direction:
Photo by: S. Arnold
Exposure #: 003
Comments:

Date:
Time:
Direction:
Photo by:
Exposure #:
Comments:

No Photograph

No Photograph

File Names: 1990555132~03312005.[Exp. #].jpg

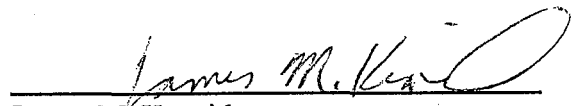
PROOF OF SERVICE

I hereby certify that I did on the 19th day of May 2005, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Gary Clover, d/b/a Clover Concrete
11704 North Route 37
Marion, Illinois 62959

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601


James M. Kropid
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544