

ILLINOIS POLLUTION CONTROL BOARD
July 7, 2005

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.)	AC 05-76
)	(County Site Code 077 810 5010)
GARY CLOVER,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

On June 3, 2005, the County of Jackson timely filed an administrative citation against Gary Clover. *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The County of Jackson alleges that on April 18, 2005, Gary Clover violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (p)(7) (2004)). The County of Jackson further alleges that Gary Clover violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter; and (2) deposition of general construction or demolition debris or clean construction or demolition debris at 1336 Hoffman Road, Murphysboro, Jackson County.

As required, the County of Jackson served the administrative citation on Gary Clover within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2004); *see also* 35 Ill. Adm. Code 108.202(b). On June 24, 2005, Gary Clover timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 108.204(b). Gary Clover asserts no basis for his petition to review the administrative citation. *See* 35 Ill. Adm. Code 108.206. The Board accepts the petition for hearing.

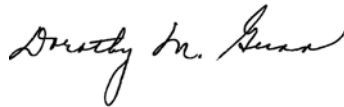
The Board directs the hearing officer to proceed expeditiously to hearing. The hearing officer will give the parties at least 21 days written notice of the hearing. 35 Ill. Adm. Code 108.300; *see also* 415 ILCS 5/31.1(d)(2) (2004). By contesting the administrative citation, Gary Clover may have to pay the hearing costs of the Board and the County of Jackson. *See* 415 ILCS 5/42(b)(4-5) (2004); 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 www.ipcb.state.il.us. 35 Ill. Adm. Code 504.

Gary Clover may withdraw his petition to contest the administrative citation at any time before the Board enters its final decision. If Gary Clover 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 Gary Clover withdraws his petition after the hearing starts, the Board will require Gary Clover to pay the hearing costs of the Board and the County of Jackson. *See id.* at 108.500(c).

The County of Jackson has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2004); 35 Ill. Adm. Code 108.400. If the Board finds that Gary Clover violated Section 21(p)(1) and (p)(7), the Board will impose civil penalties on Gary Clover. 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) (2004); 35 Ill. Adm. Code 108.500. However, if the Board finds that Gary Clover “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) (2004); *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 July 7, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board