

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

ILLINOIS ENVIRONMENTAL PROTECTION	)	
AGENCY	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	AC 06-22
HAROLD GRAVES	)	(IEPA No. 3-06-AC)
	)	
Respondent.	)	

**PETITION TO CONTEST ADMINISTRATIVE CITATION**

NOW COMES Respondent HAROLD GRAVES, by and through his attorney Claire A. Manning, Brown Hay & Stephens, LLP, and in accordance with the procedural rules of the Illinois Pollution Control Board (“Board”) at 35 Ill. Adm. Code Part 108, files the following PETITION TO CONTEST Administrative Citation 06-22.

1. Respondent HAROLD GRAVES owns and operates a demolition business, known as Harjoy, Inc. and in late 2005 Respondent’s company was contracted to demolish the Pana Junior High School.

2. Respondent HAROLD GRAVES, in his individual capacity, did not contract for the demolition or transfer of any of the material from the school project and thus cannot be held individually liable pursuant to this Administrative Citation. Thus, the Board has no jurisdiction over Respondent HAROLD GRAVES.

3. Further, neither Respondent HAROLD GRAVES, nor his company, own the property which is the subject of this administrative citation. See 35 Ill. Adm. Code 108.206. Accordingly, Respondent can not be held responsible under the administrative citation provisions

for a decision made by the property owner at this site as they relate to the nature of his use of the brick and other demolition debris from the school site.

4. Respondent HAROLD GRAVES maintains that the material in question was neither waste nor litter and, accordingly, there is no violation of Section 21(p)(1) of the Environmental Protection Act ("Act").

5. Respondent HAROLD GRAVES maintains that the transfer of the construction and demolition material to Mr. Ambrose, for his use, does not constitute a violation of Section 21(p)(7) of the Act.

6. Respondent HAROLD GRAVES maintains that his actions in this matter do not amount to a violation of the Act.

WHEREFORE, Respondent HAROLD GRAVES requests that the Illinois Pollution Control Board dismiss this matter for lack of jurisdiction as to him or set the matter for hearing.

Respectfully submitted,

By:           /s/ Claire A. Manning            
**HAROLD GRAVES**  
By: Claire A. Manning

**BROWN, HAY & STEPHENS, LLP**

Claire A. Manning, Esq.  
Registration No. 3124724  
205 S. Fifth Street, Suite 700  
P.O. Box 2459  
Springfield, IL 62705-2459  
(217) 544-8491  
(217) 241-3111 (fax)

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing PETITION TO CONTEST was served by placing same in a sealed envelope addressed to:

MICHELLE M. RYAN  
Special Assistant Attorney General  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

and by depositing same in the United States mail in Springfield, Illinois, on the 3RD day of MARCH, 2006.

---