

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

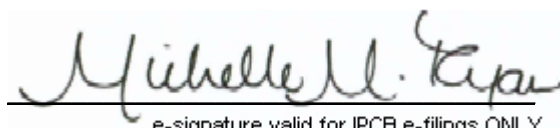
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 05-72
)	
v.)	(IEPA No. 144-05-AC)
)	
GARY CLOVER d/b/a/ CLOVER)	
CONCRETE,)	
)	
Respondent.)	

NOTICE OF FILING

To: Gary Clover
11704 North Route 37
Marion, Illinois 62959

PLEASE TAKE NOTICE that on this date I submitted electronically for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled MOTION TO SUBSTITUTE PAGES.

Respectfully Submitted,



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
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 9, 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 05-72
)	
v.)	(IEPA No. 144-05-AC)
)	
GARY CLOVER d/b/a CLOVER)	
CONCRETE,)	
)	
Respondent.)	

MOTION TO SUBSTITUTE PAGES

NOW COMES the Complainant, the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 101.522, and respectfully states as follows:

- (1) This Administrative Citation was originally issued on May 19, 2005.
- (2) The May 19, 2005 filing indicated that the inspection resulting in this Administrative Citation was conducted on March 31, 2005. While preparing for hearing in this matter, the undersigned attorney discovered that the inspection report dated March 31, 2005 was based upon an inspection conducted on March 29, 2005.
- (3) Respondent was served in this matter on May 20, 2005, within the statutory time frame of 60 days from the date of the observed violation, as set forth in Section 31.1(b) of the Environmental Protection Act, 415 ILCS 5/31.1(b)(2002) (“Act”).
- (4) The penalty requested in the original filing of \$6,000 was based, in part, upon a previously adjudicated violation of Section 21(p)(1) of the Act in case AC 04-37. It was later determined by the parties and reported to the assigned hearing officer during a status call that the

Respondent in this case, although having the same name, was not the same party as in case AC 04-37, and therefore the correct penalty request should have been \$4,500.

(5) These clarifications were brought to the attention of the Board through the hearing officer at the hearing on May 8, 2007.

(6) Respondent did not attend the hearing in this matter, and therefore did not object to these amendments.

(7) Complainant has attached modified copies of pages 1-2 of the Administrative Citation, including the corrected date and penalty request, for substitution.

(8) No prejudice will result by granting this motion, because the Respondent was timely served, and the reduction in the penalty demand inures to his benefit.

WHEREFORE, Illinois EPA requests that the Board grant this Motion and accept the substituted pages of the Administrative Citation.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

DATED: May 9, 2007

Michelle M. Ryan
Special Assistant Attorney General

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 05-72
)	
v.)	(IEPA No. 144-05-AC)
)	
GARY CLOVER d/b/a CLOVER CONCRETE,)	
)	
Respondent.)	

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 29, 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 29, 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:

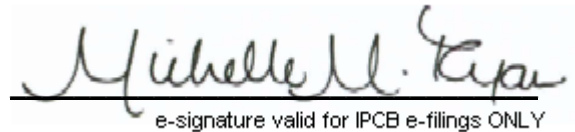
- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2002).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3)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

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 violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). 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.

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument entitled MOTION TO SUBSTITUTE PAGES are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.



Michelle M. Ryan

e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
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 9, 2007

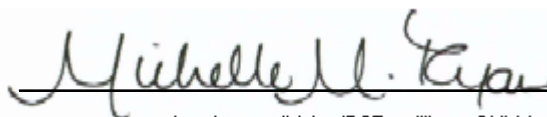
PROOF OF SERVICE

I hereby certify that I did on the 9th day of May, 2007, send by U.S. Mail 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 APPEARANCE and MOTION TO SUBSTITUTE PAGES

To: Gary Clover
11704 North Route 37
Marion, Illinois 62959

and an electronic copy of the same MOTION TO SUBSTITUTE PAGES on the same date via electronic filing

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



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Michelle M. Ryan
Special Assistant Attorney General

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