

ILLINOIS POLLUTION CONTROL BOARD
March 15, 2007

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 06-49
)	(IEPA No. 96-06-AC)
MICHAEL GRUEN and JON ERIC GRUEN)	(Administrative Citation)
d/b/a JON'S TREE SERVICE,)	
)	
Respondents.)	

HEARING REPORT

On March 14, 2007, a hearing in this matter was held at City Hall in Carlinville, Macoupin County. Attorney Michelle Ryan appeared on behalf of the complainant. Attorney Phillip Hamilton appeared on behalf of the respondents.

Witness Credibility

Two witnesses testified during the hearing:

Ms. Jan Mier
Mr. Jon Eric Gruen

Based upon my legal judgment, experience, and observations at hearing, I find that the credibility of witness is not an issue in this matter.

Exhibits

Complainant's Exhibit 1 is the open dump inspection checklist dated April 20, 2006. The exhibit was admitted into the record. Respondents offered exhibits that were pre-labeled as "Plaintiff's" exhibits. Plaintiff's exhibits 1 through 8 are bills of sale for firewood. These transactions took place before the April 20, 2006 inspection, and were admitted into the record. Plaintiff's exhibits 9 through 13 are bills of sale taking place after the inspection, and were not admitted into the record. Plaintiff's exhibits 14 through 31, demonstrating the condition of the site in July, 2006 were not admitted into evidence. Plaintiff's exhibits 32 through 43 were admitted for illustrative purposes to assist the Board in its review of testimony regarding the vehicles.

Briefing Schedule

The transcript is due by March 26, 2007. Complainant will file its brief by April 30, 2007. Respondent's brief is due by May 31, 2007. Complainant's reply, if any, is due by June 7, 2007. The mailbox rule will apply.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
Illinois Pollution Control Board
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Springfield, Illinois 62794-9274
217/524-8509
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on March 15, 2007, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on March 15, 2007:

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



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AC 2006-049
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AC 2006-049
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