

ILLINOIS POLLUTION CONTROL BOARD  
June 7, 2007

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 07-55
	)	(IEPA No. 108-06-AC)
GIRE PROPERTIES, INC. and GIRE	)	(Administrative Citation)
CONSTRUCTION INC.,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by G.T. Girard):

On April 24, 2007, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Gire Properties, Inc. and Gire Construction, Inc. (respondents). *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The administrative citation concerns a site commonly known as Gire Construction, Inc. with Site Code No. 0410355017, and located at Northwest 1/4 Section of Section 11 in Camargo Township, Douglas County. The Agency alleges that respondents violated Sections 21(p)(1) and (7) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (7) (2004)) by open dumping resulting in litter and deposition of general construction or demolition debris or clean construction or demolition debris.

On May 21, 2007, the Agency filed a motion to dismiss the administrative citation for lack of timely service on respondents within 60 days of the observed violation. *See* 415 ILCS 5/31.1(b) and 35 Ill. Adm. Code 108.402. The Board grants that motion and dismisses the administrative citation.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 7, 2007, by a vote of 4-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

APR 24 2007

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
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 v. )  
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 GIRE PROPERTIES INC. and GIRE )  
 CONSTRUCTION INC., )  
 )  
 Respondents. )

AC 07-55  
 (IEPA No. 108-07-AC)

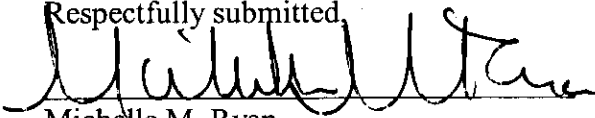
NOTICE OF FILING

To: Gire Properties, Inc.  
 101N Sycamore Street  
 Villa Grove, IL 61956

Edwin J. Gire, Jr.  
 P.O. Box 112  
 Villa Grove, IL 61956

Gire Construction Inc.  
 101N Sycamore Street  
 Villa Grove, IL 61956

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,  
  
 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: April 19, 2007

ADMINISTRATIVE CITATION

APR 24 2007

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
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Complainant, )  
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v. )  
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GIRE PROPERTIES INC. and GIRE )  
CONSTRUCTION INC., )  
 )  
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 )  
Respondents. )

AC 07-55  
(IEPA No. 108-07-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 (2004).

FACTS

1. That Gire Properties Inc. is the present owner and Gire Construction, Inc. is the current operator ("Respondents") of a facility located at Northwest ¼ Section of Section 11, Camargo Township, Douglas County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Gire Construction Inc.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0410355017.
3. That Respondents have owned/operated said facility at all times pertinent hereto.
4. That on March 14, 2007, Michael Mullins of the Illinois Environmental Protection Agency's Champaign 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 Michael Mullins during the course of his March 14, 2007 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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) (2004).
  
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris; or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2004).

### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2004), Respondents are 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 Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than May 31, 2007, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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 (2004), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents 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 One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2004), if Respondents fail to petition or elect 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, Respondents 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2004). If Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.

Douglas P. Scott  
Douglas P. Scott, Director *by me*  
Illinois Environmental Protection Agency

Date: 4/18/07

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**  
CLERK'S OFFICE

APR 24 2007

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Complainant, )  
v. )  
GIRE PROPERTIES INC. and GIRE )  
CONSTRUCTION INC., )  
Respondents. )

AC 07-55  
(IEPA No. 108-07-AC)

FACILITY: Gire Construction, Inc.

SITE CODE NO.: 0410355017

COUNTY: Douglas

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: March 14, 2007

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.