

ILLINOIS POLLUTION CONTROL BOARD  
April 2, 2009

COUNTY OF WILL, )  
 )  
 Complainant, )  
 )  
 v. ) AC 09-32  
 ) (Administrative Citation)  
 GLOVER FAMILY TRUST, ELAINE D. )  
 GLOVER, GLEN K. GLOVER, )  
 )  
 Respondent. )  
 )

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

On December 29, 2008, County of Will (County) timely filed an administrative citation against the Glover Family Trust, Elaine D. Glover, and Glen K. Glover (respondents). *See* 415 ILCS 5/31.1(c) (2006); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns respondents' residential property located at 24W947 Ramm Dr., Naperville, Will County, Illinois. The Illinois Environmental Protection Agency (Agency) has previously assigned the subject property a site code of 1978205013. For the reasons below, the Board finds that respondents violated the Environmental Protection Act (Act) (415 ILCS 5 (2006)) and orders them to pay \$4,500.00 in civil penalties.

Under the Act, an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the Agency or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations at sanitary landfills or unpermitted open dumps. *See* 415 ILCS 5/3.305, 3.445, 21(o), (p), 31.1(c), 42(b)(4), (4-5) (2006); 35 Ill. Adm. Code 108.

In this case, the County alleges that respondents violated Sections 21(p)(1), (3), and (7) of the Act (415 ILCS 5/21(p)(1), (3), and (7) (2006)) by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and the deposition of general or clean construction and demolition debris. The County asks the Board to impose a \$4,500.00 civil penalty on respondents. As required, the County served the administrative citation on respondents within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2006); *see also* 35 Ill. Adm. Code 101.300(c), 108.202(b).

To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violations alleged and impose the corresponding civil penalty. *See* 415 ILCS 31.1(d)(1) (2006); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due on February 3, 2009. Respondents

failed to timely file a petition. Accordingly, the Board finds that Glover Family Trust, Elaine D. Glover, and Glen K. Glover violated Sections 21(p)(1), (3), and (7) of the Act.

The civil penalty for violating any provision of subsection (p) of Section 21 is \$1,500 for each violation, except that the penalty amount is \$3,000 for each violation that is the person's second or subsequent adjudicated violation of that provision. *See* 415 ILCS 5/42(b)(4-5) (2006); 35 Ill. Adm. Code 108.500(a). Because there 3 violation(s) of Section 21(p) and these are the respondents' first adjudicated violations, the total civil penalty is \$4,500.00. Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

This opinion constitutes the Board's finding of fact and conclusions of law.

### **ORDER**

1. The Board finds that the Glover Family Trust, Elaine D. Glover, and Glen K. Glover violated Sections 21(p)(1), (3), and (7) of the Act (415 ILCS 5/21(p)(1), (3), and (7) (2006)).
2. Respondents must pay a civil penalty of \$4,500.00 no later than May 4, 2009, which is the 30th day after the date of this order. Respondents must pay \$2,250. by certified check or money order to the Illinois Environmental Protection Agency, and the remaining \$2,250 to the County of Will, c/o Pat McGuire, Will County Treasurer. The case number, case name, and respondents' social security numbers must be included on the certified check or money order.
3. Respondents must send the certified check or money order and the remittance form for \$2,250 to:
 

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Respondents must send the certified check or money order and the remittance form for \$2,250 to:
 

County of Will  
c/o Pat McGuire  
Will County Treasurer  
302 N. Chicago St.  
Joliet, Illinois 60432;
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2006)) at the rate

set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2006)).

6. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2006); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 2, 2009, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

DEC 29 2008

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF WILL, )  
Complainant, )  
vs. )  
GLOVER FAMILY TRUST, ELAINE D. )  
GLOVER, GLEN K. GLOVER, )  
Respondent. )

AC 09 -32

**ADMINISTRATIVE CITATION**

NOW COMES the complainant, the COUNTY OF WILL, a body corporate and politic, through its State's Attorney James W. Glasgow, by one of his assistants, Melanie D. Manning, and for its Administrative Citation against the GLOVER FAMILY TRUST, EALINE D. GLOVER, an individual and co-trustee, and GLEN K. GLOVER, an individual and co-trustee, states as follows:

**JURISDICTION**

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1, *et. seq.*, specifically 415 ILCS 5/31.1.

**FACTS**

1. The respondents, the GLOVER FAMILY TRUST, under a certain trust agreement dated February 26, 2003, ELAINE D. GLOVER, an individual and upon information and belief, co-trustee of the GLOVER FAMILY TRUST, and GLEN K. GLOVER, an individual and upon information and belief, co-trustee of the GLOVER FAMILY TRUST, (hereinafter collectively referred to as "Respondents") at all times relevant hereto are the owner of the real property, or have an ownership interest in the

trust that is the property, located at 24W947 Ramm Dr., Naperville, Will County, Illinois P.I.N. 07-01-05-203-018 (hereinafter collectively referred to as the “subject property”).

2. The Illinois Environmental Protection Agency has previously assigned the subject property a site code of 1978205013.

3. At all times relevant hereto the Respondents have owned, had an interest in a trust that owned and/or controlled the subject property, and upon information and belief, allowed an unknown person to use the subject property and/or operate a business on the subject property.

4. On October 31, 2008, Jason Peppmuller, an Environmental Enforcement Officer for the Waste Services Division of the Will County Land Use Department, inspected the subject property.

5. After his October 31, 2008, inspection of the subject property, Officer Peppmuller prepared an Inspection Report detailing his observations of the subject property. A true and correct copy of the inspection report and a supporting affidavit are attached hereto and incorporated herein as “Group Exhibit A”.

### VIOLATIONS

#### **I. CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN LITTER AT THE DUMP SITE, SECTION 21(p)(1)**

6. On the basis on Officer Peppmuller’s direct observations, he has determined the Respondents allowed the open dumping of waste, which resulted in litter at the subject property in violation of 415 ILCS 5/21(p)(1).

7. Specifically that Respondents allowed the open dumping of waste, which resulted in litter, at the subject property as on October 31, 2008, Officer Peppmuller observed during his on-site inspection dumping which caused litter in violation of 415 ILCS 5/21(p)(1).

**II. CAUSE OF ALLOW THE OPEN DUMPITNG OF ANY WASTE IN A MANNER WHICH RESULTS IN OPEN BURNING, SECTION 21(p)(3)**

8. On the basis on Officer Peppmuller's direct observations, he has determined the Respondents allowed the open dumping of waste, which resulted in open burning at the subject property in violation of 415 ILCS 5/21(p)(3).

9. Specifically that Respondents allowed the open dumping of waste, which resulted in litter, at the subject property as on October 31, 2008, Officer Peppmuller observed during his on-site inspection dumping which resulted in open burning in violation of 415 ILCS 5/21(p)(3).

**III. CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN DEPOSITION OF GENERAL CONSTRUCTION OR DEMOLITION DEBRIS; OR CLEAN CONSTRUCTION OR DEMOLITION DEBRIS AT THE DUMP SITE, SECTION 21(p)(7)**

10. On the basis on Officer Peppmuller's direct observations, he has determined the Respondents allowed the open dumping of waste which was caused or allowed in a manner which resulted in deposition of general construction or demolition debris or clean construction debris at the subject property in violation of 415 ILCS 5/21(p)(7).

11. Specifically that Respondents allowed the open dumping of waste, which resulted in litter, at the subject property as on October 31, 2008, Officer Peppmuller observed during his on-site inspection open dumping of waste which was caused or allowed in a manner which resulted in deposition of general construction or demolition debris or clean construction debris at the subject property in violation of 415 ILCS 5/21(p)(7).

**CIVIL PENALTY**

Pursuant to Section 415 ILCS 5/42(b)(4)-(5), Respondents are subject to a civil penalty of \$1,500.00 for each of the violations identified above, for a total of \$4,500. If Respondents elect not to petition the Illinois Pollution Control Board, the statutorily civil penalty specified above shall be due and payable no later than February 27, 2009, 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, and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearings costs shall be assessed in addition to the \$1,500.00 statutory civil penalty for each violation.

Pursuant to Section 415 ILCS 5/31.1(d)(1), if Respondents fails to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within 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, checks shall be made payable in equal amounts (50% of total penalty each) to:

(1) County of Will, c/o Pat McGuire, Will County Treasurer, 302 N. Chicago St., Joliet, Illinois 60432; and

(2) Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O.Box 19276, Springfield, Illinois 62794-9276.

Respondents shall complete and return the enclosed Remittance Forms with payments to ensure property 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 Respondent from the date payment is due up to and including the date that payment is received. The Complainant may either initiate

proceedings against Respondent in the Circuit Court or other debt collection actions to collect said penalty and/or hearing costs, plus any interest accrued.

**PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION**

You have the right to contest this Citation, pursuant to 415 ICLS 5/31.1. If you elect to contest this Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review shall be filed with James W. Glasgow, Will County State's Attorney, Attn: Melanie D. Manning, Assistant State's Attorney, Will County State's Attorney's Office, 121 N. Chicago St., Joliet, Illinois 60432. **YOUR PETITION FOR REVIEW MUST BE FILED WITHIN 35 DAYS OF THE DATE OF SERVICE OF THE PRESENT CITATION ON YOU. IF YOU FAIL TO FILE YOUR PETITION, A DEFAULT ORDER AGAINST YOU WILL BE ENTERED BY THE POLLUTION CONTROL BOARD.**

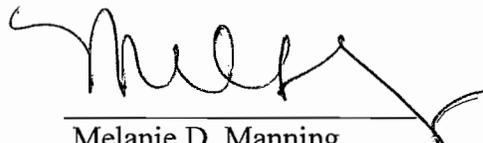
Your original Petition must be filed with the Clerk of the Board at:

Clerk  
Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601-3218

A copy must be sent to:

James W. Glasgow, Will County State's Attorney  
Attn: Melanie D. Manning, Assistant State's Attorney  
Will County State's Attorney's Office  
121 N. Chicago St.  
Joliet, Illinois 60432.

DATED this 22 day of December, 2008

  
Melanie D. Manning,  
Assistant State's Attorney