

JUN 28 2006

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
MICHAEL GRUEN and JON ERIC )  
GRUEN, d/b/a JON'S TREE SERVICE )  
 )  
Respondents. )

STATE OF ILLINOIS  
Pollution Control Board

(IEPA No. 96-06-AC)

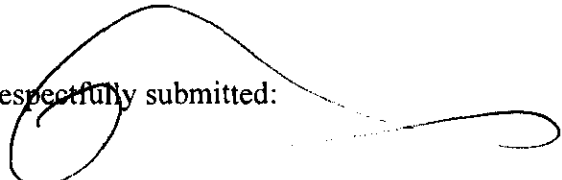
*AC06-49*

**NOTICE OF FILING**

To: Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Petition for Review and Brief in Support of Petition for Review of Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service, a copy of which is herewith served upon you.

Respectfully submitted:



Phillip H. Hamilton, #6201288  
Ebony R. Huddleston, #6288261  
Farrell, Hunter, Hamilton & Julian, P.C.  
1310 D'Adrian Professional Park  
Godfrey, IL 62035  
Phone: 618-466-9080  
Fax: 618-466-9105  
Email: lawfirm@fhjpc.com

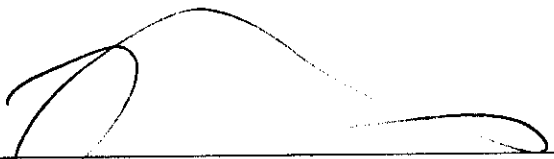
**PROOF OF SERVICE**

I hereby certify that I did on the 27th day of June, 2006, send by UPS, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument entitled NOTICE OF FILING

To: Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

And the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: Dorothy Gunn, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Ste. 11-500  
Chicago, IL 60601



---

Phillip H. Hamilton, #6201288  
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STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Complainant, )

(IEPA No. 96-06-AC)

v. )

MICHAEL GRUEN and JON ERIC )  
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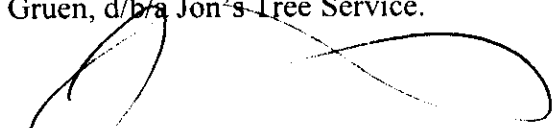
Respondents. )

AC06-49

**NOTICE OF APPEARANCE**

I hereby file my Appearance in this proceeding, on behalf of Michael Gruen and Jon Eric

Gruen, d/b/a Jon's Tree Service.



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Ebony R. Huddleston, #6288261  
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 GRUEN, d/b/a JON'S TREE SERVICE )  
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 Respondents. )

(IEPA No. 96-06-AC)

*Ac06-49*

**PETITION FOR REVIEW**

Come now Respondents, Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service, by and through their attorneys Farrell, Hunter, Hamilton & Julian, P.C., pursuant to the Illinois Environmental Protection Act, 415 ILCS 5/31-1, and for their Petition for Review state as follows:

1. Michael Gruen is the property owner and Jon Eric Gruen, d/b/a Jon's Tree Service is the operator ("Jon's Tree Service") of a facility located in Macoupin County, Illinois, commonly known to the Illinois Environmental Protection Agency as Mt. Olive/Gruen.
2. Said facility has been assigned Site Code Number LPC#1178135010 by the Illinois Environmental Protection Agency.
3. The facility is used in connection with a tree service operated by Jon Eric Gruen, d/b/a Jon's Tree Service.
4. Jon's Tree Service operates in the business of trimming and removing trees and tree limbs; and stacking, drying, and selling hardwoods for use as firewood.

5. On April 20, 2006, Jan Mier, of the Illinois Environmental Protection Agency's Springfield Regional Office, inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto as Exhibit 1.

6. Jon's Tree Service petitions the Illinois Pollution Control Board for review of the following issues:

(a) Based on observations made by Jan Mier, the Illinois Environmental Protection Agency erred in finding that Jon's Tree Service caused or allowed the open dumping of waste in a manner resulting in litter in violation of Section 21(p)(1) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/21(p)(1).

(b) Jon's Tree Service is not subject to a civil penalty of \$1,500.

7. "Litter" as defined under the Act prohibiting open dumping on property resulting in the occurrence of litter refers to material of little or no value that has not been properly disposed of. Miller v. Pollution Control Bd., 267 Ill. App. 3d 160, 642 N.E.2d 475 (Ill. App. Ct. - 4<sup>th</sup> Dist. 1994).

8. The inspector's written report along with the photographs taken by the inspector are inconsistent with "open dumping" so as to result in "litter." The materials located on the premises are used in the course of business of Jon Gruen. The materials are of value and are placed on the premises in a manner consistent with its use in business.

9. Jon Gruen d/b/a Jon's Tree Service cuts down trees and trims trees for a fee to his customers. The service includes removal of the trees and branches from the customer's property. Limbs under six inches are run through a chipper and sold as mulch. Other timber which is not desirable as hardwood is split and sold to farmers for use in their operations. Mr. Gruen stores the more desirable hardwoods for sale during the fall and winter as firewood. The hardwoods

must first be dried, so it is suitable for burning in a fireplace or wood burning stove. This is the reason for the logs shown in the drying process in the pictures that are part of Exhibit 1.

Notably, Macoupin County, Illinois has no zoning ordinance prohibiting the storage, stacking or drying of timber for sale as firewood. The timber in question also does not meet the definition of “landscape waste”, which includes an accumulation of tree limbs and other materials accumulated as the result of the care of trees. This is because the leftover timber is converted to other viable and appropriate commercial uses.

10. The materials are not scattered about the premises so as to constitute litter. By the inspector’s own admission on the Inspection Narrative and comments pertaining to the photographs, the wood at the site is “stacked” and “lining” the drive and fence. Photo #s 001-004, and 009-010.

11. The photos show pieces of wood stacked in piles and concentrated in certain areas Id. The materials are purposefully placed throughout the premises so as not to block the drive and are accessible in order to be used for business purposes.

12. The inspector incorrectly classifies additional tree limbs which are not conducive to stacking or lining as “new waste”. Photo # 005. These additional tree limbs are located in one pile on the premises in preparation of being used in the course of business.

13. The drums are also located in one area of the premises “along the east portion of the fenced area.” Photo #s 006-007. Some of the excess timber which is not suitable for sale as firewood is burned in the drums. Macoupin County ordinance does not prohibit this burning.

14. All of the vehicles noted in the photos are currently used by Jon Gruen in his tree service business. The vehicles are operational and are not junked.

15. As there has been no violation of Section 21(p)(1) of the Act, Jon's Tree Service is not subject to the statutory civil penalty of \$1,500.

16. Respondents request a hearing in Macoupin County, Illinois in compliance with 35 Ill. Adm. Code 101.600.

WHEREFORE, Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service request that the Illinois Pollution Control Board reverse the determination that Jon's Tree Service violated the Illinois Environmental Protection Act and reverse the imposition of the statutory civil penalty of \$1,500. Jon's Tree Service requests such further relief as the Board deems equitable and just.

Respectfully submitted:

MICHAEL GRUEN and JON ERIC GRUEN, d/b/a JON'S  
TREE SERVICE

BY: 

Phillip H. Hamilton, #6201288  
Ebony R. Huddleston, #6288261  
Farrell, Hunter, Hamilton & Julian, P.C.  
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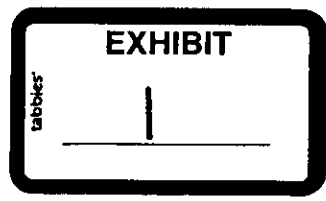
# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: MACOUPIN      LPC#: 1178135010      Region: SPFLD  
 Location/Site Name: MT. OLIVE/GRUEN  
 Date: 4/20/06      From 12:25 PM To 12:55 PM      Previous Inspection Date: 1/5/06  
 Inspector(s): JAN MIER      Weather: 60 F, SUNNY, WINDY  
 No. of Photos Taken: # 13      Est. Amt. of Waste: 200 yds<sup>3</sup>      Samples Taken: Yes #      No X  
 Interviewed: No one on site      Complaint #: C-05-045-C

Responsible Party Mailing Address(es) and Phone Number(s):	Michael Gruen 1132 Terrace Drive St. Louis, MO 63117 314/991-8649	Jon Gruen 210 Cooper Avenue Lot #19 East Alton, IL 62024 618/259-0262
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	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<b>X</b>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<b>X</b>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<b>X</b>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<b>X</b>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<b>X</b>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>



LPC # 1178135010

Inspection Date: 4/20/06

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<b>X</b>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	<b>OTHER:</b>		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

**Illinois Environmental Protection Agency  
Inspection Narrative**

**LPC#1178135010 – Macoupin County  
Mt. Olive/Gruen  
FOS File**

**Inspection Date: 4/20/06  
Inspector: Jan Mier  
C-05-045-C**

On April 4, 2006, I conducted a re-inspection at the above-referenced site. The original deadline date for the Administrative Citation Warning Notice was March 31, 2005. An extension was given until May 31, 2005. A second extension was given until July 29, 2005. A third extension was given until December 31, 2005. A final extension was given until March 15, 2006. Mr. Gruen has submitted receipts for firewood he has sold and metal and vehicles he has scrapped, but I am unable to note any improvement in the site because of the large amount of wood on site.

I arrived at 12:25 p.m. No one was on site and the gate was locked so I walked around the perimeter of the property. Photo #001 is a partial view of the west side of the property where logs are lining an approximate 250' fence. Photo #002 shows the entrance drive to the site with cut wood lining each side. Photo #003 shows a portion of the wood stacked along the drive. Some wood has deteriorated and is starting to crumble. Tree saplings are also growing in the stacked wood (see photo #004). New waste has appeared on site since the last inspection (see photo #005). Five drums are along the east portion of the fenced area (see photo #006). One drum was smoldering and filled with ash (see photo #007). There are about eight vehicles on site, four of which are shown in photo #008. Mr. Gruen, the site operator, has stated the white truck is in use for his tree trimming business. A large metal tank is also in photo #008.

I walked along the north side of the fenced area and observed cut stacked logs and large weathered logs south of them (see photo #009). Photo #010 shows stumps and logs that have weathered to the point of degrading. Photos #011, #012 and #013 show the vehicles on site. Two pick truck beds are filled with wire, metal, plastic, mowers and vehicle parts. A mobile home on site is being used for storage, according to Mr. Gruen. I departed at 12:55 p.m.

Continuing violations observed during the inspection are noted on the attached checklist.

cc: DLPC/FOS – Springfield Region



## DIGITAL PHOTOGRAPHS



Date: 4/20/06  
Time: 12:33 p.m.  
Direction: E  
Photo by: Jan Mier  
Exposure #: 001  
Comments:

Weathered logs lining  
the west side of the  
property



Date: 4/20/06  
Time: 12:36 p.m.  
Direction: W  
Photo by: Jan Mier  
Exposure #: 002  
Comments:

Logs lining the drive  
on the east side of the  
property

File Names:1178135010 ~ 04202006-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 4/20/06  
Time: 12:36 p.m.  
Direction: N  
Photo by: Jan Mier  
Exposure #: 003  
Comments:

Logs and crumpled  
lumber



Date: 4/20/06  
Time: 12:37 p.m.  
Direction:  
Photo by: Jan Mier  
Exposure #: 004  
Comments:

Tree growing through  
logs along driveway

File Names:1178135010 ~ 04202006-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



Date: 4/20/06  
Time: 12:37 p.m.  
Direction: SW  
Photo by: Jan Mier  
Exposure #: 005  
Comments:

Tree limbs and logs  
with mobile home and  
truck in the  
background



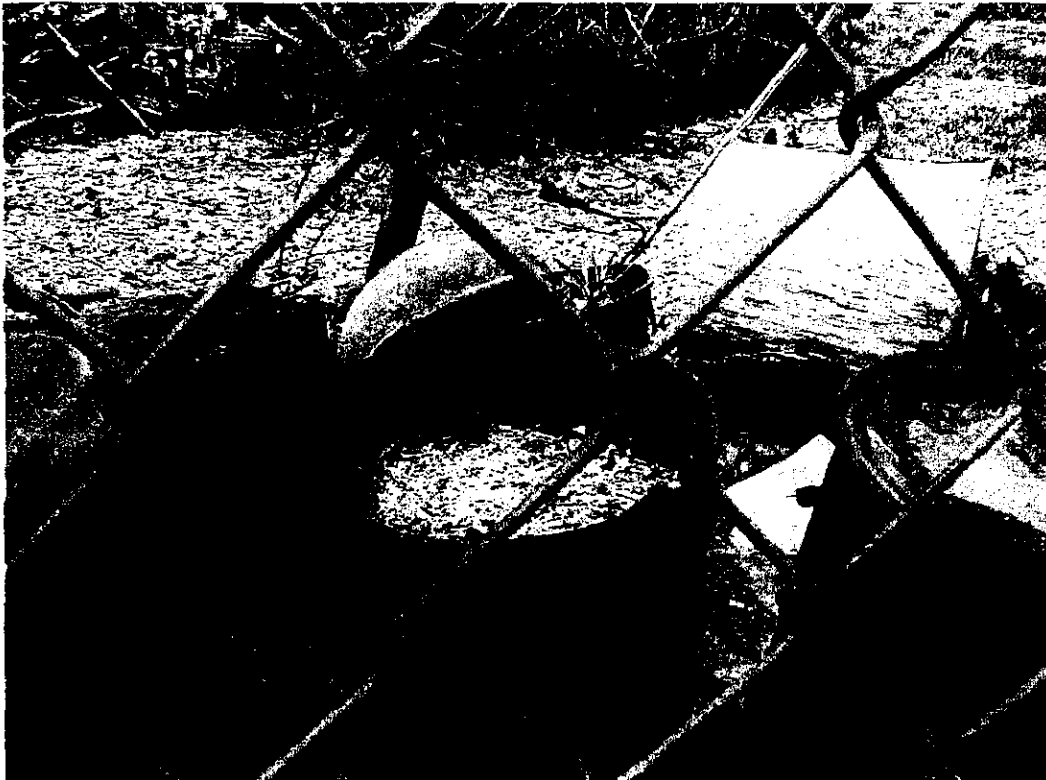
Date: 4/20/06  
Time: 12:38p.m.  
Direction: NW  
Photo by: Jan Mier  
Exposure #: 006  
Comments:

Mobile home,  
abandoned truck, logs,  
drums, garbage cans  
and tree limbs

File Names:1178135010 ~ 04202006-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**



Date: 4/20/06  
Time: 12:38 p.m.  
Direction: W  
Photo by: Jan Mier  
Exposure #: 007  
Comments:

Drum with smoldering  
ash, grill and log



Date: 4/20/06  
Time: 12:39 p.m.  
Direction: W  
Photo by: Jan Mier  
Exposure #: 008  
Comments:

Metal tank, garbage  
cans, vehicles and logs

File Names:1178135010 ~ 04202006-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



Date: 4/20/06  
Time: 12:39 p.m.  
Direction: S  
Photo by: Jan Mier  
Exposure #: 009  
Comments:

Stacked and unstacked  
logs with empty motel  
in background



Date: 4/20/06  
Time: 12: p.m.  
Direction: S  
Photo by: Jan Mier  
Exposure #: 010  
Comments:

Weathered stumps and  
logs

File Names:1178135010 ~ 04202006-[Exp. #].jpg





## DIGITAL PHOTOGRAPHS



Date: 4/20/06  
Time: 12:46 p.m.  
Direction: NW  
Photo by: Jan Mier  
Exposure #: 011  
Comments:

Back of truck, truck  
bed with garbage in it,  
and vehicle



Date: 4/20/06  
Time: 12:47 p.m.  
Direction: NE  
Photo by: Jan Mier  
Exposure #: 012  
Comments:

Truck bed with sapling  
growing next to it,  
containing wire, metal,  
vehicle parts, truck bed  
with garbage, and  
other vehicles on site

File Names:1178135010 ~ 04202006-[Exp. #].jpg



**DIGITAL PHOTOGRAPHS**

Date: 4/20/06  
Time: 12:47 p.m.  
Direction: N  
Photo by: Jan Mier  
Exposure #: 013  
Comments:



Vehicles looking north

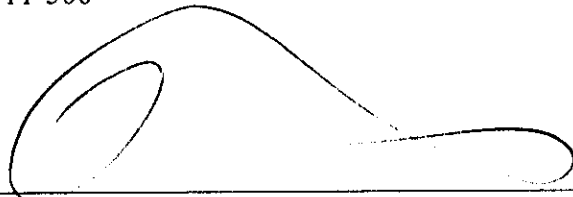
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Respondents. )

*AC06-49*

**BRIEF IN SUPPORT OF PETITION FOR REVIEW**

Come now Respondents, Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service, by and through their attorneys, Farrell, Hunter, Hamilton & Julian, P.C., and for their Brief in Support of Petition for Review, state as follows:

Complainant, Illinois Environmental Protection Agency ("Agency") erred in its determination that Respondents violated the Illinois Environmental Protection Act. The Agency has incorrectly classified materials on the premises of Jon's Tree Service as open dumping of waste in a manner resulting in litter. Jon's Tree Service has not violated Section 21(p)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/21(p)(1), so as to be subject to a civil penalty of \$1,500. The Illinois Pollution Control Board should reverse the Agency's determination and remove the imposition of the civil penalty of \$1,500 against Jon's Tree Service.

**FACTS**

Michael Gruen is the owner of property commonly known to the Illinois Environmental Protection Agency as Mt. Olive/Gruen located in Macoupin County, Illinois. This facility has been assigned Site Code Number LPC#1178135010 by the Illinois Environmental Protection

Agency. Jon Eric Gruen is the operator of Jon's Tree Service which does business at this facility. Jon's Tree Service uses this facility to operate its business of trimming and removing trees and tree limbs; and stacking, drying, and selling hardwoods for use as firewood.

On April 28, 2006, an inspector with the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. Exhibit 1. Based on the observations made by Jan Mier, the Illinois Environmental Protection Agency determined that the facility was in violation of Section 21(p)(1) of the Illinois Environmental Protection Act ("Act"). Section 21(p)(1) of the Act states in pertinent part:

In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in the manner which results in any of the following occurrences at the dump site:  
(1) litter. 415 ILCS 5/21(p)(1).

Based on this finding, the Agency issued an Administrative Citation subject to a civil penalty of \$1,500 pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5). This section of the Act states in pertinent part:

In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (p) of Section 21 of this Act shall pay a civil penalty of \$1,500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency . . . . 415 ILCS 5/42(b)(4-5).

## ARGUMENT

I. The inspector's written report is inconsistent with a finding of open dumping resulting in litter.

"Litter" as defined under the Illinois Environmental Protection Act refers to material of little or no value that has not been properly disposed of. Miller v. Pollution Control Bd., 267 Ill. App. 3d 160, 642 N.E.2d 475 (Ill. App. Ct. - 4<sup>th</sup> Dist. 1994). The materials mentioned in the inspector's written report and photographs are of value and are used during the course of business for Jon's Tree Service. Jon Gruen's business involves removal of trees from a

customer's property. The hardwoods are stacked and allowed to dry and are then sold as firewood in the fall and winter. The hardwood must be dried so that it is suitable for burning in a fireplace or wood burning stove. In addition, the materials can not be considered to have been disposed as they are not scattered about the premises so as to constitute litter. By the inspector's own admission in the Inspection Narrative, the wood at the site is "stacked" and "lining" the drive and fence. Exhibit 1, p. 1 and Photo #s 001-004, and 009-010. These photographs show pieces of wood stacked in piles and concentrated in certain areas. The materials are not placed in disarray but are accessible in order to be used for business purposes. If the materials were simply litter, such care would not have been taken to stack and line the materials.

Tree saplings and deteriorating wood is not unusual in an area containing hundreds of pieces of wood. Tree saplings and weathered wood are found in any residential or commercial area and are not categorized as litter or open dumping. Jon Gruen should not be penalized because its primary business is maneuvering large amounts of wood where weathered wood and the growth of tree saplings is likely depending on the amount of wood sold and collected during a given time frame.

The inspector incorrectly classifies additional tree limbs as "new waste." Photo # 005. However, these additional tree limbs are not conducive to stacking or lining, so the materials are located in one pile on the premises in preparation of being used in the course of business. Simply because these materials have appeared on the premises since the last inspection does not automatically qualify them as waste materials. It is reasonable to know that because Jon Gruen is currently engaged in the business of trimming trees, that tree limbs would be moved to and from the premises.

The inspector also makes mention of five drums. These drums are located in one area of the premises “along the east portion of the fenced area.” Exhibit 1, p. 3 and Photo #s 006-007. Some of the material left over from the removal of the trees is burned in the drums - a practice not prohibited in Macoupin County, Illinois. These drums are not haphazardly scattered among the premises but are lined up along a fence. The placement of the drums allows for accessibility for use in the business.

The materials described in the inspector’s report are not conclusive that Jon’s Tree Service is engaged in open dumping of waste as would constitute litter, because such materials are used in the course of business.

II. The materials located on the premises are used during the course of business for Jon’s Tree Service.

Jon Gruen uses the materials located on the premises for business purposes. The materials are not abandoned so as to constitute open dumping resulting in litter. Jon Gruen has stated that the white truck viewed in Photo # 008 is in use for business purposes. Exhibit 1, p. 3. As for Photos # 011-013, the materials contained in the pick-up truck beds serve as inventory for sale by Jon’s Tree Service.

Because the materials located on the premises operated by Jon’s Tree Service are used for business purposes, there has been no violation of Section 21(p)(1) of the Act. Therefore, Jon’s Tree Service is not subject to the statutory civil penalty of \$1,500.

**CONCLUSION**

The Illinois Environmental Protection Agency erred in determining that the premises operated by Jon’s Tree Service is in violation of the Illinois Environmental Protection Act. As discussed above, Jon’s Tree Service does not use the premises for open dumping of waste in a

manner resulting in litter. Rather, these materials are used during the course of business and such use of materials does not violate Section 21(p)(1) of the Act.

The inspection report produced by Jan Mier recognizes that the materials on the premises are used in the course of business and the materials are stacked and lined on the premises indicating order of the materials of the premises. Use of these materials during the course of business is inconsistent with open dumping so as to constitute litter.

WHEREFORE, Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service request that the Illinois Pollution Control Board reverse the determination of the Illinois Environmental Protection Agency and dismiss the civil penalty of \$1,500. Jon's Tree Service requests such further relief as the Board deems equitable and just.

Respectfully submitted:

MICHAEL GRUEN and JON ERIC GRUEN, d/b/a JON'S  
TREE SERVICE

BY: 

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## PROOF OF SERVICE

I hereby certify that I did on the 27th day of June, 2006, send by UPS, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument entitled BRIEF IN SUPPORT OF PETITION FOR REVIEW

To: Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

And the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: Dorothy Gunn, Clerk  
Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Ste. 11-500  
Chicago, IL 60601



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