

ILLINOIS POLLUTION CONTROL BOARD
August 22, 2019

COUNTY OF LASALLE,)
)
Complainant,)
)
v.) AC 19-19
) (Administrative Citation)
JAKE COOK AND SARAH COOK,)
)
Respondents.)

OPINION AND ORDER OF THE BOARD (by C.M. Santos):

On June 18, 2019, the County of LaSalle timely filed an administrative citation against Jake Cook and Sarah Cook (Cooks). *See* 415 ILCS 5/31.1(c) (2018); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns the Cooks’ site located at East Illinois State Route 71 in Ottawa, LaSalle County. The property is commonly known to the Illinois Environmental Protection Agency (Agency) as the “Cook Property” site and is designated with Site Code No. 0998315004. For the reasons below, the Board finds that the Cooks violated the Environmental Protection Act (Act) (415 ILCS 5 (2018)) and orders the Cooks to pay \$4,500 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. *See* 415 ILCS 5/21(o), 21(p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k) (2018); 35 Ill. Adm. Code 108.

In this case, the County of LaSalle alleges that on June 4, 2019, the Cooks violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), and 21(p)(7) (2018)) by causing or allowing open dumping resulting in: (1) litter; (2) open burning; and (3) deposition of general construction or demolition debris, or clean construction or demolition debris. The County of LaSalle asks the Board to impose the statutory \$1,500 civil penalty per violation on the Cooks, for a total civil penalty of \$4,500. As required, the County of LaSalle served the Cooks with the administrative citation on June 19, 2019, which is within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2018); *see also* 35 Ill. Adm. Code 101.300(c), 108.200(b)(1).

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) (2018); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due by July 24, 2019. The Cooks failed

to timely file a petition. Accordingly, the Board finds that the Cooks violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act.

The civil penalty for violating any provision of Section 21(p) 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) (2018); 35 Ill. Adm. Code 108.500(a). Because there are three violations of Section 21(p) and there is no indication in the record that any of these is a second or subsequent adjudicated violation, the total civil penalty is \$4,500. 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 Jake and Sarah Cook violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), and 21(p)(7) (2018)).
2. Jake and Sarah Cook must pay a civil penalty of \$4,500 no later than September 23, 2019, which is the first business day following the 30th day after the date of this order. Jake and Sarah Cook must pay \$2,250 by one certified check or money order, made payable to the LaSalle County Treasurer, and also must pay \$2,250 by one certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Jake and Sarah Cook's social security numbers must be included on the certified checks or money orders.
3. Jake and Sarah Cook must send the separate certified checks or money orders and the remittance forms to the:

Illinois Environmental Protection Agency
 Fiscal Services Division
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

LaSalle County Department of Environmental Services and Land Use
 119 West Madison Street, Room 107A
 Ottawa, Illinois 61350
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2018)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2018)).

5. 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) (2018); *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. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
LaSalle County State's Attorney's Office Attn: Mark Anderson 707 Etna Road Ottawa, Illinois 61350	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
LaSalle County Department of Environmental Services and Land Use 119 West Madison Street, Room 107A Ottawa, Illinois 61350	
Jake Cook and Sarah Cook 702 West Joliet Street Ottawa, Illinois 61350	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 22, 2019, by a vote of 5-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board