

ILLINOIS POLLUTION CONTROL BOARD
February 6, 2020

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
)
Complainant,)
) AC 20-2
v.) (IEPA No. 209-19-AC)
) (Administrative Citation)
FIELDS ITALIAN CARS, INC.)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by B.K. Carter):

On December 12, 2019, the Illinois Environmental Protection Agency (IEPA) timely filed an administrative citation against Fields Italian Cars, Inc. *See* 415 ILCS 5/31.1(c) (2018); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns Fields Italian Cars, Inc.’s car dealership located at 250 Skokie Valley Road in Highland Park, Lake County. The property is commonly known to IEPA as the “Highland Park/Fields Alfa Romeo Maserati” site and is designated with Site Code No. 0970505157. For the reasons below, the Board finds that Fields Italian Cars, Inc. violated the Environmental Protection Act (Act) (415 ILCS 5 (2018)) and orders Fields Italian Cars, Inc. to pay \$1,500 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 IEPA or, if IEPA 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, IEPA alleges that on November 5, 2019, Fields Italian Cars, Inc. violated Section 55(k)(1) of the Act (415 ILCS 55(k)(1) (2018)) by causing or allowing water to accumulate in used or waste tires. IEPA asks the Board to impose the statutory \$1,500 civil penalty per violation on Fields Italian Cars, Inc., for a total civil penalty of \$1,500. As required, IEPA served Fields Italian Cars, Inc. with the administrative citation on December 23, 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 January 27, 2020. Fields Italian

Cars, Inc. failed to timely file a petition. Accordingly, the Board finds that Fields Italian Cars, Inc. violated Section 55(k)(1) of the Act.

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

ORDER

1. The Board finds that Fields Italian Cars, Inc. violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 55(k)(1) (2018)).
2. Fields Italian Cars, Inc. must pay a civil penalty of \$1,500 no later than March 9, 2020, which is the first business day following the 30th day after the date of this order. Fields Italian Cars, Inc. must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Fields Italian Cars, Inc.'s federal employer identification number must be included on the certified check or money order.
3. Fields Italian Cars, Inc. must send the certified check or money order and the remittance form to:

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

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 violation continues.

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
Illinois Environmental Protection Agency Michelle M. Ryan 1021 North Grand Avenue East Springfield, Illinois, 62794-9276	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Fields Italian Cars, Inc. 2100 W. Frontage Road Glencoe, Illinois, 60022	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 6, 2020 by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board