

ILLINOIS POLLUTION CONTROL BOARD
October 15, 2020

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	AC 21-1
v.)	(IEPA No. 193-20-AC)
)	(Administrative Citation)
DAUNIELLE NASSAR,)	
)	
Respondent.)	
)	

OPINION AND ORDER OF THE BOARD (by J. Van Wie):

On August 27, 2020, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Daunielle Nassar. *See* 415 ILCS 5/31.1(c) (2018); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns Nassar’s facility located at 1903 Front Street, in Monticello, Piatt County. The property is commonly known to the Agency as the “Monticello/Nassar” site and is designated with Site Code No. 1478045003. For the reasons below, the Board finds that Daunielle Nassar violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (Act) and orders Daunielle Nassar to pay \$3,000 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 Agency alleges that on July 28, 2020, Daunielle Nassar 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) (2018). The Agency further alleges that on July 28, 2020 Respondent 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) (2018). The Agency asks the Board to impose the statutory \$1,500.00 civil penalty per violation on Daunielle Nassar for a total civil penalty of \$3,000.00. As required, the Agency served Daunielle Nassar with the administrative citation on September 2, 2020, 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 October 7, 2020. Daunielle Nassar failed to timely file a petition. Accordingly, the Board finds that Daunielle Nassar violated Sections 21(p)(1) and 21(p)(7) of the Act.

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

ORDER

1. The Board finds that Daunielle Nassar violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2018), 415 ILCS 5/21(p)(7) (2018)).
2. Daunielle Nassar must pay a civil penalty of \$3,000.00 no later than November 16, 2020, which is the first business day following the 30th day after the date of this order. Daunielle Nassar must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number and case name must be included on the certified check or money order.
3. Daunielle Nassar 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
Daunielle Nassar 608 County Farm Road Monticello, IL 61856	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 15, 2020, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board