

ILLINOIS POLLUTION CONTROL BOARD  
December 17, 2020

COUNTY OF JACKSON )  
 )  
 Complainant, )  
 )  
 v. ) AC 21-2  
 ) (IEPA No. 0778145098)  
 ROBERT GREEN, ) (Administrative Citation)  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by A. Palivos):

On November 9, 2020, County of Jackson timely filed an administrative citation against Robert Green. *See* 415 ILCS 5/31.1(c) (2018); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns Robert Green’s open dump site located at 15880 Hwy 127 in Murphysboro, Jackson County. The property is commonly known to the Illinois Environmental Protection Agency (Agency) as the “Somerset/Robert Green” site and is designated with Site Code No. 0778145098. For the reasons below, the Board finds that Robert Green violated the Environmental Protection Act (Act) (415 ILCS 5 (2018)) and orders Robert Green 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) (2010); 35 Ill. Adm. Code 108.

In this case, County of Jackson alleges that on September 23, 2020, Robert Green violated Sections 21(a), 21(d)(1), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), 9(a), 9(c), and 55(a)(3) of the Act.<sup>1</sup> 415 ILCS 5/21(a), 21(d)(1), 21(e), 21(p)(1), 21(p)(3), 21(p)(7), 9(a), 9(c) and 55(a)(3) (2018). However, under Section 31.1 of the Act, only Sections 21(p)(1), (3), and (7) meet the criteria for an administrative citation and therefore the Board will only consider those violations. *See* 415 ILCS 5/31.1(a) (2018). County of Jackson alleges Green violated Section 21 (p)(1), (3) and (7) of the Act by causing or allowing litter at the facility; causing or allowing open dumping resulting in open burning; and causing or allowing the deposit of general or clean construction or demolition debris at the facility. 415 ILCS 5/21(p)(1), (3), and (7) (2018). County of Jackson asks the Board to impose the statutory \$1,500 civil penalty per violation for a total civil penalty of \$4,500. As required, County of Jackson served Robert Green with the administrative citation

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<sup>1</sup> The Board reaches no findings or determinations on alleged violations of Section 21(a), 21(d)(1), 21(e), 9(a), 9(c), and 55(a)(3) in this proceeding because these violations do not meet the requirements of an administrative citation. *See* 415 ILCS 5/21(o), 21(p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k) (2010); 35 Ill. Adm. Code 108.

on October 31, 2020, which is within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2010); *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 December 7, 2020. Robert Green failed to timely file a petition. Accordingly, the Board finds that Robert Green violated 21(p)(1), (3) and (7) of the Act.

The civil penalty for violating any provision of Section 21(p), 22.51, 22.51a, or 55(k) 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 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 Robert Green violated Sections 21(p)(1), (3) and (7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3), and (7) (2018)).
2. Robert Green must pay a civil penalty of \$4,500 no later than January 18, 2021, which is the first business day following the 30th day after the date of this order. Robert Green must pay the civil penalty by certified check or money order, made payable in equal amounts to the Illinois Environmental Protection Trust Fund and the County of Jackson. The case number and case name must appear on the certified check or money order. Respondent shall complete and return the enclosed Remittance Forms with payments to ensure proper documentation of payment.
3. Robert Green must send the certified check or money order payable in equal amounts to:

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

County of Jackson  
c/o Jackson County Treasurer

Jackson County Courthouse  
Murphysboro, IL 62966

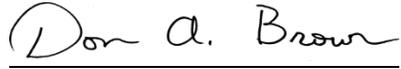
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2018)).
5. Payment of this penalty does not prevent future 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) (2010); *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.

| <b>Names and Addresses for Receiving Service of<br/>Any Petition for Review Filed with the Appellate Court</b>   |  |
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| <b>Parties</b>   | <b>Board</b>   |
| Jackson County State's Attorney Office<br>Attn: Gene A. Turk, Jr.<br>Jackson County Courthouse, 3 <sup>rd</sup> Floor<br>Murphysboro, IL 62966<br>Gene.turk@jacksoncounty-il.gov | Illinois Pollution Control Board<br>Attn: Don A. Brown, Clerk<br>James R. Thompson Center<br>100 West Randolph Street, Suite 11-500<br>Chicago, Illinois 60601 |
| Robert Green<br>15880 Highway 127<br>Murphysboro, IL 62966   |  |

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on December 17, 2020, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board