

ILLINOIS POLLUTION CONTROL BOARD

February 19, 2004

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	AC 04-31
v.)	(IEPA No. 747-03-AC)
)	(Administrative Citation)
EQUIPPING THE SAINTS MINISTRY,)	
INTERNATIONAL, INC.,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

On December 22, 2003, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Equipping the Saints Ministry, International, Inc. (Equipping the Saints Ministry). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The Agency alleges that Equipping the Saints Ministry violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (p)(7) (2002)). The Agency further alleges that Equipping the Saints Ministry violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter and (2) deposition of general construction or demolition debris or clean construction or demolition debris at 402 W. Loud Street, Virden, Macoupin County.

As required, the Agency served the administrative citation on Equipping the Saints Ministry within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2002); *see also* 35 Ill. Adm. Code 108.202(b). On February 13, 2004, Equipping the Saints Ministry timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2002); 35 Ill. Adm. Code 108.204(b). Equipping the Saints Ministry alleges that all debris has been removed, and that prompt removal will be assured for any future construction debris. *See* 35 Ill. Adm. Code 108.206. The Board accepts the petition for hearing.

The Board directs the hearing officer to proceed expeditiously to hearing. The hearing officer will give the parties at least 21 days written notice of the hearing. 35 Ill. Adm. Code 108.300; *see also* 415 ILCS 5/31.1(d)(2) (2002). By contesting the administrative citation, Equipping the Saints Ministry may have to pay the hearing costs of the Board and the Agency. *See* 415 ILCS 5/42(b)(4-5) (2002); 35 Ill. Adm. Code 108.500. A schedule of the Board's hearing costs is available at the Board's offices and on the Board's Web site at www.ipcb.state.il.us. 35 Ill. Adm. Code 504.

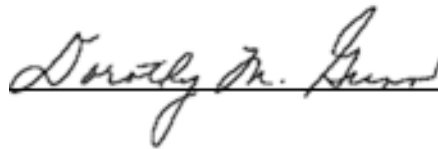
Equipping the Saints Ministry may withdraw its petition to contest the administrative citation at any time before the Board enters its final decision. If Equipping the Saints Ministry chooses to withdraw its petition, it must do so in writing, unless it does so orally at hearing. *See*

35 Ill. Adm. Code 108.208. If Equipping the Saints Ministry withdraws its petition after the hearing starts, the Board will require Equipping the Saints Ministry to pay the hearing costs of the Board and the Agency. *See id.* at 108.500(c).

The Agency has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2002); 35 Ill. Adm. Code 108.400. If the Board finds that Equipping the Saints Ministry violated Section 21(p)(1) and (p)(7), the Board will impose civil penalties on Equipping the Saints Ministry. The civil penalty for violating Section 21(p) is \$1,500 for a first offense and \$3,000 for a second or subsequent offense. 415 ILCS 5/42(b)(4-5) (2002); 35 Ill. Adm. Code 108.500. However, if the Board finds that Equipping the Saints Ministry “has shown that the violation resulted from uncontrollable circumstances, the Board shall adopt a final order which makes no finding of violation and which imposes no penalty.” 415 ILCS 5/31.1(d)(2) (2002); *see also* 35 Ill. Adm. Code 108.500(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 19, 2004, by a vote of 5-0.

A handwritten signature in dark ink, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board