

ILLINOIS POLLUTION CONTROL BOARD  
January 8, 2009

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 09-24
	)	(IEPA No. 317-08-AC)
QUINN and GLENNA HUNLEY,	)	(Administrative Citation)
	)	
Respondents.	)	

ORDER OF THE BOARD (by G.T. Girard):

On November 24, 2008, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Quinn and Glenna Hunley (respondents). *See* 415 ILCS 5/31.1(c) (2006); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns respondents' business property located at 2136 North Illinois Route 130, in rural West Salem, Edwards County, commonly known to the Agency as West Salem/Hunley, Quinn & Glenna. For the reasons below, the Board accepts respondents' petition to contest the administrative citation as timely filed; however the Board directs respondents to file an amended petition by February 9, 2009.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), 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 at sanitary landfills or unpermitted open dumps. *See* 415 ILCS 5/3.305, 3.445, 21(o), (p), 31.1(c), 42(b)(4), (4-5) (2006); 35 Ill. Adm. Code 108.

In this case, the Agency alleges that respondents' violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2006)) by causing or allowing the open dumping of waste in a manner resulting in litter at respondents' Edwards County site. The Agency asks the Board to impose a \$1,500 civil penalty on respondents.

As required, the Agency served the administrative citation on respondents within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2006); *see also* 35 Ill. Adm. Code 101.300(c), 108.202(b). Any petition to contest the administrative citation was due by December 26, 2008. On December 22, 2008, respondents' timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2006); 35 Ill. Adm. Code 101.300(b), 108.204(b). However, respondents merely deny the allegations without setting forth any reason why the respondents believe the administrative citation was improperly issued. *See* 35 Ill. Adm. Code 108.206. Therefore the Board directs the respondents to file an amended petition detailing the reasons why respondents believe the administrative citation was improperly issued. If an

amended petition is not filed by February 9, 2009, the Board will dismiss the petition and enter an order finding respondents violated the Act as alleged in the administrative citation.

The Board notes that by contesting the administrative citation, respondents may have to pay the hearing costs of the Board and the Agency. *See* 415 ILCS 5/42(b)(4-5) (2006); 35 Ill. Adm. Code 108.500. A schedule of the Board's hearing costs is available from the Clerk of the Board and on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). *See* 35 Ill. Adm. Code 108.504.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 8, 2008, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board