

ILLINOIS POLLUTION CONTROL BOARD  
August 19, 2010

MACON COUNTY ENVIRONMENTAL	)	
MANAGEMENT DEPARTMENT,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 10-31
	)	(MCEMD No. 2010-001: 1158015021)
DALE PUGSLEY,	)	(Administrative Citation)
	)	
Respondent.	)	

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

On June 29, 2010, Macon County Environmental Management Department (Macon County) filed an administrative citation against Dale Pugsley. See 415 ILCS 5/31.1 (2006); 35 Ill. Adm. Code 108. The administrative citation concerns a property located at 6357 South Lincoln Memorial Drive, Decatur, Macon County. Macon County alleged that on May 21, 2010, Pugsley violated Sections 21(p)(1), (p)(3), (p)(7), 55(a)(1) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3), (7), 55(a)(1), (k)(1) (2008)). Pugsley allegedly violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter and open burning; causing or allowing the deposition of general construction or demolition debris and used or waste tire; and causing or allowing water to accumulate in used or waste tires.

On August 3, 2010, Macon County filed a motion to voluntarily dismiss the administrative citation. The Board grants Macon County's motion, dismisses this case, and closes the docket.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 19, 2010, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board

NOTICE OF FILING

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

MACON COUNTY	)	
ENVIRONMENTAL MGT. DEPT.,	)	
	)	
Complainant,	)	AC
	)	(MCEMD No. 2010-001: 1158015021)
v.	)	
	)	
DALE PUGSLEY,	)	
	)	
Respondent.	)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Macon County Environmental Management Department, a delegated county of the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act , 415 ILCS 5/31.1 (2008).

FACTS

1. That Respondent, Dale Pugsley, is the land owner of a property located at 6357 S. Lincoln Memorial Drive, Decatur, Macon County, Illinois.
2. That Respondent has owned and/or operated said property at all times pertinent hereto.
3. That on May 21, 2010, Laurie Rasmus of the Macon County Environmental Management Department inspected the above-referenced facility. A copy of her

inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

4. That on June 29, 2010, Laurie Rasmus sent this Notice of Filing of the Administrative Citation via United States Postal Service certified mail # 7007 0220 0001 1331 1820.

VIOLATIONS

Based upon direct observations made by Laurie Rasmus during the course of her May 21, 2010 inspection of the above-referenced facility, the Macon County Environmental Management Department has determined that Respondent violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed 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) (2008); and
- (2) That Respondent caused or allowed open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2008); and
- (3) That Respondent caused or allowed open dumping of waste in a manner resulting in deposition of General Construction or Demolition Debris as defined in Section 3.160(a), a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2008); and
- (4) That Respondent caused or allowed open dumping of any used or waste tire, a violation of Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2008); and
- (5) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2008), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Seven Thousand Five Hundred Dollars (\$7,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than August 30, 2010, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2008), and if the Illinois Pollution Control Board issues a finding of violation(s) as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Macon County Environmental Management Department and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00).

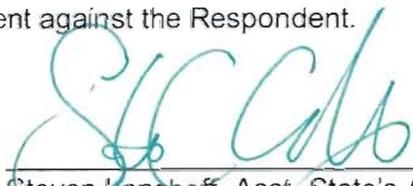
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2008), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and a finding of violation(s) as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Macon County Environmental Management Department and mailed to the attention of Debra Hughes-Garrett, Macon County Environmental Management Department, 141 South Main Street, Room 408, Decatur, Illinois 62523. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Macon County State's Attorney may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2008). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Macon County State's Attorney at 253 East Wood Street, Decatur, Illinois 62523. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

  
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Steven Langhoff, Asst. State's Attorney  
County of Macon

Date June 29, 2010

Prepared by: Laurie Rasmus, Environmental Inspector  
Macon County Environmental Management Department  
141 South Main Street  
Decatur, IL 62523  
217/421-0291