

ILLINOIS POLLUTION CONTROL BOARD
November 7, 2013

COUNTY OF DUPAGE,)
)
 Complainant,)
)
 v.) AC 14-9
) (Administrative Citation)
 MCKEOWN CLASSIC HOMES, INC.,)
)
 Respondent.)
)
)
)

ORDER OF THE BOARD (by D. Glosser):

On August 8, 2013, the County of DuPage (County) filed an administrative citation against McKeown Classic Homes, Inc. (respondent). *See* 415 ILCS 5/31.1 (2012); 35 Ill. Adm. Code 108. The administrative citation concerns a property located at 1S622 Sunnybrook, Glen Ellyn, DuPage County. The property is commonly known to the County as the McKeown site and is designated with Site Code No. #0438025029. The County alleged that on July 10, 2013, respondent violated Section 21(p)(1) and (7)(i) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (7)(i) (2012)) by causing or allowing open dumping resulting in litter and deposition of general construction or demolition debris.

On October 15, 2013, the County filed a motion for voluntary dismissal of the administrative citation. The Board grants the motion, dismisses this case, and closes the docket.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 7, 2013, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

County of DuPage,)	
)	
Complainant,)	
)	
v.)	AC 13-
)	DP-13-01
McKeown Classic Homes, Inc.)	
)	
Respondent.)	

RECEIVED
CLERK'S OFFICE
AUG 08 2013
STATE OF ILLINOIS
Pollution Control Board

14-9

ADMINISTRATIVE CITATION

<u>Violation:</u>	<u>Civil Penalty</u>
415 ILCS 5/21(p)(1)	\$1,500.00
415 ILCS 5/21(p)(7)(i)	\$1,500.00
TOTAL:	\$3,000.00

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1.

FACTS

1. Complainant, County of DuPage, is a unit of local government to which the Illinois Environmental Protection Agency has delegated authority to issue administrative citations pursuant to Section 4(r) of the Illinois Environmental Protection Act, ("Act"), 415 ILCS 5/4(r) (2007). DuPage County is thus a "delegated unit" and may issue administrative citations under 35 Ill. Adm. Code 108.200.

2. The Respondent, McKeown Classic Homes, Inc., is the present owner and is in control of the property at 1S622 Sunnybrook, Glen Ellyn, located in the County of DuPage, State of Illinois.

3. The property is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code #0438025029. The facility is known to the County as the McKeown site.

4. The Respondents have occupied, controlled and/or operated the facility at all relevant times hereto.

5. On July 10, 2013, Joy Hinz, Field Inspector for DuPage County as delegated by the Illinois Environmental Protection Agency, inspected the property. A true and correct copy of the inspection report, along with Ms. Hinz's affidavit, are attached hereto and made a part hereof.

6. Based upon direct observations made by Ms. Hinz during the course of her inspection, DuPage County has determined that Respondent violated the Act as follows:

- a. Respondent caused or allowed the open dumping of waste in a manner resulting in litter, in violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1);
- b. Respondent caused or allowed the open dumping of waste in a manner resulting in the deposition of general construction or demolition debris, in violation of Section 21(p)(7)(i).

Based upon the foregoing facts, under Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total civil penalty of Three Thousand Dollars (\$3,000.00).

Notices and Instructions to Respondent

1. **You must pay the civil penalty set forth above unless you contest this Administrative Citation.** The following paragraphs contain payment instructions and more information about contesting this Administrative Citation.

2. To pay the civil penalty (and any other amounts due) send two (2) checks or money orders with the attached Remittance Form, one check in the amount of One Thousand Five Hundred Dollars payable to DuPage County and the second check or money order in the amount of One Thousand Five Hundred Dollars payable to the Illinois Environmental Protection Agency to:

DuPage County
Department of Economic Development and Planning
Regulatory Services Division
421 North County Farm Road
Wheaton, IL 60187

To ensure that you receive timely and proper credit for your payment, complete the attached Remittance Form and include it with your payment.

3. You may contest this Administrative Citation by filing a Petition for Review, including a Notice of Filing, Certificate of Service, and Appearance with the Illinois Pollution Control Board (“Board”).
4. **Any Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation on you. The Board will not review the Administrative Citation if the Petition for Review is not filed within this time.**
5. The Petition for Review must be filed with:

Clerk of the Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

A copy of the Petition for Review must be served on the County of DuPage at the following address:

County of DuPage
Office of the State’s Attorney, Civil Division
503 North County Farm Road
Wheaton, IL 60187

6. The contents of a Petition for Review and the procedures to be followed are governed by the Board’s procedural rules. Copies may be obtained from the Clerk of the Board at the address above, by calling the Board at (312) 814-3620, or from the Board’s website at:

<http://www.ipcb.state.il.us/rules/procedural/procedural.htm>

7. If you do not contest this Administrative Citation by filing a petition for review with the Board within the allotted time, the Board will enter an order finding that you committed the violations alleged above imposing the statutory civil penalty set forth above. See Section 31.1(d) of the Act, 415 ILCS 5/31.1(d) and 35 Ill. Adm. Code 108.500(a).
8. If you contest this Administrative Citation by filing a timely petition for review with the Board, the Board will hold a hearing. The Board's procedural rules have more information on hearings; see 35 Ill. Adm. Code Parts 101 and 108.
9. If the Board finds after the hearing that you committed a violation as alleged above, you will be assessed the hearing costs incurred by the County of DuPage and the Board. Hearing costs are assessed in addition to the statutory civil penalty for the violations. If the Board finds after the hearing that you did not commit a violation as alleged above, or that the violation resulted from uncontrollable circumstances, you will not be assessed hearing costs and you will not have to pay a civil penalty.
10. If any civil penalty and/or hearing costs are not paid within the time set by the Board in its final order, interest on the amount due will be assessed against you from the date payment is due and including the date that payment is received.
11. If any civil penalty and/or hearing costs are not paid within the time set by the Board in its final order, the Office of the Illinois Attorney General and/or the City of Chicago Department of Law may initiate court proceedings against you to collect the amount due, plus any interest accrued. In that event, you may also be liable for court costs.

DATE: August 7, 2013

County of DuPage
Office of the State's Attorney

Lisa A. Smith
Assistant State's Attorney

REMITTANCE FORM

RECEIVED
CLERK'S OFFICE
AUG 08 2013
STATE OF ILLINOIS
Pollution Control Board

County of DuPage,)
)
 Complainant,)
)
 v.) AC 14-9
) DP-13-01
 McKeown Classic Homes, Inc.)
)
 Respondent.)

FACILITY: McKeown Site
COUNTY: DuPage
DATE OF INSPECTION: July 10, 2013
SITE CODE: 0438045018
CIVIL PENALTY: \$3,000.00

Date Remitted _____

SS/FEIN # _____

Signature _____

REMITTANCE FORM

County of DuPage,)
)
 Complainant,)
)
 v.) AC 14-9
) DP-13-01
 McKeown Classic Homes, Inc.)
)
 Respondent.)

RECEIVED
CLERK'S OFFICE
AUG 08 2013
STATE OF ILLINOIS
Pollution Control Board

FACILITY: McKeown Site
COUNTY: DuPage
DATE OF INSPECTION: July 10, 2013
SITE CODE: 0438045018
CIVIL PENALTY: \$3,000.00

Date Remitted _____
SS/FEIN # _____
Signature _____