



ILLINOIS POLLUTION CONTROL BOARD

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May 18, 2015

RE: AC 15-31, IEPA v. George William "Bill" Collins (IEPA File No. 40-15-AC)

To All Concerned Parties:

Enclosed is a corrected order that was adopted by the Board in the above-referenced matter on April 2, 2015. The following typographical errors were corrected: on page 1, top date line, was changed from "2014" to "2015". Nothing else in the order was changed. Please accept my apology for these typographical errors.

Sincerely,

Don A. Brown, Assistant Clerk
Illinois Pollution Control Board

Enclosure (1)

ILLINOIS POLLUTION CONTROL BOARD
April 2, 2015

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 15-31
)	(IEPA No. 40-15-AC)
GEORGE WILLIAM "BILL" COLLINS,)	(Administrative Citation)
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by D. Glosser):

On February 9, 2015, the Illinois Environmental Agency (Agency) timely filed an administrative citation against George William "Bill" Collins (respondent). *See* 415 ILCS 5/31.1(c) (2014); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns respondent's facility located at 10603 & 10633 Bencie Lane, Frankfort, Franklin County. The property is commonly known to the Agency as the "West Frankfort/Collins-Bencie Lane" site and is designated with Site Code No. 0558045016. For the reasons below, the Board finds that the respondent violated the Environmental Protection Act (Act) (415 ILCS 5 (2014)) and orders the respondent to pay \$6,000 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) (2014); 35 Ill. Adm. Code 108.

In this case, the Agency alleges that on January 2, 2015, the respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2014)) by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and deposition of general or clean construction debris. The Agency asks the Board to impose the statutory \$1,500 civil penalty per violation on the respondent for violations of Section 21(p)(3) and (p)(7) and because this is a second violation of Section 21(p)(1) a statutory civil penalty of \$3,000. The Agency seeks a total civil penalty of \$6,000. As required, the Agency served the respondents with the administrative citation on February 9, 2015 which is within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2014); *see also* 35 Ill. Adm. Code 101.300(c), 108.202(b).

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) (2014); 35 Ill. Adm. Code 101.300(b),

108.204(b), 108.406. Here, any petition for review was due no later than March 16, 2015. The respondent failed to timely file a petition. Accordingly, the Board finds that the respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), 21(p)(7) (2014)).

The civil penalty for violating any provision of Section 21(p) 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) (2014); 35 Ill. Adm. Code 108.500(a). There are three violations of Section 21(p): 1) \$3,000 for a second or subsequent adjudicated violation of Section 21(p)(1) (IEPA v. Bill Collins, AC 05-09 (September 2, 2004)), and; 2) one violation each of Sections 21(p)(3), and 21(p)(7), which are subject to \$1,500 each as a first violation. The total civil penalty is \$6,000. 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 George William "Bill" Collins (respondent) violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2014)).
2. The respondent must pay a civil penalty of \$6,000 no later than May 4, 2015, which is the first business day following the 30th day after the date of this order. The respondent must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust. The case number, case name, and the respondent's social security number or federal employer identification number must be included on the certified check or money order.
3. The respondent must send the certified check or money order and the remittance form to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2014)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2014)).
5. Payment of this penalty does not prevent future prosecution if the violation continues.

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) (2014); *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.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on April 2, 2015, by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a large, looping initial "J".

John T. Therriault, Clerk
Illinois Pollution Control Board