

ILLINOIS POLLUTION CONTROL BOARD
April 7, 2016

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 16-13
) (IEPA No. 30-16-AC)
GEORGE W. WOODCOCK, JR. AND) (Administrative Citation)
GEORGE W. WOODCOCK III D/B/A WEST)
DRILLING COMPANY,)
)
Respondents.)

ORDER OF THE BOARD (by J.D. O’Leary):

On February 17, 2016, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against George W. Woodcock, Jr. and George W. Woodcock III d/b/a West Drilling Company (collectively, respondents). See 415 ILCS 5/31.1(c) (2014); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns a facility located at 15716 Highway 1, approximately one mile north of Mt. Carmel, Wabash County. The facility is currently owned by George W. Woodcock, Jr. and currently operated by George W. Woodcock III d/b/a West Drilling Company. The property is commonly known to the Agency as the “Mt. Carmel/West Drilling Company” site and is designated with Site Code No. 1850205044. For the reasons below, the Board accepts respondents’ petition to contest the administrative citation.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2014)), 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 December 30, 2015, respondents violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1)(2014), by causing or allowing open dumping of waste in a manner resulting in litter at the Wabash County site. The Agency asks the Board to impose on Woodcock the statutory \$1,500 civil penalty.

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) (2014); see also 35 Ill. Adm. Code 101.300(c), 108.202(b). The Agency served George W. Woodcock III d/b/a West Drilling Company on February 12, 2016, and any petition to contest the administrative citation was due by March 18, 2016. The Agency served George W. Woodcock, Jr. on February 17, 2016, and any petition to contest the administrative citation was due by March 23, 2016. On March 15,

2016, respondents timely filed a petition (Pet.). *See* 415 ILCS 5/31.1(d) (2014); 35 Ill. Adm. Code 101.300(b), 108.204(b). Respondents allege that former tenants of the site “had allowed construction materials, and waste to be located on the property.” Pet. at 1. Respondents allege that, on the October 19, 2015 date of an Agency inspection of the site, “ongoing operations were being performed by Respondents to make the building, and property in compliance with the rules, and regulations. . . .” *Id.* Respondents also allege that the site is now in “complete compliance.” Pet. at 3.

The Board accepts the petition and 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. *See* 35 Ill. Adm. Code 108.300; 415 ILCS 5/31.1(d)(2) (2014). By contesting the administrative citation, respondents may have to pay the hearing costs of the Board and Agency. *See* 415 ILCS 5/42(b)(4-5) (2014); 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. *See* 35 Ill. Adm. Code 108.504.

Respondents may withdraw their petition to contest the administrative citation at any time before the Board enters its final decision. If respondents choose to withdraw their petition, they must do so in writing, unless they do so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If respondents withdraw their petition after the hearing starts, the Board will require respondents to pay the hearing costs of the Board and Agency. *See* 35 Ill. Adm. Code 108.500(c).

Respondents have the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2014); 35 Ill. Adm. Code 108.400. If the Board finds that respondents violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1)(2014), the Board will impose civil penalties on respondents. The civil penalty for violating any provision of Section 21(p) is \$1,500 for each violation. *See* 415 ILCS 5/42(b)(4-5) (2014); 35 Ill. Adm. Code 108.500(a). However, if the Board finds that respondents show “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) (2014); *see also* 35 Ill. Adm. Code 108.500(b).

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 7, 2016, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board