

ILLINOIS POLLUTION CONTROL BOARD
November 17, 2016

COUNTY OF MACON,)	
)	
Complainant,)	
)	
v.)	AC 17-1
)	(MCEMD No. 2016-002-AC)
DON RODERICK,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by G.M. Keenan):

On August 15, 2016, Macon County Environmental Management Department filed an administrative citation against Don Roderick. *See* 415 ILCS 5/31.1(c) (2014). The administrative citation alleged that Roderick violated two provisions of the Environmental Protection Act by causing or allowing open dumping in a manner resulting in litter and open burning at a composting facility in Decatur, Macon County. 415 ILCS 5/21(p)(1), (p)(3) (2014).

Macon County asked the Board to impose a \$1,000 civil penalty, but the Act requires a civil penalty of \$1,500 for each violation of Section 21(p). 415 ILCS 5/42(b)(4), (4-5) (2014). On October 6, 2016, the Board, on its own motion, granted Macon County leave to file an amended administrative citation correcting this defect within 30 days, stating “[f]ailure to do so will subject this action to dismissal.” County of Mason v. Don Roderick, AC 17-1, slip op. at 2 (Oct. 6, 2016). Macon County did not file an amended administrative citation. Therefore, the Board dismisses Macon County’s administrative citation and closes the docket.

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 order on November 17, 2016, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board

NOTICE OF FILING
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

MACON COUNTY)	
ENVIRONMENTAL MGT. DEPT.,)	
)	
Complainant,)	Administrative Citation: ACL-2016-MC-002
)	(MCEMD No. 2016 – 002: 1150155553)
v.)	
)	
DON RODERICK,)	
)	
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.

FACTS

1. That Respondent, Don Roderick, is the land owner of a property with the parcel number 07-07-29-300-014 and located in the SW1/4, Section 29, Township 17 North, Range 2 East, of the Third Principal Meridian, Macon County, Illinois.
2. That Respondent has owned and/or operated said property at all times pertinent hereto.

3. That on July 19, 2016, 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 August 15 , 2016, I sent this Notice of Filing of the Administrative Citation via United States Postal Service certified mail # 7007 0220 0001 1331 1509.

VIOLATIONS

Based upon direct observations made by Laurie Rasmus during the course of her May 31, 2016 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);
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).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4), Respondents are subject to a civil penalty of Five Hundred Dollars (\$500.00) for each of the violations identified above, for a total of One Thousand Dollars (\$1,000.00). 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 October 31, 2016 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, 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 One Thousand Dollars (\$1,00.00).

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1), 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 checks shall be made payable in equal amounts (50% of total penalty each) to:

(1) 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.

(2) Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

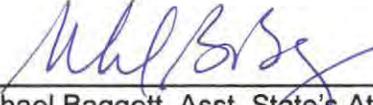
Along with payments, Respondent shall complete and return the enclosed Remittance Forms to ensure proper documentation of payments.

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.

Date August 15, 2016



Michael Baggett, Asst. State's Attorney
County of Macon

REMITTANCE FORM

MACON COUNTY)
 ENVIRONMENTAL MANAGEMENT DEPT.,)
)
 Complainant,)
)
 v.)
)
 DON RODERICK,)
)
 Respondent.)

Administrative Citation: ACL-2016-MC-002
(MCEMD No. 2016 – 002: 1150155553)

FACILITY: Decatur Compost, Inc.

Land Pollution Control No.: 1150155553

COUNTY: Macon

CIVIL PENALTY: \$500.00

DATE OF INSPECTION: July 19, 2016

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Macon County Environmental Management Department, Attn.: Debra Hughes-Garrett, 141 South Main Street, Room 408, Decatur, Illinois 62523.

REMITTANCE FORM

MACON COUNTY)
 ENVIRONMENTAL MANAGEMENT DEPT.,)
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 Complainant,)
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 v.)
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