

ILLINOIS POLLUTION CONTROL BOARD  
February 16, 2017

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. ) AC 17-7  
 ) (Administrative Citation)  
 RICHARD MANSFIELD, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by C.M. Santos):

On November 28, 2016, Jackson County filed an administrative citation against Richard Mansfield. *See* 415 ILCS 5/31.1 (2014); 35 Ill. Adm. Code 108. The administrative citation concerns a property located at 477 Lincoln Street Ext. in DuQuoin, Jackson County. The property is commonly known to the Illinois Environmental Protection Agency as the “Dowell/Richard Mansfield” site and is designated with Site Code No. 007 804 5030. Jackson County alleged that on September 19, 2016, Richard Mansfield violated Sections 21(p)(1), (p)(5), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(5), (p)(7) (2014)) by causing or allowing open dumping at the facility in a manner that resulted in litter, proliferation of disease vectors, and deposition of general or clean construction or demolition debris.

Section 31.1(b) of the Act requires the County to serve an administrative citation on a respondent “within not more than 60 days after the observed violation.” 415 ILCS 5/31.1(b) (2014); *see also* 35 Ill. Adm. Code 108.202(b). Failure to timely serve the citation deprives the Board of jurisdiction. *See, e.g., County of Vermilion v. Charles Long*, AC 13-37 (Mar. 7, 2013); *see also County of LaSalle v. Harriet and John Baugher*, AC 05-73 (June 16, 2005).

Based on the County’s inspection of respondent’s facility and observation of alleged violations on September 19, 2016, the 60-day deadline to serve respondent was November 18, 2016. Based on the County’s proof of service on November 21, 2016, the Board finds that the County did not serve its citation on the respondent “within not more than 60 days after the observed violation.” 415 ILCS 5/31.1(b)(2014); *see also* 35 Ill. Adm. Code 108.202(b)(c). Due to the County’s failure to timely serve the administrative citation, the Board lacks jurisdiction over this case. *See* 415 ILCS 5/31.1(b) (2014). Under these circumstances, the Board on its own motion dismisses the administrative citation and closes the docket. *See* 35 Ill. Adm. Code 108.402.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 16, 2017, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The letters are cursive and fluid, with a large initial "D" and "B".

Don A. Brown, Assistant Clerk  
Illinois Pollution Control Board