

ILLINOIS POLLUTION CONTROL BOARD
May 18, 2017

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) AC 17-14
) (Administrative Citation)
 RICHARD MANSFIELD,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J.A. Burke):

On March 28, 2017, Jackson County timely filed an administrative citation against Richard Mansfield. *See* 415 ILCS 5/31.1(c) (2014); 35 Ill. Adm. Code 101.300(b), 108.200(b). The administrative citation concerns Richard Mansfield’s facility in Jackson County. The property is commonly known to the County as the “Dowell/Richard Mansfield” site and is designated with Site Code No. 0778045030. For the reasons below, the Board finds that Mr. Mansfield violated the Environmental Protection Act (Act) (415 ILCS 5 (2014)) and orders him to pay \$3,000 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 Illinois Environmental Protection 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 County alleges that on March 9, 2017, Mr. Mansfield violated Sections 21(p)(1) and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), 21(p)(7) (2014)) by causing or allowing litter, and the deposition of general or clean construction or demolition debris. The County asks the Board to impose the statutory \$1,500 civil penalty per violation on Mr. Mansfield, for a total civil penalty of \$3,000. As required, the County served Mr. Mansfield with the administrative citation on March 24, 2017, 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), 108.200(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 by April 28, 2017. Mr. Mansfield did not file a petition. Accordingly, the Board finds that Mr. Mansfield violated Sections 21(p)(1) and 21(p)(7) of the Act.

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)(1). Because there are two violations of Section 21(p) and no indication in the record that any of these is a second or subsequent adjudicated violation, the total civil penalty is \$3,000. 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 Richard Mansfield violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2014)).
2. Richard Mansfield must pay a civil penalty of \$3,000 no later than June 19, 2017, which is the first business day following the 30th day after the date of this order. Mr. Mansfield must pay the civil penalty by certified check or money order, made payable in equal amounts (\$1,500 to each) to the County of Jackson and the Illinois Environmental Protection Trust Fund. The case number, case name, and Mr. Mansfield's social security number or federal employer identification number must be included on the certified check or money order.
3. Mr. Mansfield must send the certified checks or money orders and the remittance forms to:

County of Jackson
c/o Jackson County Treasurer
Jackson County Courthouse
Murphysboro, Illinois 62966

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 violations continue.

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, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 18, 2017, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Clerk
Illinois Pollution Control Board