

ILLINOIS POLLUTION CONTROL BOARD
July 26, 2017

COUNTY OF OGLE,)
)
Complainant,)
)
v.) AC 16-14
) (Administrative Citation)
WAYNE L. FISHER &)
CHRISTINA C. FISHER,)
)
Respondents.)

OPINION AND ORDER OF THE BOARD (by B.K. Carter):

For the reasons below, the Board accepts the proposed settlement and dismissal of this administrative citation enforcement action. Ogle County timely filed an administrative citation on May 3, 2016, against Wayne L. Fisher and Christina C. Fisher. Ogle County alleged that on March 11, 2016, the Fishers violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21(p)(7) (2016)) by causing or allowing open dumping of waste resulting in litter and the deposition of general or clean construction or demolition debris. The violations allegedly took place at a site located at 102 Oak Street in Holcomb, Ogle County. The site is commonly known to the Illinois Environmental Protection Agency as the “Fisher, Wayne L. & Christina C.” site and is designated with Site Code No. 1418215008.

The Fishers timely filed a petition to contest the administrative citation, which the Board accepted on August 25, 2016. On July 3, 2017, the parties filed a “stipulation of settlement and dismissal of respondent’s petition for administrative review.” Under its terms, the Fishers admit that they violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2016)) by causing or allowing the open dumping of waste in a manner resulting in litter, and agree to pay the statutory civil penalty of \$3,000 for this violation. Stipulation at 3. The Fishers also agree to the dismissal of their petition contesting the administrative citation. *Id.*

The Board accepts the stipulation and proposal for settlement. Under Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (2016)), the Board therefore finds that the Fishers violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2016)). Because the Board previously found that the Fishers violated this provision, Section 42(b)(4-5) of the Act (415 ILCS 5/42(b)(4-5) (2016)) establishes a civil penalty of \$3,000 for this second adjudicated violation. The Board accordingly assesses a civil penalty of \$3,000. To effectuate the parties’ intent that the Fishers pay a total civil penalty of \$3,000, the Board dismisses the alleged violation of Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2016)).

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The Board finds that Wayne L. Fisher and Christina C. Fisher violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2016)).
3. The Fishers must pay a civil penalty of \$3,000 no later than Monday, January 27, 2020, which is the first business day following 30 months from the date of this order. The Fishers must pay the civil penalty by certified checks or money orders, in monthly installments of no less than \$100, made payable in equal amounts to the Illinois Environmental Protection Trust Fund and the Ogle County Solid Waste Fund. The case name, case number, and the Fishers' social security numbers must appear on the face of each certified check or money order.
4. The Fishers must send the respective certified checks or money orders to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Ogle County Solid Waste Fund
Ogle County Treasurer
P.O. Box 40
Oregon, Illinois 61061
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2016)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2016)).
6. The Board dismisses the alleged violation of Section 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(7) (2016)) and the Fishers' petition to contest the administrative citation.

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) (2016); *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 July 26, 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