

ILLINOIS POLLUTION CONTROL BOARD
February 28, 2019

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) AC 19-14
) (Administrative Citation)
 PHILLIP QUALLS,)
)
 Respondent.)

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

On January 8, 2019, the County of Jackson (County) filed an administrative citation against Phillip Qualls. *See* 415 ILCS 5/31.1 (2016); 35 Ill. Adm. Code 108. The administrative citation concerns Mr. Qualls’s property located at 110 Main Street in Grand Tower, Jackson County. The property is commonly known to the Illinois Environmental Protection Agency (Agency) as the “Grand Tower/Phillip Qualls” site and is designated with Site Code No. 0770405038. The County alleges that on November 8, 2018, Mr. Qualls violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2016)) by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and the deposition of general or clean construction or demolition debris at the site in question. For the reasons below, the Board dismisses the administrative citation.

As required by the Act (415 ILCS 5 (2016)), the County served Mr. Qualls with the administrative citation on December 19, 2018, which is within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2016); *see also* 35 Ill. Adm. Code 108.200(b)(1). However, the Act also requires that the County file a copy of the administrative citation with the Board within 10 days after serving it on Mr. Qualls. 415 ILCS 5/31.1(c) (2016); 35 Ill. Adm. Code 108.200(b)(3). “Compliance with the Act’s 10-day filing requirement is a jurisdictional prerequisite for the Board to hear or enter a default judgment on an administrative citation.” County of Vermilion v. Henry Nosler and Brandon Bott d/b/a B&B Construction, AC 16-1, slip op. at 2 (Nov. 15, 2015); *see also* County of Perry v. Mike Tilley, AC 07-3, slip op. at 2 (Aug. 17, 2006) (dismissing citation filed more than 10 days after service for lack of jurisdiction).

The County did not meet the statutory 10-day filing requirement. 415 ILCS 5/31.1(c) (2016); 35 Ill. Adm. Code 108.200(b)(3). Having served Mr. Qualls on December 19, 2018, the County was required to file the citation with the Board by December 31, 2018. 35 Ill. Adm. Code 101.300(a) (extending Saturday deadline to the next business day). The Board received the citation from the County January 8, 2019, nine days *past* the filing deadline. Because the 10-day filing requirement was not met, the Board lacks jurisdiction to decide the County’s administrative citation. Accordingly, the Board dismisses the 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) (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. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Jackson County Courthouse, 3 rd Floor Attn: Allison Mileur 1001 Walnut Street Murphysboro, IL 62966	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Phillip Qualls 110 Main Street Grand Tower, IL 62942	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 28, 2019, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board