

ILLINOIS POLLUTION CONTROL BOARD
March 14, 2019

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 19-16
)	(IEPA No. 180-18-AC)
TYLER FERGUSON, BRADON FINCH,)	(Administrative Citation)
CARL LEE, and JAMES HILTON,)	
)	
Respondents.)	

ORDER OF THE BOARD (by U. Choe):

On January 8, 2019, the Illinois Environmental Protection Agency (Agency) filed an administrative citation against Tyler Ferguson, Bradon Finch, Carl Lee, and James Hilton (collectively, respondents). *See* 415 ILCS 5/31.1 (2016); 35 Ill. Adm. Code 108. The administrative citation concerns a property located at 406 East Archer Avenue in La Harp, Hancock County. The property is commonly known to the Agency as the “La Harp/Ferguson Tyler A” site and is designated with Site Code No. 0670455016. The Agency alleges that on November 8, 2018, respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2016)) by causing or allowing the open dumping of waste in a manner resulting in litter and deposition of general construction or demolition debris or clean construction or demolition debris. On January 14, 2019, the Agency filed a motion to dismiss respondents Tyler Ferguson, Carl Lee, and James Hilton. On February 27, 2019, the Agency also filed a motion to withdraw the administrative citation.

AGENCY’S MOTION TO DISMISS RESPONDENTS

The Agency’s motion to dismiss states that it served Bradon Finch on January 7, 2019, but failed to serve the citation on the other respondents within 60 days after the date of the observed violation. 415 ILCS 5/31.1(b) (2016); *see also* 35 Ill. Adm. Code 108.202(b). The Board therefore grants the Agency’s motion and dismisses Tyler Ferguson, Carl Lee, and James Hilton. *See* 35 Ill. Adm. Code 108.402.

MOTION TO WITHDRAW ADMINISTRATIVE CITATION

The Agency’s motion to withdraw states that on “January 14, 2019, the Board dismissed Respondents Tyler Ferguson, Carl Lee, and James Hilton because Illinois EPA could not demonstrate that these Respondents were timely served.” Motion at 1. To clarify, January 14, 2019 is the date on which the Agency filed the motion to dismiss these three respondents. The Board did not rule on the Agency’s dismissal motion until today, which the Board grants as noted above.

The Agency's withdrawal motion also states that, based on "facts and circumstances discovered since the filing of the Administrative Citation, Illinois EPA has determined that it is prudent to withdraw this Administrative Citation at this time." Motion at 2. The Board grants the Agency's motion to withdraw the citation as to the individual the Agency viewed as the only remaining respondent, Bradon Finch.

CONCLUSION

Having granted the Agency's motions to both dismiss three of the four respondents and withdraw the administrative citation as to the fourth respondent, the Board dismisses the case and closes the docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 14, 2019, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk
Illinois Pollution Control Board