

ILLINOIS POLLUTION CONTROL BOARD
February 16, 2023

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 18-11
)	(IEPA No. 33-18-AC)
MICHAEL CRANK d/b/a CRANK TREE)	(Administrative Citation)
SERVICE,)	
)	
Respondents.)	

OPINION AND ORDER OF THE BOARD (by M. Gibson):

For the reasons below, the Board accepts the proposed settlement and dismissal of this administrative citation enforcement action. The Illinois Environmental Protection Agency (Agency) timely filed an administrative citation on March 19, 2018, against Michael Crank. The Agency alleged that on January 30, 2018, Michael Crank 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. The violations allegedly took place at Michael Crank’s property located at 490 Zola Road in Harrisburg, Saline County. The property is commonly known to the Agency as the “Harrisburg/Crank” site and is designated with Site Code No. 1658055011.

On April 24, 2018, Michael Crank timely filed a petition to contest the administrative citation, which the Board accepted on May 10, 2018. On February 7, 2023, the parties filed a “stipulation of settlement and dismissal of respondent’s petition for administrative review.” Under its terms, Michael Crank admits that he violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2020)) by causing or allowing open dumping resulting in litter, and agrees to pay the statutory civil penalty of \$1,500 for this violation. Stipulation at 2. Michael Crank also agrees to the dismissal of his petition dismissing the administrative citation. *Id.* at 3. The stipulation further states that Michael Crank agrees to cease and desist from further violation of the Act and Board regulations. *Id.* at 2. In addition, the Agency agrees not to refer the violations that are the subject of the administrative citation to the Office of the Illinois Attorney General or any other prosecuting authority to initiate a civil enforcement action. *Id.* at 2-3.

The Board accepts the stipulation and proposal for settlement. Under Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (2020)), the Board therefore finds that Michael Crank violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2020)). Section 42(b)(4-5) of the Act (415 ILCS 5/42(b)(4-5) (2020)) establishes a civil penalty of \$1,500 for this violation. The Board accordingly assesses a civil penalty of \$1,500. To effectuate the parties’ intent that Michael

Crank pay a total civil penalty of \$1,500, the Board dismisses the alleged violations of Sections 21(p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(3), (p)(7) (2020)).

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 Michael Crank violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2020)).
3. Michael Crank must pay a civil penalty of \$1,500 no later than March 20, 2023, which is the first business day following the 30th day after the date of this order. Michael Crank must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
4. Michael Crank must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2020)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).
6. The Board dismisses the alleged violations of Sections 21(p)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(3), (p)(7) (2020)) and Michael Crank's 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) (2020); *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
Illinois Attorney General's Office Attn: Michelle M. Ryan Special Assistant Attorney General 1021 North Grand Avenue East Springfield, IL 62702-4059 Michelle.ryan@illinois.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 60 East Van Buren, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Turpin and Ghibaudy Attn: Jonathan Turpin P.O. Box 610 Carmi, IL 62821 Jonturpin13@gmail.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 16, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board