

ILLINOIS POLLUTION CONTROL BOARD  
December 7, 2023

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 21-45
	)	(Enforcement - Land)
DALE ROWDEN, an individual,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by M. Gibson):

On December 22, 2020, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a six-count complaint against Youth Fair Chance, Inc. d/b/a Capitol Refuse Center (CRC) and Dale Rowden (collectively, respondents). The complaint alleges violations of the Environmental Protection Act (Act) and the Board’s waste disposal regulations. The complaint concerns a parking lot located at 2521 Stockyard Road in Springfield, Sangamon County (Disposal Site). On May 3, 2022, the Board accepted the People and CRC’s stipulation and proposed settlement in which CRC did not affirmatively admit the alleged violations and agreed to pay a civil penalty of \$3,300. Dale Rowden was not a party to the stipulation.

On May 26, 2023, the People filed a motion to deem facts admitted and for summary judgment as to Rowden (Mot.). Rowden has not responded to the motion. The People argue that there is no genuine issue of material fact and that they are entitled to judgment as a matter of law. For the reasons discussed below, the Board grants the People’s motion to deem facts admitted and for summary judgment, finding that Rowden violated Sections 21(a), 21(e), and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(p)(1) (2022)) and Section 808.121(c)(1) of the Board’s waste disposal regulations (35 Ill. Adm. Code 808.121(c)(1)).

In this opinion and order, the Board first reviews the procedural history of the case and summarizes the People’s complaint. The Board then addresses the People’s motion to deem facts admitted and the uncontested facts. The Board next considers the People’s motion for summary judgment and discusses an appropriate remedy. The Board then reaches its conclusion and issues its order.

**PROCEDURAL BACKGROUND**

On January 7, 2021, the Board accepted the complaint for hearing (Comp.). On April 15, 2022, the People filed a signed, dated, and notarized affidavit of service showing personal service of the complaint on Rowden on February 10, 2022. *See* 35 Ill. Adm. Code 101.300(c)(2), 103.204(a); April 15, 2022 Affidavit of Service. On May 26, 2023, the People filed a motion to deem facts admitted and for summary judgment.

On September 18, 2023, the People filed a signed and dated affidavit of service showing service of the motion to deem facts admitted and for summary judgement on Rowden on September 18, 2023. *See* September 18, 2023 Affidavit of Service. On November 29, 2023, the People filed a signed and dated affidavit of service showing service of the complaint on Rowden on November 29, 2023, as well as a certified mail return receipt. *See* November 29, 2023 Affidavit of Service. As of the date of this opinion and order, Rowden has not filed any answer or responsive pleadings to the complaint or responded to the motion to deem facts admitted and for summary judgement.

### **COMPLAINT**

The complaint alleges that Rowden violated Sections 21(a), 21(e), and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(p)(1) (2022)) and Section 808.121(c)(1) of the Board's waste disposal regulations (35 Ill. Adm. Code 808.121(c)(1)). Comp. at 5-13. The People allege that Rowden committed these violations by causing or allowing the consolidation of refuse at a disposal site not meeting the requirements of a sanitary landfill; causing or allowing the open dumping of waste; causing or allowing the open dumping of waste in a manner that resulted in litter; and causing, threatening, or allowing the storage and disposal of special waste. *Id.*

### **MOTION TO DEEM FACTS ADMITTED**

The People's motion requests the Board deem the material allegations in their complaint to be admitted by Rowden. Mot. at 3. Under the Board's procedural rules, "the respondent must file an answer within 60 days after receipt of the complaint if respondent wants to deny any allegations in the complaint. All material allegations of the complaint will be taken as admitted if no answer is filed or if not specifically denied by the answer." 35 Ill. Adm. Code 103.204(d).

Rowden failed to answer the complaint within 60 days after service, *i.e.*, by April 11, 2022. Therefore, by rule, all material allegations of the complaint are taken as admitted. *See* Ill. Adm. Code 103.204(d). Additionally, Rowden failed to respond to the People's motion and so waives objection to the Board granting it. *See* 35 Ill. Adm. Code 101.500(d). The Board grants the People's motion and deems admitted the material allegations in the People's complaint.

### **FACTS**

On February 5, 2019, the Sangamon County Department of Public Health notified the Illinois Environmental Protection Agency that paint cans had been disposed of at the Disposal Site, a parking lot located at 2521 Stockyard Road in Springfield. Comp. at 2. The Disposal Site is owned by an Illinois corporation named Design Ideas, Ltd. (Design Ideas). *Id.* The Disposal Site had not been permitted for land disposal of waste and did not meet the definition of a "sanitary landfill." *Id.*, *citing* 415 ILCS 5/3.445 (2022).

IEPA then inspected the Disposal Site on February 5, 2019 and "observed approximately 150 1-gallon paint cans containing oil-based paint in the parking lot, with the contents of many cans leaking onto the surfact of the lot. A representative of Design Ideas was present and

advised that it had discovered the cans that morning. The writing on the lid of one of the cans matched the price labeling used by CRC.” Comp. at 2. IEPA next contacted a representative of CRC, who stated that CRC paid Rowden on the evening of February 4, 2019 to dispose of the old paint. *Id* at 2-3.

On February 8, 2019, “a representative of Design Ideas advised IEPA that CRC personnel had removed the paint cans from the Disposal Site.” Comp. at 3. At the CRC site (2130 East Clear Lake Avenue, Springfield, Sangamon County, Illinois), IEPA “spoke with CRC’s Co-Executive Directors, who acknowledged that they had paid one hundred-eighty dollars (\$180.00) to Dale Rowden for the removal of old paint which was found at the Disposal Site on February 5, 2019.” *Id*. IEPA then “observed pallets of the waste paint from the Disposal Site present at the CRC Site. CRC did not provide any waste determinations or manifests concerning the waste.” *Id*.

### **MOTION FOR SUMMARY JUDGMENT**

The People seek summary judgment against Rowden. A party has 14 days after receiving the motion for summary judgment to respond. 35 Ill. Adm. Code 101.516(a). If no response is filed, “the party waives objection to the granting of the motion, but the waiver of objection does not bind the Board or the hearing officer in its disposition of the motion.” 35 Ill. Adm. Code 101.500(d); *see People v. Env’tl Health and Safety Svcs., Inc.*, PCB 05-51, slip op. at 13 (July 23, 2009). Rowden did not respond to the People’s motion or file a motion to extend the time to respond. The Board therefore finds that Rowden waived any objection to the Board granting the motion for summary judgment.

The People argue that the facts deemed admitted contain all material facts necessary to establish that Rowden violated Sections 21(a), 21(e), and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(p)(1) (2022)) and Section 808.121(c)(1) of the Board’s waste disposal regulations (35 Ill. Adm. Code 808.121(c)(1)). Mot. at 3. The People assert there are no genuine issues of fact, and that the People are entitled to judgment as a matter of law. *Id*.

Next, the Board sets forth the relevant statutory and regulatory provisions and standards for considering motions for summary judgment, and then decides the motion.

### **Statutory and Regulatory Background**

Section 21(a) of the Act states that no person shall “[c]ause or allow the open dumping of any waste.” 415 ILCS 5/21(a) (2022).

Section 3.315 of the Act defines “person” as “any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.” 415 ILCS 5/3.315 (2022).

Section 3.535 of the Act defines “waste” as “any garbage . . . or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial,

commercial, mining and agricultural operations, and from community activities . . . .” 415 ILCS 5/3.535 (2022).

Section 3.385 of the Act defines “refuse” as “waste.” 415 ILCS 5/3.385 (2022).

Section 3.305 of the Act defines “open dumping” as “the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.” 415 ILCS 5/3.305 (2022).

Section 3.460 of the Act defines “site” as “any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by this Act or regulations thereunder.” 415 ILCS 5/3.460 (2022).

Section 3.185 of the Act defines “disposal” as:

The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. 415 ILCS 5/3.185 (2022).

Section 3.445 of the Act defines “sanitary landfill” as:

A facility permitted by the Agency for the disposal of waste on land . . . without creating nuisances or hazards to public health or safety, by confirming the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day’s operation, or by such other methods and intervals as the Board may provide by regulation. 415 ILCS 5/3.445 (2022).

Section 3.105 of the Act defines “Agency” as “the Environmental Protection Agency established by this Act.” 415 ILCS 3.105 (2022).

Section 21(p)(1) of the Act states that no person shall “[i]n violation of subdivision (a) of this Section, cause or allow the open dumping of waste in a manner which results in any of the following occurrences at the dump site: [] litter.” 415 ILCS 5/21(p)(1) (2022).

Section 21(e) of the Act states that no person shall “[d]ispose, treat, store or abandon any waste . . . except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.”

Section 808.121(c)(1) of the Board Waste Disposal Regulations states that “[n]o person shall cause, threaten or allow the treatment, storage or disposal of special waste in Illinois except: [] [a]t a facility permitted or otherwise authorized to manage the special waste . . . .” 35 Ill. Adm. Code 808.121(c)(1).

Section 808.110 of the Board Waste Disposal Regulations defines “hazardous waste” or “RCRA hazardous waste” as “defined in 35 Ill. Adm. Code 721.” 35 Ill. Adm. Code 808.110.

Section 808.110 of the Board Disposal Regulations defines “special waste” as “any hazardous waste, and any industrial process waste or pollution control waste which has not been declassified pursuant to Section 808.245.” 35 Ill. Adm. Code 808.110.

### **Standards for Summary Judgment**

Summary judgment is appropriate when the pleadings, depositions, admissions, affidavits and other items in the record, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. 35 Ill. Adm. Code 101.516(b); Adames v. Sheahan, 233 Ill. 2d 276, 295, 909 N.E.2d 742, 753 (2009); Dowd & Dowd, Ltd. v. Gleason, 181 Ill. 2d 460, 483, 693 N.E.2d 358, 370 (1998). When determining whether a genuine issue of material fact exists, the record “must be construed strictly against the movant and liberally in favor of the opponent.” Adames, 233 Ill. 2d at 295-96, 909 N.E.2d at 754; Purtill v. Hess, 111 Ill. 2d 229, 240, 489 N.E.2d 867, 871 (1986). “It is well established that in deciding a motion for summary judgment the court may draw inferences from undisputed fact.” Makowski v. City of Naperville, 249 Ill. App. 3d 110, 119, 617 N.E. 2d 1251 (1993); Loyola Academy v. S & S Roof Maintenance, Inc., 146 Ill. 2d 263, 272, 586 N.E.2d 1211 (2d Dist. 1992). “However, where reasonable persons could draw divergent inferences from undisputed facts, the trier of fact should decide the issues and the summary judgment motion should be denied.” Makowski, 249 Ill. App. 3d at 119; Pyne v. Witmer, 129 Ill. 2d 351, 358, 543 N.E.2d 1304.

### **Ruling on Motion for Summary Judgment**

The People allege that Dale Rowden is an individual, and therefore a “person.” Comp. at 3. The People also contend that the “paint cans and paint, present on the Disposal Site on February 5, 2019, are ‘discarded material,’ and therefore ‘waste’ . . . and are also ‘refuse.’” *Id.* at 4. The People argue that “disposal” occurred at the Disposal Site because “[w]aste was discharged, deposited, dumped, spilled, leaked, and/or placed on the land at the Disposal Site in such a manner that waste, or constituents thereof, could enter the environment, be emitted into the air, or be discharged into waters or ground waters.” *Id.* The People state that the “Disposal Site is a ‘site’ on which waste has been ‘disposed,’ making the Disposal Site a ‘disposal site.’” *Id.* at 4-5. The People claim that “the Disposal Site has not been permitted by Illinois EPA for the disposal of wastes on land, and therefore [it] is not a ‘sanitary landfill.’” *Id.* at 5. The People allege that “Respondents caused or allowed the consolidation of refuse at a disposal site not meeting the requirements of a sanitary landfill.” *Id.*

Additionally, the People contend that the “[d]iscarded materials present at the Disposal Site, such as paint cans and paint, constitute litter.” Comp. at 6. The People claim that “Respondents caused or allowed the open dumping of waste at the Disposal Site . . . in a manner that resulted in litter.” *Id.* at 6-7.

Lastly, the People allege that the “oil-based paint is a hazardous waste, and therefore a special waste,” the “Disposal Site does not have a permit to manage special waste,” and the

“Disposal Site is not a site or facility that meets the requirements of the Act and of the regulations and standards promulgated thereunder for waste disposal.” Comp. at 13. Therefore, the People argue that “Respondents caused, threatened, or allowed the storage and disposal of special waste at the Disposal Site.” *Id.*

The People did not allege that the waste paint found at the disposal site was CRC’s. However, the facts deemed admitted include that the “writing on the lid of one of the cans matched the price labeling used by CRC” and that CRC removed the paint cans from the Disposal Site. Comp. at 2-3. A reasonable person would infer from these undisputed facts that the paint cans are CRC’s. Accordingly, the facts deemed admitted establish that the paint cans are CRC’s.

The People also did not allege that Rowden “caused or allowed” the disposal of the waste paint. However, the facts deemed admitted include that CRC paid Rowden \$180 on the evening of February 4, 2019 to dispose of the waste paint and that IEPA observed on the morning of February 5, 2019 CRC’s paint cans. *Id.* A reasonable person would infer from these undisputed facts that Rowden did cause disposal of the waste paint. Accordingly, the facts deemed admitted establish that Rowden did dispose of the waste paint.

On summary judgment, to determine whether a genuine issue of material fact exists, the Board must construe the record strictly against the People as movant and liberally in favor of Rowden as non-movant. *See supra* p. 4. Doing so, the Board finds no genuine issue of material fact. The facts deemed admitted establish that Rowden violated Sections 21(a), 21(e), and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(p)(1) (2022)) and Section 808.121(c)(1) of the Board’s waste disposal regulations (35 Ill. Adm. Code 808.121(c)(1)) by causing or allowing the consolidation of refuse at a disposal site not meeting the requirements of a sanitary landfill; causing or allowing the open dumping of waste; causing or allowing the open dumping of waste in a manner that resulted in litter; and causing, threatening, or allowing the storage and disposal of special waste. Accordingly, the Board finds that the People are entitled to judgment as a matter of law.

Therefore, the Board grants the People’s motion for summary judgment, finding that Rowden violated Sections 21(a), 21(e), and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(p)(1) (2022)) and Section 808.121(c)(1) of the Board’s waste disposal regulations (35 Ill. Adm. Code 808.121(c)(1)).

### **REMEDY**

The People ask the Board to require Rowden to pay a civil penalty of at least \$5,000 for the violations. Mot. at 8.

Having found that Rowden violated Sections 21(a), 21(e), and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(p)(1) (2022)) and Section 808.121(c)(1) of the Board’s waste disposal regulations (35 Ill. Adm. Code 808.121(c)(1)), the Board must now determine an appropriate remedy including any penalties. In evaluating the record to determine whether to impose a civil penalty on Rowden, the Board considers the factors of Section 33(c) of the Act, 415 ILCS

5/33(c) (2022). If, after considering the Section 33(c) factors, the Board decides to impose a civil penalty on Rowden, then the Board considers the factors of Section 42(h) of the Act, 415 ILCS 42(h) (2022), to determine the appropriate amount of civil penalty.

Section 33(c) of the Act states:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance. 415 ILCS 5/33(c) (2022).

The People provided brief statements regarding each of these factors: 1) human health and the environment were threatened by improper disposal of the oil-based paint; 2) there is social and economic benefit to the proper disposal of waste; 3) the disposal site was not a suitable waste disposal location; 4) proper disposal of waste is both technically practicable and economically reasonable; and 5) Rowden did not subsequently comply with the Act or Board regulations and CRC ultimately resolved the violations. Mot. at 5.

The Board finds that Rowden's failure properly disposal of the oil-based paint threatened human health and the environment. This first Section 33(c) factor weighs against Rowden.

The Board agrees with the People that the disposal site was not a suitable waste disposal location, and there is a social and economic benefit to the proper disposal of waste. Factors (2) and (3) therefore weigh against Rowden.

The Board finds that proper disposal of the oil-based paint was technically practicable and economically reasonable. Factor (4) therefore weighs against Rowden.

Rowden has not subsequently complied with the Act or Board regulations. Factor (5) therefore weighs against Rowden.

Rowden threatened human health and the environment by improperly disposing of the oil-based paint at an unsuitable waste disposal location, despite compliance being practicable and economically feasible. The Board finds that the Section 33(c) factors favor requiring Rowden to pay a civil penalty.

Having concluded that a penalty is appropriate under the Section 33(c) factors, the Board next applies the factors of Section 42(h) to consider the \$5,000 civil penalty requested by the People. Section 42(h) of the Act states:

In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), (b)(5), (b)(6), or (b)(7) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including, but not limited to, the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a “supplemental environmental project,” which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.



In determining the appropriate civil penalty to be imposed under subsection (a) or paragraph (1), (2), (3), (5), (6), or (7) of subsection (b) of this Section, the Board shall ensure, in all cases, that the penalty is at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship. However, such civil penalty may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent. 415 ILCS 5/42(h) (2022).

The People provided brief statements regarding each of these factors: 1) Rowden improperly disposed of the waste paint in a parking lot in such a manner that some of the paint leaked; 2) Rowden improperly disposed of the waste paint and did not assist in its cleanup; 3) the \$5,000 requested penalty includes any economic benefit that Rowden may have accrued as a result of noncompliance; 4) the requested penalty will deter further violations and encourage future compliance by Rowden and others similarly situated; 5) Rowden has no previously adjudicated violations of the Act; 6) self-disclosure was not at issue in this matter; 7) Rowden did not perform a supplemental environmental project; and 8) a Compliance Commitment Agreement was not at issue in this matter. Mot. at 8.

Rowden's violations began on February 5, 2019 and were resolved on February 8, 2019, when CRC removed the paint cans from the disposal site. Comp. at 2-3. Rowden's violations threatened human health and the environment by disposing the paint cans in an improper manner and causing or allowing them to leak paint. Rowden showed a lack of diligence in complying with the requirements of the Act and Board regulations. Mot. at 8. The first and second Section 42(h) factors weigh against Rowden and support the People's requested penalty.

The Board finds that the requested civil penalty of \$5,000 includes any economic benefit that Rowden may have accrued as a result of its noncompliance. The Board also finds that the suggested \$5,000 penalty will deter further violations by Rowden and ensure voluntary compliance with the Act and Board air pollution regulations. Factors (3) and (4) therefore weigh against Rowden and support the People's requested penalty.

Rowden does not have any previously adjudicated violation of the Act. Mot. at 9. This factor weighs in favor of Rowden.

Neither self-disclosure, nor a Compliance Commitment Agreement were at issue in this matter. Rowden did not perform a supplemental environmental project. The Board does not weigh these factors as mitigating or aggravating a penalty amount.

Based on this record and the statutory factors, the Board finds that the People's requested civil penalty is appropriate given the resulting threat to human health and the environment and Rowden's lack of diligence in complying with the Act and Board regulations. The requested penalty amount will serve to encourage future compliance by Rowden and others similarly situated and recoup any economic benefit Rowden may have accrued from its noncompliance. In its order below, the Board assesses a civil penalty of \$5,000.

## CONCLUSION

The Board grants the People's unopposed motion to deem facts admitted. Given the facts deemed admitted, the Board finds that there is no genuine issue of material fact and that the People are entitled to judgment as a matter of law. The Board accordingly grants the People's motion for summary judgment against Rowden. The Board finds that Rowden violated Sections 21(a), 21(e), and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(p)(1) (2022)) and Section 808.121(c)(1) of the Board's waste disposal regulations (35 Ill. Adm. Code 808.121(c)(1)), as alleged in the People's complaint. Having considered the factors of Sections 33(c) and 42(h) of the Act, 415 ILCS 5/33(c), 42(h) (2022), the Board enters an order requiring Rowden to pay a \$5,000 civil penalty, as requested by the People.

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

## ORDER

1. The Board grants the People's unopposed motion to deem facts admitted and for summary judgment and finds that Rowden violated Sections 21(a), 21(e), and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(p)(1) (2022)) and Section 808.121(c)(1) of the Board's waste disposal regulations (35 Ill. Adm. Code 808.121(c)(1)).
2. Rowden must pay a civil penalty of \$5,000 no later than Monday, January 8, 2023, which is the first business day after 30 days from the date of this order. Payment must be made by certified check or money order payable to the Environmental Protection Trust Fund. The case number, case name, and Rowden's federal employer identification number must be included on the respective certified check or money order.
3. Rowden 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
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Act (415 ILCS 5/42(g) (2022)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2022)).

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) (2022); *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.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	
<b>Parties</b>	<b>Board</b>
Illinois Attorney General's Office Attn: Emma L. Hudspath Assistant Attorney General Environmental Bureau 500 South Second Street Springfield, Illinois 62701 Emma.Hudspath@ilag.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Dale Rowden #B24068 Graham Correctional Facility 12078 Illinois Route 185 Hillsboro, Illinois 62049	
Dale Rowden 1216 Patton Street Springfield, IL 62701	
Dale Rowden 1222 Patton Street Springfield, IL 62701	
Youth Fair Chance d/b/a Capitol Reuse Center Attn: Danny Woodcock, Registered Agent 701 North Holt Road, Suite 1 Indianapolis, Indiana 46222-4139	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on December 7, 2023, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above the printed name and title.

Don A. Brown, Clerk  
Illinois Pollution Control Board