

ILLINOIS POLLUTION CONTROL BOARD

June 26, 2025

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 25-5
)	(IEPA No. 62-25-AC)
MITCHELL A. GRAY,)	(Administrative Citation)
)	
Respondent.)	

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

On April 22, 2025, the Illinois Environmental Protection Agency timely filed an administrative citation against Mitchell A. Gray.¹ *See* 415 ILCS 5/31.1(c) (2024); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns a facility operated by Mitchell A. Gray at 318 South 5th Street SW, Clay City, Clay County. The property is commonly known to the Illinois Environmental Protection Agency (IEPA) as the Cox, Jeffrey and Rhonda site and is designated with Site Code No. 0250055030. For the reasons below, the Board finds that Mitchell A. Gray violated the Environmental Protection Act (Act) (415 ILCS 5 (2024)) and orders him to pay \$4,500 in civil penalties.

Under the Act, an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by IEPA or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations. *See* 415 ILCS 5/21(o), 21(p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k) (2024); 35 Ill. Adm. Code 108.

In this case, the IEPA alleges that on March 3, 2025, Mitchell A. Gray violated provisions of Sections 21(p)(1) and (p)(7) and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), 21(p)(7), 55(k)(1) (2024)) by causing or allowing open dumping of waste in a manner resulting in litter, depositing of general construction or demolition debris or clean construction or demolition debris, and causing or allowing water to accumulate in used or waste tires. IEPA asks the Board to impose the statutory \$1,500 civil penalty per violation on Mitchell A. Gray, for a total civil penalty of \$4,500. As required, the IEPA served Mitchell A. Gray with the administrative citation on April 25, 2025, which is within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2024); *see also* 35 Ill. Adm. Code 101.300(c), 108.200(b)(1).

To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do

¹ The citation originally listed Jeffrey A. Cox and Rhonda E. Cox as respondents, but on May 15, 2025, the Board granted IEPA’s motion to withdraw this citation as to the two of them.

so, the Board must find that the respondent committed the violations alleged and impose the corresponding civil penalty. *See* 415 ILCS 5/31.1(d)(1) (2024); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due by June 6, 2025. Mitchell A. Gray failed to timely file a petition. Accordingly, the Board finds that Mitchell A. Gray violated Section 21(p)(1) and (p)(7) and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), 21(p)(7), 55(k)(1) (2024)).

The civil penalty for violating any provision of Section 21(p) or 55(k) is \$1,500 for each violation, except that the penalty amount is \$3,000 for each violation that is the person's second or subsequent adjudicated violation of that provision. *See* 415 ILCS 5/42(b) (4-5) (2024); 35 Ill. Adm. Code 108.500(a). Because there are three violations of Section 21(p) and 55(k) and no indication in the record that any of these is a second or subsequent adjudicated violation, the total civil penalty is \$4,500. Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

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

ORDER

1. The Board finds that Mitchell A. Gray violated Section 21(p)(1), 21(p)(7), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7), 21(k)(1) (2024)).
2. Mitchell A. Gray must pay a civil penalty of \$4,500 no later than Monday, July 28, 2025, which is the first business day following the 30th day after the date of this order. Mitchell A. Gray must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number and case name must appear on the certified check or money order.
3. Mitchell A. Gray must send the certified check or money order to:

Illinois Environmental Protection Agency
 Fiscal Services Division
 2520 West Iles Avenue,
 P.O. Box 19276,
 Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2024)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2024)).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

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) (2024); *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 Environmental Protection Agency Attn: Michelle M. Ryan, Assistant Counsel 2520 W Iles Ave. P.O. Box 19276 Springfield, IL 62794 Michelle.ryan@illinois.gov	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60601 don.brown@illinois.gov
Mitchell A. Gray 225 S. 5th Street SW Clay City, IL 62824	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 26, 2025, by a vote of 5-0.



Don A. Brown, Clerk
Illinois Pollution Control Board