

ILLINOIS POLLUTION CONTROL BOARD

December 4, 2025

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 26-3
)	(IEPA No. 154-25-AC)
RANDY W. JOHNSON,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by M. D. Mankowski):

On October 14, 2025, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Randy W. Johnson (Johnson). *See* 415 ILCS 5/31.1(c) (2024); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns Johnson’s property located at 1406 North 10th Street in Mt. Vernon, Jefferson County. The property is commonly known to the Agency as the “Mt. Vernon/Johnson, Randy W.” site and is designated with Site Code No. 0818105020. For the reasons below, the Board accepts a letter from Johnson first submitted to the Agency and then received by the Board on November 19, 2025, as a timely petition for review but orders Johnson to file an amended petition addressing identified deficiencies.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2024)), 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 the Agency 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 Part 108.

In this case, the Agency alleges that on September 8, 2025, Johnson violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2024)) by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and deposition of general construction or demolition debris or clean construction or demolition debris at the Jefferson County site. The Agency asks the Board to impose on Johnson the statutory \$1,500 civil penalty for each alleged violation, for a total civil penalty of \$4,500.

As required, the Agency served the administrative citation on Johnson 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), 108.202(b). Any petition to contest the administrative citation was due by November 24, 2025. However, the Agency’s proof of service on Johnson provided an incorrect deadline of December 12, 2025.

On November 19, 2025, the Agency filed a notice with the Board, stating it received a letter from Johnson on November 13, 2025. The Agency attached the letter, which states that “[t]his is my attempt to file a petition for review.” The Agency stated that, because of mail delays, Johnson would likely be unable to timely file a petition with the Board. Finally, the Agency stated it did not object to the Board accepting the letter Johnson sent to the Agency as being timely filed with the Board. The Board received Johnson’s letter before his 35-day deadline and accepts it as a timely petition for review. *See, e.g., IEPA v. Watson*, AC 11-18, slip op. at 3-5 (Mar. 17, 2011).


Although the Board accepts Johnson’s petition as timely, the Board finds that it is deficient and that Johnson must file an amended petition to remedy these deficiencies. First, the amended petition must set forth one or more recognized grounds for why Johnson believes the Agency improperly issued the citations. *See* 35 Ill. Adm. Code 108.206; *see also, e.g., County of Vermilion v. Johnson*, AC 13-9, slip op. at 2 (Sept. 20, 2012) (“[T]he petition fails to state adequate grounds for appeal, which must include allegations that the recipient of the citation: 1) does not own the property, 2) did not cause or allow the alleged violations, 3) was not timely or properly served, or 4) was unable to prevent the violation due to uncontrollable circumstances.”). In addition to filing an amended petition with the Board, Johnson must serve a copy of the amended petition on the Agency and file proof of that service with the Board. *See* 35 Ill. Adm. Code 101.304.

To remedy these deficiencies, the Board orders Johnson to file an amended petition for review with the Board by Tuesday, January 20, 2026. *See* 35 Ill. Adm. Code 108.204; *see County of Jackson v. Kimmel*, AC 06-21 (Feb. 16, 2006). If Johnson does not file an amended petition with the Board by that date, his petition will be dismissed, and a default order will be entered against him to impose the statutory civil penalty of \$4,500. *See IEPA v. Ray Logsdon Estate*, AC 05-54, slip op. at 4-5 (Apr. 21, 2005). If an amended petition is filed as required by this order and Johnson does not prevail on the merits of the case after hearing, he will have to pay not only the civil penalty but also any hearing costs of the Board and the Agency. *See* 415 ILCS 5/42(b)(4-5) (2024); 35 Ill. Adm. Code 108.500(b). A schedule of the Board’s hearing costs is available from the Clerk of the Board and on the Board’s website at www.ipcb.state.il.us. *See* 35 Ill. Adm. Code 108.504.

Finally, Johnson’s petition mentions that he has been ill and is recovering from surgery, adding that his family has done extensive work on the site and that the work is continuing. In this regard, the Board brings two points to Johnson’s attention. First, voluntary cleanups performed by a respondent are generally neither a defense to the violations alleged nor relevant to determining the civil penalty amount. *See IEPA v. Cockerill*, AC 13-59, slip op. at 2 (Aug. 8, 2013), citing *IEPA v. Jack Wright*, AC 89-227, slip op. at 7 (Aug. 30, 1990) (“The Act, by its terms, does not envision a properly issued administrative citation being dismissed or mitigated because a person is cooperative or voluntarily cleans-up the site”). Second, regarding Johnson’s health problems, the Board is not authorized to consider any factors in mitigation of penalty as the civil penalties for administrative citations are set by the Act. *See Cockerill*, AC 13-59, slip op. at 2, citing *IEPA v. Stutsman*, AC 05-70, slip op. at 2 (Sept. 21, 2006).

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 4, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board