

ILLINOIS POLLUTION CONTROL BOARD
December 6, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-7
)	(IEPA No. 390-01-AC)
TERRY and LATISHA SPRINGER,)	(Administrative Citation)
)	
Respondents.)	

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On September 4, 2001, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Terry and Latisha Springer (Springers). *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The Agency alleges that the Springers violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)). The Agency further alleges that the Springers violated this provision by causing or allowing open dumping at a facility in Jersey County. The administrative citation meets the content requirements of 35 Ill. Adm. Code 108.202(b).

As required, the Agency served the administrative citation on the Springers within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2000); *see also* 35 Ill. Adm. Code 108.202(b). 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 so, the Board must find that the respondent committed the violation alleged and impose the corresponding civil penalty. 415 ILCS 5/31.1(d)(1) (2000); 35 Ill. Adm. Code 108.204(b), 108.406.

Here, the Springers filed a petition on October 11, 2001. On October 18, 2001, the Board issued an order in which it found that the Springers’ petition failed to meet several of the requirements of Parts 101 and 108 of the Board’s procedural regulations. 35 Ill. Adm. Code 101, 108. Specifically, the Springers failed to include a notice of filing and certificate of service in their petition. The Springers also failed to sign their petition. The Board gave the Springers until November 22, 2001, to file an amended petition correcting these deficiencies. The Board said that it could issue a default order if the Springers failed to file an amended petition by November 22. The Springers failed to file an amended petition by the deadline. Accordingly, the Board finds that the Springers violated Section 21(p)(1) of the Act.

The civil penalty for violating Section 21(p)(1) of the Act is \$1,500 for a first offense. 415 ILCS 5/42(b)(4-5) (2000); 35 Ill. Adm. Code 108.500(a). Because there is a violation of Section 21(p) and this violation is a first offense, the total civil penalty is \$1,500. 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

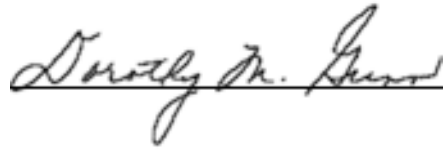
1. Respondents Terry and Latisha Springer (Springers) must pay a civil penalty of \$1,500 no later than January 5, 2002, which is the 30th day after the date of this order.
2. The Springers must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and the Springers' social security numbers must be included on the certified check or money order.
3. The Springers must send the certified check or money order and the remittance form 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 Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Payment of this penalty does not prevent future prosecution if the violation continues.

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) (2000); *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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on December 6, 2001, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board