

ILLINOIS POLLUTION CONTROL BOARD
December 1, 2005

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
) AC 05-20
v.) (IEPA No. 412-04-AC)
) (Administrative Citation)
JOHN GROFF,)
)
Respondent.)

MS. MICHELLE M. RYAN, SPECIAL ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT; and

MR. JOHN GROFF, APPEARED *PRO SE*.

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

On June 16, 2005, the Board issued an interim opinion and order, finding that respondent Mr. John Groff violated numerous open dumping prohibitions of the Environmental Protection Act (Act) (415 ILCS 5 (2004)) at two sites in Jackson County. The violations were alleged in an administrative citation issued by the County of Jackson (County). Having received documentation of hearing costs in this administrative citation enforcement action, the Board today issues its final opinion and order.

In the interim opinion and order, the Board found that Mr. Groff violated Sections 21(p)(1), (3) and (7) of the Act by causing or allowing the open dumping of wastes on his property resulting in litter, open burning, and the deposition of construction or demolition debris at 2503 Barton Road, Junction City, Marion County. 415 ILCS 5/21(p)(1), (3), and (7) (2004). The allegations arose from a July 29, 2004 inspection of Mr. Groff's property.

Because there were three violations of Section 21(p) and the violations were first offenses, the Board found that under Section 42(b)(4-5) of the Act, the total civil penalty was \$4,500. 415 ILCS 5/42(b)(4-5) (2004). In addition, because Mr. Groff did not succeed at hearing, he must pay the hearing costs of both the Agency and the Board. 35 Ill. Adm. Code 108.502, 108.504. The hearing in this administrative citation was held on July 18, 2005, at the City Hall in Marion County.

On October 28, 2005, the Clerk of the Board submitted an affidavit of the Board's hearing costs totaling \$166.79. On November 2, 2005, the Agency filed a statement of hearing costs totaling \$124.91. Mr. Groff has not responded to either statement of costs.

The Board finds the hearing costs of the Board and the Agency reasonable and orders Mr. Groff to pay those costs under Section 42(b)(4-5) of the Act. 415 ILCS 5/42(b)(4-5) (2004).

The Board incorporates by reference the findings of fact and conclusions of law from its October 20, 2005 interim opinion and order. Under Section 31.1(d)(2) of the Act, the Board attaches the administrative citation and makes it part of the Board's final order.

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

ORDER

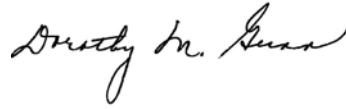
1. The Board finds that respondent Mr. John Groff violated Section 21(p)(1), (3) and (7) of the Environmental Protection Act at his property in Junction City, Marion County. 415 ILCS 5/21(p)(1), (3), (7) (2004).
2. The Board assesses the civil penalty of \$4,500 for the violations, as well as hearing costs totaling \$291.70, for a total amount due of \$4,791.70. Mr. Groff must pay \$4,791.70 no later than January 16, 2006, which is the first business day following the 45th day after the date of this order. Mr. Groff must pay this amount by certified check or money order, made payable to the Environmental Protection Trust Fund. The case numbers, case name, and Mr. Groff's social security number or federal employer identification number must be included on the certified check or money order.
3. Mr. Groff must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services
1020 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) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
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) (2004); 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 1, 2005, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board