

ILLINOIS POLLUTION CONTROL BOARD  
December 15, 2005

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 06-14
	)	(Site Code 0770405015)
ROCKY LEE MORSE,	)	(Administrative Citation)
	)	
Respondent.	)	

ORDER OF THE BOARD (by G.T. Girard):

On October 27, 2005, the County of Jackson timely filed an administrative citation against Rocky Lee Morse. *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The County of Jackson alleges that on September 8, 2005, Rocky Lee Morse violated Section 21(p)(1), (p)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) and (p)(7) (2004)). The County of Jackson further alleges that Rocky Lee Morse violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter; (2) open burning; and (3) deposition of general construction or demolition debris or clean construction or demolition debris at the Grand Tower/Rocky Lee Morse site in Jackson County.

As required, the County of Jackson served the administrative citation on Rocky Lee Morse within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2004); *see also* 35 Ill. Adm. Code 108.202(b). On November 30, 2005, Rocky Lee Morse timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 108.204(b). Rocky Lee Morse does not assert his basis for challenging the administrative citation. *See* 35 Ill. Adm. Code 108.206. The Board accepts the petition for hearing.

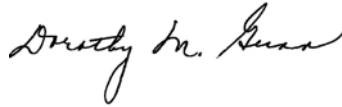
The Board directs the hearing officer to proceed expeditiously to hearing. The hearing officer will give the parties at least 21 days written notice of the hearing. 35 Ill. Adm. Code 108.300; *see also* 415 ILCS 5/31.1(d)(2) (2004). By contesting the administrative citation, Rocky Lee Morse may have to pay the hearing costs of the Board and the County of Jackson. *See* 415 ILCS 5/42(b)(4-5) (2004); 35 Ill. Adm. Code 108.500. A schedule of the Board’s hearing costs is available at the Board’s offices and on the Board’s Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). 35 Ill. Adm. Code 504.

Rocky Lee Morse may withdraw his petition to contest the administrative citation at any time before the Board enters its final decision. If Rocky Lee Morse chooses to withdraw his petition, he must do so in writing, unless he does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If Rocky Lee Morse withdraws his petition after the hearing starts, the Board will require Rocky Lee Morse to pay the hearing costs of the Board and the County of Jackson. *See id.* at 108.500(c).

The County of Jackson has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2004); 35 Ill. Adm. Code 108.400. If the Board finds that Rocky Lee Morse violated Section 21(p)(1), (p)(3) and (p)(7), the Board will impose civil penalties on Rocky Lee Morse. The civil penalty for violating Section 21(p) is \$1,500 for a first offense and \$3,000 for a second or subsequent offense. 415 ILCS 5/42(b)(4-5) (2004); 35 Ill. Adm. Code 108.500. However, if the Board finds that Rocky Lee Morse “has shown that the violation resulted from uncontrollable circumstances, the Board shall adopt a final order which makes no finding of violation and which imposes no penalty.” 415 ILCS 5/31.1(d)(2) (2004); *see also* 35 Ill. Adm. Code 108.500(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 15, 2005, by a vote of 4-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board