

ILLINOIS POLLUTION CONTROL BOARD  
May 18, 2006

OGLE COUNTY SOLID WASTE	)	
MANAGEMENT DEPARTMENT,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 06-31
	)	(Administrative Citation)
WAYNE L. FISHER and CHRISTINA C.	)	
FISHER,	)	
	)	
Respondents.	)	

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

On March 27, 2006, the Ogle County Solid Waste Management Department timely filed an administrative citation against Wayne L. Fisher and Christina C. Fisher (respondents). *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The Ogle County Solid Waste Management Department alleges that on January 30, 2006 respondents 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)).<sup>1</sup> The Ogle County Solid Waste Management Department further alleges that respondents 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. The alleged violations occurred at a site located in Ogle County.

As required, the Ogle County Solid Waste Management Department served the administrative citation on respondents 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 May 3, 2006, respondents timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 108.204(b). Because the postmark date of the petition is within the time for filing, the petition was timely filed. 35 Ill. Adm. Code 101.300(b)(2). Respondents assert that they are contesting the administrative citation. *See* 35 Ill. Adm. Code 108.206.

The Board accepts the petition for hearing. But, the Board cannot accept this filing as a complete petition to contest the administrative citation and authorize a hearing pursuant to 35 Ill. Adm. Code 108.300 at this time. The petition is deficient in that it does not specify the grounds for appeal, as required by 35 Ill. Adm. Code 108.206.

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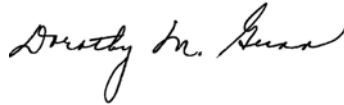
<sup>1</sup> The Ogle County Solid Waste Management Department further alleges violations of Sections 9(a) and (c) and 21(a), (d), and (e) of the Act (415 ILCS 5/9(a) and (c) and 21(a), (d), and (e) (2004)), but Section 31.1 does not authorize the issuance of an administrative citation for those alleged violations.

The Board wishes to remind respondents that by contesting the administrative citation, respondents may have to pay the hearing costs of the Board and the Ogle County Solid Waste Management Department. *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.

The Board directs respondents to amend their petition for review to include this information within 30 days from the date of this order, on or before June 19, 2006, or the Board will dismiss the petition and enter a default in this matter pursuant to 35 Ill. Adm. Code 108.406.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 18, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board