

ILLINOIS POLLUTION CONTROL BOARD

August 4, 2006

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 06-56
)	(IEPA No. 128-06-AC)
LAKE WILDWIND PARK, L.L.C.,)	(Administrative Citation)
)	
Respondent.)	

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

On June 26, 2006, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Lake Wildwind Park, L.L.C. (Lake Wildwind Park). *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The Agency alleges that on May 4, 2006, Lake Wildwind Park violated Section 21(p)(1) and (p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (p)(3) (2004)). The Agency further alleges that Lake Wildwind Park violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter; and (2) open burning. The alleged violations occurred at Lake Wildwind Mobile Home Park located at 120 Hollyhock Lane, Woodford County.

As required, the Agency served the administrative citation on Lake Wildwind Park 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 July 27, 2006, Lake Wildwind Park timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 108.204(b). Lake Wildwind Park denies that its site is an open dump and states that it did not cause or allow any violations of the Act. *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, Lake Wildwind Park may have to pay the hearing costs of the Board and the Agency. *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. 35 Ill. Adm. Code 504.

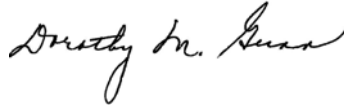
Lake Wildwind Park may withdraw its petition to contest the administrative citation at any time before the Board enters its final decision. If Lake Wildwind Park chooses to withdraw its petition, it must do so in writing, unless it does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If Lake Wildwind Park withdraws its petition after the hearing starts, the Board will

require Lake Wildwind Park to pay the hearing costs of the Board and the Agency. *See id.* at 108.500(c).

The Agency 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 Lake Wildwind Park violated Section 21(p)(1) and (p)(3), the Board will impose civil penalties on Lake Wildwind Park. 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 Lake Wildwind Park “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 August 4, 2006, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board