

ILLINOIS POLLUTION CONTROL BOARD
March 15, 2007

COUNTY OF JACKSON,)
)
Complainant,)
)
v.) AC 07-34
) (Administrative Citation)
ALVIN VALDEZ and RUBEN J. VALDEZ,)
)
Respondents.)

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

On January 31, 2007, the County of Jackson (County) timely filed an administrative citation against Alvin Valdez and Ruben J. Valdez (respondents). *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The administrative citation concerns a site commonly known to the Illinois Environmental Protection Agency (Agency) as “DeSoto/Alvin Valdez,” designated with Site Code No. 0778035022, and located in Jackson County. For the reasons below, the Board accepts respondents’ petition as timely filed, but requires respondents to file an amended petition stating grounds for contesting the administrative citation.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the Agency or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations at sanitary landfills or unpermitted open dumps. *See* 415 ILCS 5/3.305, 3.445, 21(o), (p), 31.1(c), 42(b)(4), (4-5) (2004); 35 Ill. Adm. Code 108.

In this case, the County alleges that respondents violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)) by causing or allowing the open dumping of waste in a manner resulting in litter and open burning. The County asks the Board to impose a \$3,000 civil penalty on respondents.

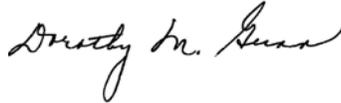
As required, the County served the administrative citation on respondents within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2004); *see also* 35 Ill. Adm. Code 108.202(b). On March 1, 2007, the Board received a letter from respondents requesting a hearing concerning the administrative citation. The petition was timely filed within the 35-day appeal period because the petition was postmarked on the filing deadline of February 26, 2007. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 101.300(b), 108.204(b).

The Board accepts respondents’ petition as timely filed, but finds that the petition does not satisfy the Board’s procedural rules because it fails to state any reason why respondents believe the administrative citation was improperly issued. *See* 35 Ill. Adm. Code 108.206. The

Board therefore directs respondents to file an amended petition stating the grounds on which they contest the administrative citation. *See County of Jackson v. Dan Kimmel*, AC 06-21 (Feb. 16, 2006). If respondents fail to file an amended petition within 30 days after the date of this order, respondents' petition will be dismissed and a default order will be entered against them. *See IEPA v. Ray Logsdon Estate*, AC 05-54 (Apr. 21, 2005).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 15, 2007, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board