

ILLINOIS POLLUTION CONTROL BOARD  
September 6, 2007

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 08-1  
 ) (IEPA No. 173-07-AC)  
CAROL G. PRIEB, ) (Administrative Citation)  
 )  
Respondent. )

ORDER OF THE BOARD (by A.S. Moore):

On July 16, 2007, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Carol G. Prieb (Prieb). *See* 415 ILCS 5/31.1(c) (2006); 35 Ill. Adm. Code 108.202(c). The Agency alleges that Prieb violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21 (p)(7) (2006)). The Agency further alleges that Prieb violated these provisions by causing or allowing open dumping of waste in a manner resulting in litter and in the deposition of general construction or demolition debris or clean construction or demolition debris at 405 Barkhausen Lane, Jonesboro, Union County.

As required, the Agency served the administrative citation on Prieb within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2006); *see also* 35 Ill. Adm. Code 108.202(b). On August 21, 2007, Prieb timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2006); 35 Ill. Adm. Code 108.204(b). Prieb denies committing the violations alleged in the citation, alleges that the Agency entered private land without consent, claims that the activities that are the subject of the citation lie outside the scope of the Act, and argues that any violations that did occur are attributable to uncontrollable circumstances. *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) (2006). By contesting the administrative citation, Prieb may have to pay the hearing costs of the Board and the Agency. *See* 415 ILCS 5/42(b)(4-5) (2006); 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 108.504.

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

The Agency has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2006); 35 Ill. Adm. Code 108.400. If the Board finds that Prieb violated Sections 21(p)(1) and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), 21(p)(7) (2006)), the Board will impose civil penalties on Prieb. The civil penalty for each violation of each subsection of 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) (2006); 35 Ill. Adm. Code 108.500. However, if the Board finds that Prieb “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) (2006); *see also* 35 Ill. Adm. Code 108.500(b).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 6, 2007, by a vote of 4-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board