

ILLINOIS POLLUTION CONTROL BOARD  
February 16, 2017

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 12-16  
 ) (Administrative Citation)  
JULIE WEBBER, )  
 )  
Respondent. )

MICHELLE M. RYAN, SPECIAL ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT; and

JULIE WEBBER APPEARED *PRO SE*.

OPINION AND ORDER OF THE BOARD (by G.M. Keenan):

On December 15, 2016, the Board issued an interim opinion and order, finding that Julie Webber violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21(p)(7) (2014)). The case concerns a site located at 404 Willow Street in Lafayette, Stark County. The September 26, 2011 violations were alleged in an administrative citation issued by the Illinois Environmental Protection Agency (Agency). The site is known to the Agency as the “Webber, Julie” site and is designated with Site Code No. 1750105005.

In the December 15, 2016 decision, after the Board found the violations, the Board held that under Section 42(b)(4-5) of the Act (415 ILCS 5/42(b)(4-5) (2014)), Ms. Webber was subject to the statutorily fixed \$3,000 civil penalty. In addition, the Board held that Ms. Webber, by unsuccessfully contesting the administrative citation at hearing, also must pay the hearing costs of the Agency and the Board. The hearing in this case was held on October 5, 2016, in Toulon, Stark County.

Because no information on hearing costs was in the record, the Board directed the Agency and the Clerk of the Board each to file documentation of the respective hearing costs, supported by affidavit, and to serve the filing on Ms. Webber. The Board also gave Ms. Webber an opportunity to respond to the requests for hearing costs and noted that after the time periods for these filings had expired, the Board would issue a final opinion and order assessing the civil penalty and any appropriate hearing costs.

On December 29, 2016, the Board received the Agency’s statement of hearing costs, supported by affidavit, which the Agency served on Ms. Webber. The Agency’s hearing costs total \$160.28, consisting of mileage fees and clerical fees. On December 19, 2016, the Clerk of the Board submitted an affidavit of the Board’s hearing costs totaling \$223.50, the entirety of

which reflects the costs of court reporting. The Clerk served this documentation on Ms. Webber, who did not respond to either the Agency's statement of hearing costs or the Clerk's affidavit. *See* 35 Ill. Adm. Code 108.502-108.506.

The Board finds the hearing costs of the Agency and the Board reasonable and below orders Ms. Webber to pay those costs under Section 42(b)(4-5) of the Act (415 ILCS 5/42(b)(4-5) (2014)). The Board incorporates by reference the findings of fact and conclusions of law from its December 15, 2016 interim opinion and order. Under Section 31.1(d)(2) of the Act (415 ILCS 5/31.1(d)(2) (2014)), the Board attaches the administrative citation and makes it part of the Board's final order.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**


1. The Board finds that Julie Webber violated Section 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2014)).
2. The Board assesses the statutory civil penalty of \$3,000 for the violations, as well as hearing costs totaling \$383.78, for a total amount due of \$3,383.78. Ms. Webber must pay \$3,383.78 no later than April 3, 2017, which is the first business day following the 45th day after the date of this order. Ms. Webber must pay this amount by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Ms. Webber's social security number or federal employer identification number must be included on the certified check or money order.
3. Ms. Webber must send the certified check or money order to:
 

Illinois Environmental Protection Agency  
Attn.: Fiscal Services  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2014)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2014)).
5. Payment of this penalty does not prevent future prosecution if the violation(s) continue(s).

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2014); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 16, 2017, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Assistant Clerk  
Illinois Pollution Control Board