

ILLINOIS POLLUTION CONTROL BOARD  
August 8, 2002

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 02-61
	)	(IEPA No. 247-02-AC)
STEVE KOESTER,	)	(Administrative Citation)
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.A. Manning):

On June 20, 2002, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Steve Koester (Koester). *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The Agency alleges that Koester violated Sections 21(p)(1), (p)3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). The Agency further alleges that Koester violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and the deposition of construction or demolition debris at a facility on the northeast corner of Tiffany Court in Champaign, Champaign County.

As required, the Agency served the administrative citation on Koester within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2000); *see also* 35 Ill. Adm. Code 108.202(b). On July 25, 2002, Koester timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2000); 35 Ill. Adm. Code 108.204(b). Koester alleges that he did not cause or allow the violations alleged in the administrative citation. *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) (2000). By contesting the administrative citation, Koester may have to pay the hearing costs of the Board and the Agency. *See* 415 ILCS 5/42(b)(4-5) (2000); 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.

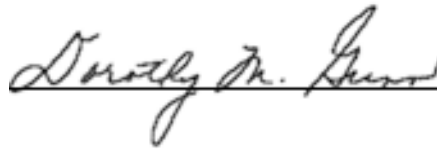
Koester may withdraw his petition to contest the administrative citation at any time before the Board enters its final decision. If Koester chooses to withdraw his petition, he must do so in writing, unless he does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If

Koester withdraws his petition after the hearing starts, the Board will require Koester 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) (2000); 35 Ill. Adm. Code 108.400. If the Board finds that Koester violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act, the Board will impose civil penalties on Koester. 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) (2000); 35 Ill. Adm. Code 108.500. However, if the Board finds that Koester “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) (2000); *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 8, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board