

ILLINOIS POLLUTION CONTROL BOARD
February 16, 2006

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 06-20
)	(IEPA No. 495-05-AC)
GEORGIA SHANK and STEVE SHANK,)	(Administrative Citation)
)	
Respondents.)	

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

On January 6, 2006, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Georgia Shank and Steve Shank (respondents). *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The Agency alleges that on November 15, 2005, respondents violated Section 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2004)). The Agency further alleges that respondents violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter; (2) open burning; and (3) deposition of general construction or demolition debris or clean construction or demolition debris. The alleged violations occurred at Route 40 and Elm Street, Greenville, Bond County.

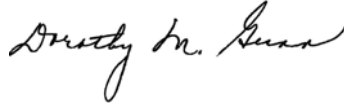
As required, the Agency served the administrative citation on respondents within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2004); *see also* 35 Ill. Adm. Code 108.202(b). As each respondent was served on January 7, 2006, any petition for review was due to be filed by February 14, 2006. On February 9, 2006, one of the respondents, Georgia Shank, timely filed a letter relating to the administrative citation. The Board is construing the letter as a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 108.204(b). The Board has not received any petition to contest from the second respondent, Steve Shank.

Georgia Shank allege that (1) she was unaware of the activities included in the complaint; and (2) she requested 60 days to correct the conditions at the site because it is low-lying with soft, muddy soils, and they cannot operate equipment on the site. *See* 35 Ill. Adm. Code 108.206.

The Board cannot accept this letter as a petition to contest the administrative citation and authorize a hearing pursuant to 35 Ill. Adm. Code 108.300. The petition is deficient in that it does not specify the grounds for appeal, as required by 35 Ill. Adm. Code 108.206. The Board directs respondent Georgia Shank to amend her petition for review to include this information within 30 days from the date of this order, on or before March 20, 2006, or the Board will dismiss the petition and enter a default in this matter pursuant to 35 Ill. Adm. Code 108.406.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 16, 2006, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board