

ILLINOIS POLLUTION CONTROL BOARD
November 2, 2006

COUNTY OF LASALLE,)	
)	
Complainant,)	
)	
v.)	AC 07-14
)	(Site Code 0998175012)
ERIC and SARAH COOK,)	(Administrative Citation)
)	
Respondents.)	

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

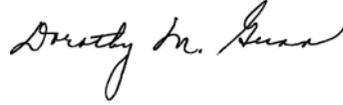
On October 19, 2006, the Board issued a default order against Eric and Sarah Cook (the Cooks), since no petition had been filed seeking review of the County of LaSalle's September 13, 2006 administrative citation. The Board found that the Cooks caused or allowed the open dumping of waste in a manner that resulted in litter and open burning in violation of Section 21(p)(1) and (p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (p)(3) (2004)). The Board assessed the statutory penalty of \$1,500 per violation, and directed the Cooks to pay a civil penalty of \$3,000 no later than November 20, 2006.

On October 19, 2006 the Board's mail was not delivered until after the close of the October 19 Board Meeting. The Board received by U.S. mail a one-line petition for review filed by the Cooks' attorney. The petition, received and docketed by the Clerk on October 19, 2006, was postmarked October 17, 2006. As the Board noted in its October 19, 2006 order, to contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violation alleged and impose the corresponding civil penalty. 415 ILCS 5/31.1(d)(1) (2004); 35 Ill. Adm. Code 108.204(b), 108.406. Here, any petition for review was due to be filed or at least postmarked on October 9, 2006. The Cooks' petition was postmarked eight days late.

Pursuant to Section 31 of the Act, the Board has no statutory authority to accept late-filed petitions for review. Accordingly, because the Board has already properly entered a default order, the Board declines to accept the late-filed petition and directs the Cooks to pay the \$3,000 civil penalty by November 20, 2006 as directed in the Board's October 19, 2006 order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 2, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board