



Respondent failed to timely file an amended petition as directed. Accordingly, the Board finds that respondent violated Sections 21(p)(1) and 21(p)(7) of the Act.

The civil penalty for violating any provision of Section 21(p) of the Act is \$1,500 for each violation, except that the penalty amount is \$3,000 for each violation that is the person's second or subsequent adjudicated violation of that provision. *See* 415 ILCS 5/42(b)(4-5) (2010); 35 Ill. Adm. Code 108.500(a). Because there are two violations of Section 21(p) and no indication in the record that either of these are a second or subsequent adjudicated violation, the total civil penalty is \$3,000. Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

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

### **ORDER**

1. The Board finds that Mark Johnson (respondent) violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and 21(p)(7) (2010)).
2. Respondent must pay a civil penalty of \$3,000 no later than Monday, December 17, 2012, which is the first business day following the 30th day after the date of this order. Respondent must pay the civil penalty by certified check, made payable to the County of Vermilion, Illinois. The case number, case name, and respondent's social security number or federal employer identification number must be included on the certified check or money order.
3. Respondent must send the certified check and the remittance form to:  
  
Vermilion County Health Department  
200 South College Street  
Danville, Illinois 61832
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Member J. O'Leary Abstained

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) (2010); *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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 15, 2012 by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

COUNTY OF VERMILION, ILLINOIS, ) Case No.: AC: 13-9  
)  
Complainant, ) LPC# 1838095004  
) Region 4-Champaign  
vs. )  
) County File No.: 12-02  
Mark Johnson, )  
)  
Respondent )

**ORIGINAL**  
**RETURN TO CLERK'S OFFICE**

JURISDICTION

The Administrative Citation is issued pursuant to the statutory authority vested in the Illinois Environmental Protection Agency by section 4(e) and 31.1 of the Illinois Environmental Protection Act ("Act") 415 ILCS 5/4(e), 5/31.1, and delegated to Vermilion County Pursuant to section 4(r) of the Act, 415 ILCS 5/4(r).

FACTS

1. That Respondent, Mark Johnson, is, and was at all times relevant to this Administrative Citation, the owner of property located in the area of 2053 East Road, Ridge Farm, Illinois, more particularly Latitude 39.918, Longitude -87.547.
2. That said property is in the Humrick area of rural Ridge Farm and vacant land which is not permitted as a sanitary landfill or dump area.
3. That on June 1, 2012 Douglas Toole and Adrianna Krzywicka of the Vermilion County Health Department inspected the above-described property. Douglas Toole's Affidavit and a copy of his inspection report are attached hereto and incorporated herein by reference.

VIOLATIONS

1. On the basis of direct observations personally made by Douglas Toole, the County of Vermilion has determined that on June 1, 2012:
  - A. The Respondent was allowing the open dumping of waste which resulted in litter in violation of Section 21(p)(1).

1 B. The Respondent caused or allowed the open dumping of any waste which results  
2 in the deposition of general construction or demolition debris and clean  
3 construction and demolition debris in violation of Section 21(p) (7).  
4

5 CIVIL PENALTY

6 Pursuant to Section 42(b) (4) of the Act, 415 ILCS 5/42(b) (4), Respondent herein is  
7 subject to a civil penalty of \$1,500.00 for each violation of each provision under  
8 subsection p of Section 21, plus any hearing costs incurred by the Board should the  
9 Respondent elect to petition the Illinois Pollution Control Board under the review  
10 process described herein below.  
11

12 PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

13 You have the right to contest this Administrative Citation under Section 31.1(d) of  
14 the Act, 415 ILCS 5/31.1(d). If you elect to contest this Administrative Citation, you  
15 must file a petition for Review with the Clerk of the Illinois Pollution Control, at  
16 the State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago,  
17 Illinois 60601. Such Petition for Review must be filed with thirty-five (35) days of  
18 the date of service of this Administrative Citation, or a default judgment will be  
19 issued by the Illinois Pollution Control Board. A copy of the Petition for Review  
20 should be filed with the Vermilion County State's Attorney's Office, Courthouse, 2<sup>nd</sup>  
21 Floor, 7 N Vermilion Street, Danville, Illinois, 61832.

22 If you acknowledge the violation herein, the civil penalty specified above shall be  
23 due and payable no later than 2-8-2010. If you do not petition the Illinois Pollution  
24 Control Board for review of the Administrative Citation within thirty-five (35) days  
25 of the service hereof and have not paid the civil penalty by the due date stated  
26 above, or if you elect to contest this Administrative Citation, any judgment rendered  
27 shall specify the due date of the statutory civil penalty and any costs assessed  
28 against you.

29 When payment is made, your check should be made payable to the County of Vermilion,  
30 Illinois and mailed to the Vermilion County Health Department, 200 South College  
31 Street, Danville, Illinois, 61832, together with a completed copy of the remittance  
32 form attached hereto.

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If any civil penalty, by reason of acknowledgment, default or finding after hearing, is not paid when due, the Vermilion County State's Attorney may initiate proceedings in the Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and any hearing costs of the Illinois Pollution Control Board, the State's Attorney's Office will seek to recover its costs of litigation

Dated this July 23, 2012

*Randall J. Brinegar*

Randall J. Brinegar,  
State's Attorney for  
Vermilion County, Illinois

By *William T. Donahue*

William T. Donahue  
Assistant State's Attorney