

ILLINOIS POLLUTION CONTROL BOARD
August 17, 2017

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 16-13
)	(IEPA No. 30-16-AC)
GEORGE W. WOODCOCK, JR. AND)	(Administrative Citation)
GEORGE W. WOODCOCK III d/b/a WEST)	
DRILLING COMPANY,)	
)	
Respondents.)	

OPINION AND ORDER OF THE BOARD (by C.M. Santos):

For the reasons below, the Board accepts the proposed settlement and dismissal of this administrative citation enforcement action. The Illinois Environmental Protection Agency (IEPA) timely filed an administrative citation on February 17, 2016 against George W. Woodcock, Jr. and George W. Woodcock III doing business as West Drilling Company (collectively, respondents). IEPA alleged that on December 30, 2015, respondents violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2016)) by causing or allowing open dumping of waste in a manner resulting in litter. The violations allegedly took place at respondents' facility located at 15716 Highway 1, approximately one mile north of Mt. Carmel, Wabash County. The property is commonly known to IEPA as the "Mt. Carmel/West Drilling Company" site and is designated with Site Code No. 1850205044.

Respondents timely filed a petition to contest the administrative citation, which the Board accepted on April 7, 2016. On July 27, 2017, the parties filed a "stipulation of settlement and dismissal of respondent's petition for administrative review" (Stipulation). Under its terms, respondents admit that they violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2016)) by causing or allowing open dumping of waste in a manner resulting in litter, and agree to pay the statutory civil penalty of \$1,500 for this violation in three monthly installments. Stipulation at 2. Respondents also agree to the dismissal of their petition contesting the administrative citation. *Id.* at 3. The stipulation further states that the waste that was the subject of the administrative citation has been removed and "the violation resolved." *Id.* In addition, respondents agree to cease and desist from further violation of the Act and regulations, and IEPA agrees not to refer the violation that is the subject of the administrative citation to the Office of the Illinois Attorney General or any other prosecuting authority to initiate a civil enforcement action. *Id.*

The Board accepts the stipulation and proposal for settlement. Under Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (2016)), the Board therefore finds that respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2016)). Section 42(b)(4-5) of the Act (415 ILCS 5/42(b)(4-5) (2016)) establishes a civil penalty of \$1,500 for this violation. The Board

accordingly assesses a civil penalty of \$1,500, to be paid under the stipulation in three monthly installments.

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

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The Board finds that George W. Woodcock, Jr. and George W. Woodcock III doing business as West Drilling Company (respondents) violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2016)).
3. Respondents must pay a civil penalty of \$1,500 in three installments of \$500 each, the first by September 18, 2017, and continuing monthly until paid in full. If a payment is late or missed, respondents must pay the entire unpaid balance immediately. Respondents must pay the civil penalty by certified checks or money orders, made payable to the Illinois Environmental Protection Trust Fund. The case name, case number, and respondents' names and social security numbers must appear on the face of each certified check or money order.
4. Respondents must send the certified checks or money orders to:

Illinois Environmental Protection Agency
 Fiscal Services Division
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2016)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2016)).
6. The Board dismisses respondents' petition to contest the administrative citation.

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) (2016); *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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 17, 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 style with a large, circular initial "D".

Don A. Brown, Clerk
Illinois Pollution Control Board