

ILLINOIS POLLUTION CONTROL BOARD
February 22, 2018

MACON COUNTY)
ENVIRONMENTAL MGT. DEPT.,)
)
Complainant,)
)
v.) AC 18-6
) (Administrative Citation)
MATTHEW LAWRENCE,)
)
Respondent.)

ORDER OF THE BOARD (by B.K. Carter):

On November 29, 2017, Macon County Environmental Management Department (Macon County) filed an administrative citation against Matthew Lawrence (Lawrence). *See* 415 ILCS 5/31.1 (2016); 35 Ill. Adm. Code 108. The administrative citation concerns a property located at 11622 N. Kenney Road in Warrensburg, Macon County. The property is commonly known to the Illinois Environmental Protection Agency as the “Austin/Lawrence” site and is designated with Site Code No. 1158000001. Macon County alleged that on November 16, 2017, Lawrence violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2016)) by causing or allowing the open dumping of waste in a manner that resulted in litter, open burning, and the deposition of general construction or demolition debris.

Section 31.1(b) of the Act requires the complainant to serve an administrative citation on the respondent “within not more than 60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2016); *see also* 35 Ill. Adm. Code 108.202(b). Failure to timely serve the citation deprives the Board of jurisdiction. *See, e.g., County of Vermilion v. Charles Long*, AC 13-37, slip op. at 1 (Mar. 7, 2013); *County of LaSalle v. Harriet and John Baugher*, AC 05-73, slip op. at 1 (June 16, 2005).

Because Macon County observed the alleged violations during its November 16, 2017 inspection of Lawrence’s facility, the 60-day deadline to serve Lawrence was January 16, 2018. *See* 35 Ill. Adm. Code 101.300(b) (first business day after a legal holiday). Despite two attempts to serve Lawrence within the deadline, Macon County has not filed proof that it timely served the administrative citation. Due to Macon County’s failure to provide proof of timely service on Lawrence, the Board lacks jurisdiction over this case. *See* 415 ILCS 5/31.1(b) (2016). Therefore, the Board, on its own motion, dismisses the administrative citation and closes the docket. *See* 35 Ill. Adm. Code 108.402.

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. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Macon County State's Attorney's Office Attn: Michael Baggett Macon County Courthouse 253 East Wood Street Decatur, Illinois 62523-1496	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Matthew Lawrence 11622 North Kenney Road Warrensburg, Illinois 62577	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 22, 2018, by a vote of 5-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board