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STATE OF ILLINOIS  
Pollution Control Board

January 2, 2015



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John Sherrill

I don't believe that I should have  
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is not on the business or the property.

AC15-14

Reborah Jansen

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Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
December 4, 2014

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 15-14  
 ) (IEPA No. 350-14-AC)  
RUSSELL AND DEBORAH JANSSEN, ) (Administrative Citation)  
 )  
Respondent. )

ORDER OF THE BOARD (by D. Glosser):

On October 14, 2014, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Russell and Deborah Janssen (respondents). The administrative citation concerns respondents' property located at 807 Daysville Road, Oregon Ogle County. The property is commonly known to the Agency as the "Oregon/Northwest Equipment" site and is designated with Site Code No. 1410405050. For the reasons below, the Board accepts respondents' petition to contest the administrative citation, but directs respondents to file an amended petition to cure deficiencies identified in this order.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2012)), an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the Agency or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations. See 415 ILCS 5/21(o), 21(p), 22.51, 22.51a, 31.1(c), 42(b)(4), 42(b)(4-5), 55(k) (2012); 35 Ill. Adm. Code 108.

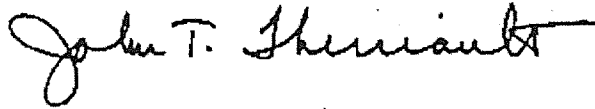
In this case, the Agency alleges that on September 18, 2014, respondents violated Sections 21(p)(1), (p)(7), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), (p)(7), and 55(k)(1) (2012)) by causing or allowing open dumping in a manner resulting in litter, deposition of general construction or demolition debris, or clean construction or demolition debris, and accumulation of water in used or waste tires at the Ogle County site. The Agency asks the Board to impose on respondents the statutory \$1,500 civil penalty for each alleged violation, for a total civil penalty of \$4,500.

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) (2012); see also 35 Ill. Adm. Code 101.300(c), 108.202(b). Any petition to contest the administrative citation was due by November 25, 2014. On November 17, 2014, the Agency filed with the Board a letter from Russell Janssen dated November 14, 2014. The Board will construe the filing as a timely filed petition (Pet.); however, the petition contains several deficiencies. The Board directs respondents to file an amended petition addressing the deficiencies in the petition.

If no amended petition is filed with the Board by January 5, 2015 which is the first business day following the 30th day after the date of this order, respondent's petition will be dismissed and a default order will be entered against them, imposing the statutory \$4,500 civil penalty. See Ray Logsdon Estate, AC 05-54 (Apr. 21, 2005). If an amended petition is filed pursuant to this order and respondents do not prevail on the merits of the case, respondents will have to pay not only the civil penalty but also any hearing costs of the Board and the Agency. See 415 ILCS 5/42(b)(4-5) (2012); 35 Ill. Adm. Code 108.500. A schedule of the Board's hearing costs is available from the Clerk of the Board and on the Board's website at [www.icpb.state.il.us](http://www.icpb.state.il.us). See 35 Ill. Adm. Code 108.504.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 4, 2014, by a vote of 4-0.



John T. Therriault, Clerk  
Illinois Pollution Control Board