

ILLINOIS POLLUTION CONTROL BOARD  
September 22, 2016

COUNTY OF JACKSON, )  
)  
Complainant, )  
)  
v. ) AC 17-2  
) (County of Jackson No. 077 040 5025)  
JOHN W. HUDSON, ) (Administrative Citation)  
)  
Respondent. )

OPINION AND ORDER OF THE BOARD (by J.D. O’Leary):

On August 18, 2016, the County of Jackson (County) filed an administrative citation against John W. Hudson (respondent). *See* 415 ILCS 5/31.1(c) (2014); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns respondent’s open dump facility located in Jackson County. The property is commonly known to the County as the “Grand Tower/John Hudson” site and is designated with Site Code No. 0770405025. For the reasons below, the Board dismisses the case against respondent.

In this case, the County alleges that on June 28, 2016, respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2014)) by causing or allowing open dumping resulting in litter. The County asks the Board to impose the statutory \$1,500 civil penalty per violation on respondent, for a total civil penalty of \$1,500. The County served respondent with the administrative citation on July 20, 2016, which is within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2014); *see also* 35 Ill. Adm. Code 101.300(c), 108.202(b).

However, the County did not file the administrative citation with the Board until August 18, 2016, 28 days after serving the administrative citation on respondent. The County was required to “file a copy of each administrative citation served under subsection (b) of [Section 31.1] with the Board no later than 10 days after the date of service.” 415 ILCS 5/31.1(c) (2014). Compliance with the Act’s 10-day filing requirement is a jurisdictional prerequisite for the Board to hear or enter a default judgment on an administrative citation. County of Vermilion v. Henry Nosler and Brandon Bott d/b/a/ B & B Construction, AC 16-10 (Nov. 5, 2015); IEPA v. Nancy Koltzenburg d/b/a K & N Excavating and Rentals, AC 08-37 (Sept. 16, 2008); County of Perry v. Mike Tilley, AC 07-3, (Aug. 17, 2006). Therefore, the Board dismisses the administrative citation for lack of jurisdiction.

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) (2014); *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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 22, 2016, 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, Clerk  
Illinois Pollution Control Board