

ILLINOIS POLLUTION CONTROL BOARD  
February 2, 2017

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. ) AC 17-4  
 ) (Administrative Citation)  
 RADINE PAPER, )  
 )  
 Respondent. )

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

On August 26, 2016, Jackson County timely filed an administrative citation against Radine Paper (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 facility located at 36 Paper Lane in Murphysboro, Jackson County. The property is commonly known to the Illinois Environmental Protection Agency as the “Murphysboro/Radine Paper, Jackson County, Illinois” site and is designated with Site Code No. 077 810 5072. For the reasons below, the Board finds that respondent violated the Environmental Protection Act (Act) (415 ILCS 5 (2014)) and orders respondent to pay \$1,500 in civil penalties.

Under the Act, 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 Illinois Environmental Protection 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) (2014); 35 Ill. Adm. Code 108.

In this case, Jackson County alleges that on August 8, 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 at the facility. Jackson County asks the Board to impose the statutory \$1,500 civil penalty per violation on respondent, for a total civil penalty of \$1,500. As required, Jackson County served respondent with the administrative citation on August 22, 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).

To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violations alleged and impose the corresponding civil penalty. *See* 415 ILCS 5/31.1(d)(1) (2014); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due by September 26, 2016. Respondent failed to timely file a petition. Accordingly, the Board finds that respondent violated Section 21(p)(1) of the Act.

The civil penalty for violating any provision of Section 21(p) 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) (2014); 35 Ill. Adm. Code 108.500(a). Because there is one violation of Section 21(p) and no indication in the record that this is a second or subsequent adjudicated violation, the total civil penalty is \$1,500. 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 respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2014)).
2. Respondent must pay a civil penalty of \$1,500 no later than March 6, 2017, which is the first business day following the 30th day after the date of this order. Respondent must pay the civil penalty by two certified checks or money orders (\$750 each), one made payable to the County of Jackson, c/o Jackson County Treasurer and the second made payable to Illinois Environmental Protection Trust Fund. The case number, case name, and respondent's social security number or federal employer identification number must be included on each certified check or money order.
3. Respondent must send the respective certified checks or money orders and remittance forms to:
 

County of Jackson  
 c/o Jackson County Treasurer  
 Jackson County Courthouse  
 Murphysboro, Illinois 62966

Illinois Environmental Protection Agency  
 Attn. Fiscal Services Division  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2014)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2014)).
5. Payment of this penalty does not prevent future prosecution if the violation continues.

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, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on February 2, 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, Assistant Clerk  
Illinois Pollution Control Board