

ILLINOIS POLLUTION CONTROL BOARD
July 26, 2018

COUNTY OF MACON,)
)
Complainant,)
)
v.) AC 18-17
) (MCEMD No. 2018-005)
EUROCLYDON, INC.,) (Administrative Citation)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by U. Choe):

On May 29, 2018, Macon County Environmental Management Department (Macon County) timely filed an administrative citation against Euroclydon, Inc. *See* 415 ILCS 5/31.1(c) (2016); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns Euroclydon, Inc.’s property located at 2180 South Shores Drive in Decatur, Macon County. The property is commonly known to Macon County as the “South Wheatland Twp./Forward in Faith Evangelistic Ministries” site and is designated with Site Code No. 11580155432. For the reasons below, the Board finds that Euroclydon, Inc. violated the Environmental Protection Act (Act) (415 ILCS 5 (2016)) and orders Euroclydon, Inc. to pay \$3,000 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 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) (2016); 35 Ill. Adm. Code 108.

In this case, Macon County alleges that on April 26, 2018, Euroclydon, Inc. violated Sections 21(p)(1) and 21(p)(7) of the Act by causing or allowing open dumping of waste in a manner resulting in litter, and the deposition of general construction or demolition debris. 415 ILCS 5/21(p)(1), 21(p)(7) (2016). Macon County asks the Board to impose the statutory \$1,500.00 civil penalty per violation on Euroclydon, Inc., for a total civil penalty of \$3,000. As required, Macon County served Euroclydon, Inc. with the administrative citation on May 31, 2018, which is within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2016); *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 31.1(d)(1) (2016); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due by July 5, 2018. Euroclydon, Inc. failed to timely file a petition. Accordingly, the Board finds that Euroclydon, Inc. violated Sections 21(p)(1) and 21(p)(7) 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) (2016); 35 Ill. Adm. Code 108.500(a). Because there are two violations of Section 21(p) and there is no indication in the record that either of these is a second or subsequent adjudicated violation, the total civil penalty is \$3,000.00. 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 Euroclydon, Inc. violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2016)).
2. Euroclydon, Inc. must pay a civil penalty of \$3,000.00 no later than August 26, 2018, which is the first business day following the 30th day after the date of this order. Euroclydon, Inc. must pay the civil penalty by certified check or money order, made payable in equal amounts (\$1,500.00) to Macon County Environmental Management Department and the Illinois Environmental Protection Trust Fund. The case number, case name, and Euroclydon, Inc.'s social security number or federal employer identification number must be included on the certified check or money order.
3. Euroclydon, Inc. must send one certified check or money order and the remittance form to both:

Macon County Environmental Management Department
141 South Main Street, Room 408
Decatur, Illinois 62523

Attn: Fiscal Services Division
Illinois Environmental Protection Trust Fund
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) (2016)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2016)).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

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 B. Baggett 253 E. Wood Street Decatur, IL 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
Euroclydon, Inc. Attn: Edward E. Gunning 112 E. Cerro Gordo St. Decatur, IL 62526	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 26, 2018, by a vote of 5-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board