

ILLINOIS POLLUTION CONTROL BOARD
October 18, 2018

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 19-3
)	IEPA No. 113-18-AC
PERRY E. MAYER,)	(Administrative Citation)
)	
Respondent.)	

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

On August 22, 2018, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation (AC) alleging that Perry Mayer violated the Public Water Supply Operations Act (PWSO Act) and the Board's public water supplies regulations. *See* 415 ILCS 45/23.1 (2016); 35 Ill. Adm. Code 101.300(b), 108.201. For the reasons below, the Board finds that Mr. Mayer violated the PWSO Act (Act) (415 ILCS 45/1.1(b)(3) (2016)) and the Board's public water supplies regulations (35 Ill. Adm. Code 611.882, 611.885) and orders Mr. Mayer to pay \$500 in civil penalties.

Under the PWSO Act, an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations under the PWSO Act may be filed only by the Agency and only for an alleged violation of Section 1.1(b)(3). *See* 415 ILCS 45/23.1, 1.1(b)(3) (2016); 35 Ill. Adm. Code 108.201.

Under the PWSO Act, community water supplies other than exempt community water supplies must employ on its operational staff at least one person certified as a Responsible Operator in Charge (ROINC), and all portions of the water supply system must be under the supervision of a ROINC. 415 ILCS 45/1 (2016). The duties of a ROINC include submission, according to Board rules, of consumer confidence reports, monthly operating reports, and drinking water compliance monitoring results. 415 ILCS 45/1.1(b)(3) (2016); 35 Ill. Adm. Code 603.103(g). Monthly operating reports must be submitted to the Agency within 30 days following the last day of the month. 35 Ill. Adm. Code 611.831.

The Agency states that Mr. Mayer is currently the ROINC for the following public water supplies: North Meadow Village MHP (IL1130060). AC at 2.

On July 25, 2018, Mary Reed of the Agency's Bureau of Water/Division of Public Water Supplies conducted a records review of North Meadow Village MHP public water supply. *Id.* The Agency alleges that Mr. Mayer violated Section 1.1(b)(3) of the PWSO Act (415 ILCS 45/1.1(b)(3) (2016)) and Sections 611.882 and 611.885 of the Board's rules (35 Ill. Adm. Code 611.882, 611.885) by failing to submit a consumer confidence report for 2017, on behalf of

North Meadow Village MHP public water supply, due by July 1, 2018. AC at 2. As required, the Agency served Mr. Mayer with the administrative citation on August 27, 2018, which is within “90 days after the date of discovery of the violation.” 415 ILCS 45/23.1(b) (2016); *see also* 35 Ill. Adm. Code 108.201(b)(1).

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 45/23(d) (2016). Here, any petition for review was due by October 1, 2018. Mr. Mayer failed to timely file a petition. Accordingly, the Board finds that Mr. Mayer violated Section 1.1(b)(3) of the PWSO Act. 415 ILCS 45/1.1(b)(3) (2016); *see also* 415 ILCS 45/23(d) (2016).

The civil penalty for violating Section 1.1(b)(3) is \$500 for each violation. *See* 415 ILCS 45/23.1(f) (2016). Because there is one violation of this section, the total civil penalty is \$500. Under Section 23.1(d)(1) of the PWSO 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 Mr. Mayer violated Section 1.1(b)(3) of the Public Water Supply Operations Act (415 ILCS 45/1.1(b)(3) (2016)).
2. Mr. Mayer must pay a civil penalty of \$500 no later than November 19, 2018, which is the first business day following the 30th day after the date of this order. Mr. Mayer must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Mr. Mayer’s social security number must be included on the certified check or money order.
3. Mr. Mayer must send the certified check or money order and the remittance form to:

Illinois Environmental Protection Agency
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) (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 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) (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
Illinois Environmental Protection Agency Attn: Michael S. Roubitchek 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Perry E. Mayer 9564 Ridgewood Court Bloomington, IL 61705	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 18, 2018, by a vote of 5-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board