

ILLINOIS POLLUTION CONTROL BOARD
December 4, 2003

COUNTY OF VERMILION,)	
)	
Complainant,)	
)	
v.)	AC 04-22
)	(County No. 03-03)
VILLAGE OF TILTON,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

On October 31, 2003, the County of Vermilion timely filed an administrative citation against the Village of Tilton. *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The County of Vermilion alleges that the Village of Tilton violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(o) or (p) (2002)). The County of Vermilion further alleges that the Village of Tilton violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in open burning of waste at First Avenue and 15th Street, Tilton, Vermilion County.

As required, the County of Vermilion served the administrative citation on the Village of Tilton within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2002); *see also* 35 Ill. Adm. Code 108.202(b). On November 26, 2003, the Village of Tilton timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2002); 35 Ill. Adm. Code 108.204(b). The Village of Tilton denies that it committed a violation. *See* 35 Ill. Adm. Code 108.206. The Board accepts the petition for hearing.

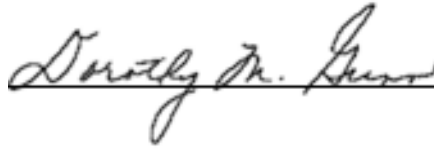
The Board directs the hearing officer to proceed expeditiously to hearing. The hearing officer will give the parties at least 21 days written notice of the hearing. 35 Ill. Adm. Code 108.300; *see also* 415 ILCS 5/31.1(d)(2) (2002). By contesting the administrative citation, the Village of Tilton may have to pay the hearing costs of the Board and the County of Vermilion. *See* 415 ILCS 5/42(b)(4-5) (2002); 35 Ill. Adm. Code 108.500. A schedule of the Board’s hearing costs is available at the Board’s offices and on the Board’s Web site at www.ipcb.state.il.us. 35 Ill. Adm. Code 504.

The Village of Tilton may withdraw its petition to contest the administrative citation at any time before the Board enters its final decision. If the Village of Tilton chooses to withdraw its petition, it must do so in writing, unless it does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If the Village of Tilton withdraws its petition after the hearing starts, the Board will require the Village of Tilton to pay the hearing costs of the Board and the County of Vermilion. *See id.* at 108.500(c).

The County of Vermilion has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2002); 35 Ill. Adm. Code 108.400. If the Board finds that the Village of Tilton violated Section 21(p)(3), the Board will impose civil penalties on the Village of Tilton. The civil penalty for violating Section 21(p) is \$1,500 for a first offense and \$3,000 for a second or subsequent offense. 415 ILCS 5/42(b)(4-5) (2002); 35 Ill. Adm. Code 108.500. However, if the Board finds that the Village of Tilton “has shown that the violation resulted from uncontrollable circumstances, the Board shall adopt a final order which makes no finding of violation and which imposes no penalty.” 415 ILCS 5/31.1(d)(2) (2002); *see also* 35 Ill. Adm. Code 108.500(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 4, 2003, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board