

ILLINOIS POLLUTION CONTROL BOARD
December 20, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-20
)	(IEPA No. 442-01-AC)
HOUSEWRIGHT LUMBER CO.,)	(Administrative Citation)
WILLIAM A. HOUSEWRIGHT, and)	
GEORGE HARTMANN,)	
)	
Respondents.)	

ORDER OF THE BOARD (by S.T. Lawton, Jr.):

On October 22, 2001, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Housewright Lumber Co., William Housewright, and George Hartmann (respondents). *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The Agency alleges that respondents violated Sections 21(p)(1), 21(p)(3), 21(p)(4), and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (3), (4), (7) (2000)). Respondents allegedly violated these provisions by causing or allowing open dumping of waste resulting in litter, open burning, deposition of waste in standing or flowing waters, and the deposition of general construction or demolition debris or clean construction or demolition debris at a facility in Hancock County.

As required, the Agency served the administrative citation on respondents within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2000); *see also* 35 Ill. Adm. Code 101.300(a), 108.202(b). On November 26, 2001, respondents timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2000); 35 Ill. Adm. Code 108.204(b).

On November 26, 2001, respondents filed a petition for review. 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) (2000). By contesting the administrative citation, respondents may have to pay the hearing costs of the Board and the Agency. *See* 415 ILCS 5/42(b)(4-5) (2000); 35 Ill. Adm. Code 108.500.

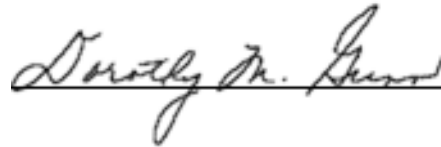
Respondents may withdraw their petition to contest the administrative citation at any time before the Board enters its final decision. If respondents choose to withdraw their petition, they must do so in writing, unless they do so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If

respondents withdraw their petition after the hearing starts, the Board will require respondents to pay the hearing costs of the Board and the Agency. *See* 35 Ill. Adm. Code 108.500(c).

The Agency has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2000); 35 Ill. Adm. Code 108.400. If the Board finds that respondents violated 415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(4), and 21(p)(7), the Board will impose civil penalties on respondents. 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) (2000); 35 Ill. Adm. Code 108.500. However, if the Board finds that respondents have “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) (2000); *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 20, 2001, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board