

ILLINOIS POLLUTION CONTROL BOARD  
November 4, 2021

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 2022-01
	)	(IEPA No. 222-21-AC)
MARK SIEFERT,	)	(Administrative Citation)
	)	
Respondent.	)	
	)	

OPINION AND ORDER OF THE BOARD (by B.F. Currie):

On September 2, 2021, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation (AC) alleging that Mark Siefert violated the Public Water Supply Operations Act (PWSO Act) and the Board’s public water supplies regulations. *See* 415 ILCS 45/23.1 (2020); 35 Ill. Adm. Code 603.103(g), 604.165. For the reasons below, the Board finds that Mr. Siefert violated the PWSO Act (Act) (415 ILCS 45/1.1(b)(3) (2020)) and the Board’s public water supplies regulations (35 Ill. Adm. Code 603.103(g), 604.165) and orders Mr. Siefert to pay \$1,000 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) (2020); 35 Ill. Adm. Code 603.103(g), 604.165.

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 (2020). According to Board rules, the duties of a ROINC include submission of monthly operating reports. 415 ILCS 45/1.1(b)(3) (2020); 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 604.165.

The Agency states that Mr. Siefert is currently the ROINC for the following public water supplies: Criswell Court Mobile Home Park in Will County (IL1975105); and Crest Hill in Will County (IL1970250). AC at 2.

On August 18, 2021, Segundo Nallatan of the Agency’s Bureau of Water/Division of Public Water Supplies conducted a records review of Criswell Court Mobile Home Park and Crest Hill public water supplies. *Id.* the Agency alleges that Mr. Siefert violated Section

1.1(b)(3) of the PWSO Act (415 ILCS 45/1.1(b)(3) (2020)) and Sections 603.103(g) and 604.165 of the Board's rules (35 Ill. Adm. Code 603.103(g), 604.165) by failing to submit monthly operating reports for May and June of 2021, on behalf of Criswell Court Mobile Home Park and Crest Hill public water supplies, due by June 30, 2021 and July 30, 2021, respectively. AC at 3. As required, the Agency served Mr. Siefert with the administrative citation on September 3, 2021, which is within "90 days after the date of discovery of the violation." 415 ILCS 45/23.1(b) (2020); *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 31.1(d)(1) (2020); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due by October 8, 2020. Mr. Siefert failed to timely file a petition. Accordingly, the Board finds that Mr. Siefert violated Section 1.1(b)(3) of the PWSO Act for both the Criswell Court Mobile Home Park public water supply and the Crest Hill public water supply. 415 ILCS 45/1.1(b)(3) (2020); *see also* 415 ILCS 45/23.1(d) (2020).

The civil penalty for violating Section 1.1(b)(3) is \$500 for each violation. *See* 415 ILCS 45/23.1(f) (2020). Because there are two violations of this section, the total civil penalty is \$1,000. 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 Mark Siefert violated Section 1.1(b)(3) of the Public Water Supply Operations Act (415 ILCS 45/1.1(b)(3) (2020)).
2. Mark Siefert must pay a civil penalty of \$1,000.00 no later than December 6, 2021, which is the first business day following the 30th day after the date of this order. Mark Siefert must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number and case name must appear on the certified check or money order.
3. Mark Siefert must send the certified check or money order 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) (2020)) at the rate

set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).

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) (2020); *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.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	
<b>Parties</b>	<b>Board</b>
Illinois Environmental Protection Agency Attn: Grace McCarten 1021 North Grand Avenue East Springfield, Illinois, 62794-9276 <a href="mailto:Grace.Mccarten@Illinois.gov">Grace.Mccarten@Illinois.gov</a>	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Mark Siefert 1621 Barthelone Crest Hill, IL 60403	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on November 4, 2021, by a vote of 4-0.



Don A. Brown, Clerk  
 Illinois Pollution Control Board