

ILLINOIS POLLUTION CONTROL BOARD
May 18, 2023

COUNTY OF LASALLE,)
)
Complainant,)
)
v.) AC 23-09
) (County No. 0998175009)
DANIEL PARTRIDGE, an individual,) (Administrative Citation)
SHIRLEY PARTRIDGE, an individual, and)
FOUR STAR CAMPGROUND INC., an)
Illinois corporation,)
)
Respondents.)

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

On March 28, 2023, the County of LaSalle (LaSalle County) timely filed an administrative citation against Daniel and Shirley Partridge and Four Star Campground, Inc. (Respondents). *See* 415 ILCS 5/31.1(c) (2020); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns the Respondents' campground facility located at 2776 E. 2625th Road, Unit 2048, Marseilles, LaSalle County. The property is commonly known to the LaSalle County as the "Four-Star Campground" site and is designated with Site Code No. 0998175009. For the reasons below, the Board finds that the Respondents violated the Environmental Protection Act (Act) (415 ILCS 5 (2020)) and orders the Respondents to pay \$1,500 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 Illinois Environmental Protection 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) (2020); 35 Ill. Adm. Code 108.

In this case, LaSalle County alleges that on March 10, 2023, the Respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2020)) by causing or allowing open dumping resulting in litter. LaSalle County asks the Board to impose the statutory \$1,500 civil penalty per violation on the Respondents, for a total civil penalty of \$1,500. As required, LaSalle County served the Respondents with the administrative citation on March 28, 2023, which is within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2020); *see also* 35 Ill. Adm. Code 101.300(c), 108.200(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 May 2, 2023. Respondents failed to timely file a petition. Accordingly, the Board finds that the Respondents violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2020).

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) (2020); 35 Ill. Adm. Code 108.500(a). Because there is one violation of Section 21(p) and no indication in the record that this is a second or subsequent adjudicated violation, the total civil penalty is \$1,500. 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 the Respondents violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2020)).
2. Respondents must pay a civil penalty of \$1,500 no later than June 19, 2023, which is the first business day following the 30th day after the date of this order. Respondents must pay the civil penalty by certified check or money order, in the amount of \$750 made payable to LaSalle County and a separate check or money order in the amount of \$750 made payable to the Illinois Environmental Protection Trust Fund. The case number and case name must appear on the certified checks or money orders.
3. Respondents must send the one certified check or money order to:

LaSalle County Department of Land Use
119 West Madison Street, Room 107a
Ottawa, IL 61350

Respondents must send the second 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 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) (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.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
LaSalle County State's Attorney Attn: Mark Anderson 707 Etna Road, Room 251 Ottawa, Illinois 61350 manderson@lasallecounty.com	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren, Suite 630 Chicago, Illinois, 60605
Daniel and Shirley Partridge 2776 E. 2625th Road, Unit 2048 Marseilles, Illinois 61341	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 18, 2023, by a vote of 3-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board