

ILLINOIS POLLUTION CONTROL BOARD
July 6, 2023

COUNTY OF LASALLE,)
)
Complainant,)
)
v.)
) AC 23-13
AMY COPELAND,) (Administrative Citation)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Van Wie):

On May 10, 2023, the County of LaSalle (LaSalle) timely filed an administrative citation against Amy Copeland (respondent). *See* 415 ILCS 5/31.1(c) (2020); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns respondent’s property located at 600 W. Frech Street, in Streator, LaSalle County.¹ The property is commonly known to the Illinois Environmental Protection Agency (IEPA) as the “Taylor Property” and is designated with Site Code No. 0998035017. For the reasons below, the Board finds that the respondent violated the Environmental Protection Act (Act) (415 ILCS 5 (2020)), and orders the respondent to pay \$3,000 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 IEPA or, if the IEPA 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 alleges that on April 11, 2023, respondent violated Section 21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1), 21(p)(3) (2020)) by causing or allowing litter and by causing or allowing open burning. LaSalle asks the Board to impose the statutory \$1,500 civil penalty per violation on the respondent, for a total civil penalty of \$3,000. As required, LaSalle served the respondent with the administrative citation on May 10, 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

¹ Although the citation refers to an address at 126 S. Otter Creek Road as the facility, the IEPA’s Open Dump Inspection Checklist and Narrative Inspection Report Document, both attached to the citation, refer to the facility where the alleged violations occurred as 600 W. Frech Street, and respondent’s mailing address as 126 S. Otter Creek Road.

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 Wednesday, June 14, 2023. Respondent failed to timely file a petition. Accordingly, the Board finds that the respondent violated Section 21(p)(1) and 21(p)(3) of the Act.

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 are two violations of Section 21(p), and there is no indication in the record that any of them are a second or subsequent adjudicated violation, the total civil penalty is \$3,000. 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 Amy Copeland violated Section 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (2020)).
2. Respondent must pay a civil penalty of \$3,000 no later than Monday, August 7, 2023, which is the first business day following the 30th day after the date of this order. Respondent must pay the civil penalty by two separate certified checks or money orders, each for \$1,500, with the first made payable to the LaSalle County Treasurer, and the second made payable to the Illinois Environmental Protection Trust Fund. The case number and case name must appear on each certified check or money order.
3. Respondent must send the first certified check or money order, made out to the LaSalle County Treasurer, to:

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

Respondent must send the second certified check or money order, made out to the Illinois Environmental Protection Trust Fund, to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

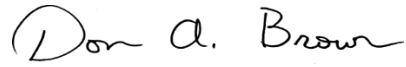
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2020)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2020)).
5. Payment of this penalty does not prevent future 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.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Mark Anderson LaSalle County Assistant State's Attorney 707 Etna Road Ottawa, Illinois 61350 LaSalle County Department of Land Use 119 West Madison Street Room 107 Ottawa, Illinois 61350	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren, Suite 630 Chicago, Illinois 60601 don.brown@illinois.gov
Amy Copeland 126 S. Otter Creek Road Streator, Illinois 61364	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 6, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown". The letters are fluid and connected, with a prominent loop on the "D" and a long, sweeping tail on the "B".

Don A. Brown, Clerk
Illinois Pollution Control Board