

ILLINOIS POLLUTION CONTROL BOARD
August 17, 2023

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 23-12
) (IEPA No. 56-23-AC)
ROBERT C. CROWDER TRUST, MARY E.) (Administrative Citation)
MCCLELLAND TRUST, and MAX)
MCCLELLAND,)
)
Respondents.)

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

For the reasons below, the Board accepts the proposed settlement and dismissal of this administrative citation enforcement action. The Illinois Environmental Protection Agency (IEPA) timely filed an administrative citation on May 1, 2023, against Robert C. Crowder Trust, Mary E. McClelland Trust, and Max McClelland (collectively, Respondents). IEPA alleged that on March 27, 2023, the Respondents violated Sections 21(p)(1), (3), and (7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (3), (7) (2022)) by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and the deposition of general construction or demolition debris or clean construction or demolition debris at the site. The violations allegedly took place at the Respondents' open dump located at 15700 Vermont Road in Rushville, Schuyler County. The property is commonly known to IEPA as the "Rushville/Crowder, Robert" site and is designated with Site Code No. 1690205060.

The Respondents timely filed a petition to contest the administrative citation, which the Board accepted on July 6, 2023. On August 2, 2023, the parties filed a "stipulation of settlement and dismissal of respondent's petition for administrative review" (Stipulation). Under its terms, the Respondents admit that they violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2022)) and agree to pay the statutory civil penalty of \$1,500 for this violation. Stipulation at 2. The Respondents also agree to the dismissal of their petition contesting the administrative citation. *Id.* at 3. The stipulation further states that the waste that was the subject of the administrative citation has been removed and properly disposed. *Id.* In addition, the Agency agrees not to refer the violations that are the subject of the administrative citation to the Office of the Illinois Attorney General or any other prosecuting authority to initiate a civil enforcement action. *Id.*

The Board accepts the stipulation and proposal for settlement. Under Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (2022)), the Board therefore finds that the Respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2022)). Section 42(b)(4-5) of the Act (415 ILCS 5/42(b)(4-5) (2022)) establishes a civil penalty of \$1,500 for this violations. The Board

accordingly assesses a civil penalty of \$1,500. To effectuate the parties' intent that the Respondents pay a total civil penalty of \$1,500, the Board dismisses the alleged violations of Sections 21(p)(3), and (7) of the Act (415 ILCS 5/21(p)(3) (7) (2022)).

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The Board finds that the Respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2022)).
3. The Respondents must pay a civil penalty of \$1,500 no later than September 18, 2023, which is the first business day following the 30th day after the date of this order. The Respondents must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case name and case number must appear on the certified check or money order.
4. The Respondents 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
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2022)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2022)).
6. The Board dismisses the alleged violations of Sections 21(p)(3), and (7) of the Act (415 ILCS 5/21(p)(3) (7) (2022)) and the Respondents' petition to contest the administrative citation.

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) (2022); *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
Rammelkamp Bradney P.C. Attn: Joseph A. Hughs 232 West State Street P.O. Box 550 Jacksonville, Illinois 62651 jhughs@rblawyers.net	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren St., Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Michelle M. Ryan, Assistant Counsel Illinois Environmental Protection Agency 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794 Michelle.ryan@illinois.gov	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 17, 2023, by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board