

ILLINOIS POLLUTION CONTROL BOARD
March 7, 2002

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-35
)	(IEPA No. 563-01-AC)
E. LEWIS LOOK,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

On January 25, 2002, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against E. Lewis Look (Look). *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The Agency alleges that Look violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2000)). The Agency further alleges that Look violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter and the deposition of general construction or demolition debris at a facility located at 2600 West Nebraska, Peoria, Peoria County.

As required, the Agency served the administrative citation on Look within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2000); *see also* 35 Ill. Adm. Code 108.202(b). On February 28, 2002, Look timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2000); 35 Ill. Adm. Code 108.204(b). Look alleges that he did not cause or allow certain of the alleged violations. *See* 35 Ill. Adm. Code 108.206. 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, Look 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. A schedule of the Board’s hearing costs is available at the Board’s offices and on the Board’s Web site at www.ipcb.state.il.us. 35 Ill. Adm. Code 504.

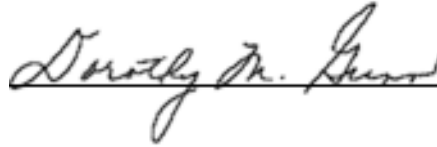
Look may withdraw his petition to contest the administrative citation at any time before the Board enters its final decision. If Look chooses to withdraw his petition, he must do so in writing, unless he does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If Look withdraws his petition after the hearing starts, the Board will require Look to pay the hearing costs of the Board and the Agency. *See id.* at 108.500(c).

Look 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 Look violated Sections 21(p)(1) and (p)(7) of the Act, the Board will impose civil penalties on Look. 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 Look “has 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 March 7, 2002, 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