

ILLINOIS POLLUTION CONTROL BOARD
June 6, 2024

COUNTY OF LASALLE,)
)
Complainant,)
)
v.) AC 24-7
) (Administrative Citation)
EDTSEL MUNOZ,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by M. Gibson):

On April 12, 2024, the County of LaSalle (County) timely filed an administrative citation against Edtsel Munoz. *See* 415 ILCS 5/31.1(c) (2022); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns property owned by Ana Munoz located at 1385 North 2889th Road in Manlius Township, LaSalle County. The property is commonly known to the Illinois Environmental Protection Agency (Agency) as the “Munoz Property” and is designated with Site Code No. 0998175022. For the reasons below, the Board finds that Edtsel Munoz violated the Environmental Protection Act (Act) (415 ILCS 5 (2022)) and orders Edtsel Munoz to pay \$4,500 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 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) (2022); 35 Ill. Adm. Code 108.

In this case, the County alleges that on March 12, 2024, Edtsel Munoz violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2022)) by causing or allowing open dumping resulting in litter, open burning, and the deposition of general construction or demolition debris or clean construction or demolition debris. The County asks the Board to impose the statutory \$1,500 civil penalty per violation on Edtsel Munoz, for a total civil penalty of \$4,500. As required, the County served Edtsel Munoz with the administrative citation on April 12, 2024, which is within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2022); *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) (2022); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due by Friday, May 17, 2024. Edtsel Munoz failed to timely file a petition. Accordingly, the Board finds that Edtsel Munoz violated 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) (2022); 35 Ill. Adm. Code 108.500(a). Because there are three violations of Section 21(p) and no indication in the record that any of these is a second or subsequent adjudicated violation, the total civil penalty is \$4,500. 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 Edtsel Munoz violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2022)).
2. Edtsel Munoz must pay a civil penalty of \$4,500 no later than Monday, July 8, 2024, which is the first business day following the 30th day after the date of this order. Edtsel Munoz must pay the civil penalty by two separate certified checks or money orders, each in the amount of \$2,250, 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 the certified checks or money orders.
3. Edtsel Munoz must send the first certified check or money order for \$2,250 to:

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

Edtsel Munoz must send the second certified check or money order for \$2,250, made out to the Illinois Environmental Protection Trust Fund, to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
PO 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) (2022)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2022)).

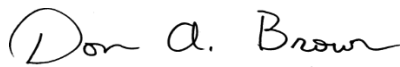
5. Payment of this penalty does not prevent future prosecution if the violations continue.

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) (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
County of LaSalle LaSalle County State's Attorney's Office Attn.: Mark Anderson 7070 Etna Road Ottawa, Illinois 1350	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov
Edtsel Munoz 1385 North 2889th Road Ottawa, Illinois 61350	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 6, 2024, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board