

ILLINOIS POLLUTION CONTROL BOARD

October 7, 2004

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	AC 05-15
v.)	(IEPA No. 361-04-AC)
)	(Administrative Citation)
C. JOHN BLICKHAN)	
)	
Respondent.)	

ORDER OF THE BOARD (by N.J. Melas):

On August 23, 2004, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against C. John Blickhan (respondent). See 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The Agency alleges that on June 24, 2004, Mr. Blickhan violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (p)(7) (2002)). The Agency further alleges that Mr. Blickhan violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in: (1) litter, and (2) deposition of general construction or demolition debris or clean construction or demolition debris at his facility, known as the Quincy/Blickhan Landfill, located at Lock and Dam Road, Quincy, Adams County. The Agency alleges the facility is an open dump operating without an operating permit.

As required, the Agency served the administrative citation on Mr. Blickhan within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2002); see also 35 Ill. Adm. Code 108.202(b). On September 20, 2004, Mr. Blickhan timely filed a petition to contest the administrative citation, as Mr. Blickhan was served with the administrative citation by certified mail on August 16, 2004. See 415 ILCS 5/31.1(d) (2002); 35 Ill. Adm. Code 108.204(b). Mr. Blickhan alleges that there was no unlawful open dumping on property that he owns, and he did not own or operate all of the property on which the alleged violations occurred. 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) (2002). By contesting the administrative citation, Mr. Blickhan may have to pay the hearing costs of the Board and the Agency. See 415 ILCS 5/42(b)(4-5) (2002); 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.

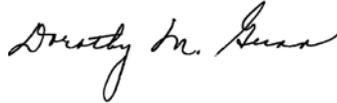
Mr. Blickhan may withdraw his petition to contest the administrative citation at any time before the Board enters its final decision. If Mr. Blickhan chooses to withdraw his petition, he

must do so in writing, unless he does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If Mr. Blickhan withdraws his petition after the hearing starts, the Board will require Mr. Blickhan to pay the hearing costs of the Board and the Agency. *See id.* at 108.500(c).

The Agency has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2002); 35 Ill. Adm. Code 108.400. If the Board finds that Mr. Blickhan violated Section 21(p)(1) and (p)(7) (2002), the Board will impose civil penalties on him. 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) (2002); 35 Ill. Adm. Code 108.500. However, if the Board finds that Mr. Blickhan “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) (2002); *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 October 7, 2004, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board