

ILLINOIS POLLUTION CONTROL BOARD
September 6, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-4
)	(IEPA No. 288-01-AC)
MOUND CITY,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On July 24, 2001, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Mound City. *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The Agency alleges that Mound City violated Sections 21(p)(1) and (3) of the Environmental Protection Act (415 ILCS 5/21(p)(1),(3) (2000)). The Agency further alleges that Mound City violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter and open burning at its facility located south of Route 37 at the west end of Poplar Street in Mound City, Pulaski County, Illinois.

As required, the Agency served the administrative citation on Mound City 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 August 23, 2001, Mound City timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2000); 35 Ill. Adm. Code 108.204(b). Mound City denies that it is guilty of any violation alleged in the administrative citation. *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, Mound City 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 <www.ipcb.state.il.us>. 35 Ill. Adm. Code 504.

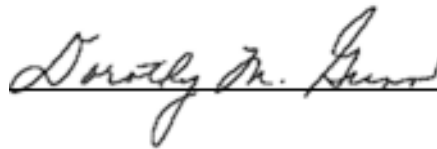
Mound City may withdraw its petition to contest the administrative citation at any time before the Board enters its final decision. If Mound City chooses to withdraw its petition, it must do so in writing, unless it does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If Mound City withdraws its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

The Agency 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 Mound City violated Sections 21(p)(1) and (3), the

Board will impose civil penalties on Mound City. 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 Mound City “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 September 6, 2001, 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