

ILLINOIS POLLUTION CONTROL BOARD

August 4, 2005

COUNTY OF VERMILION, )  
 )  
 Complainant, )  
 )  
 v. ) AC 06-1  
 ) (County File No. 05-01)  
 PHIL ROUSE, ) (Administrative Citation)  
 )  
 Respondent. )

ORDER OF THE BOARD (by J.P. Novak):

On July 5, 2005, the County of Vermilion timely filed an administrative citation against Phil Rouse. *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The County of Vermilion alleges that on May 10, 2005, Phil Rouse violated Section 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (p)(3) (2004)). The County of Vermilion further alleges that Phil Rouse violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter; and (2) open burning at 1831 Perrysville Road, Lot 64, Danville, Vermilion County.

As required, the County of Vermilion served the administrative citation on Phil Rouse within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2004); *see also* 35 Ill. Adm. Code 108.202(b). On August 1, 2005, Phil Rouse timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 108.204(b). Phil Rouse alleges that “he has never been responsible for conducting an unlicensed open dump” on the subject property. *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) (2004). By contesting the administrative citation, Phil Rouse may have to pay the hearing costs of the Board and the County of Vermilion. *See* 415 ILCS 5/42(b)(4-5) (2004); 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](http://www.ipcb.state.il.us). 35 Ill. Adm. Code 504.

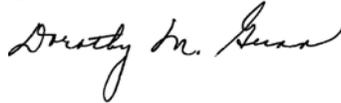
Phil Rouse may withdraw his petition to contest the administrative citation at any time before the Board enters its final decision. If Phil Rouse chooses to withdraw his petition, he must do so in writing, unless he does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If Phil Rouse withdraws his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

The County of Vermilion has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2004); 35 Ill. Adm. Code 108.400. If the Board finds that Phil Rouse violated Section 21(p)(1)

and (p)(3), the Board will impose civil penalties on Phil Rouse. 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) (2004); 35 Ill. Adm. Code 108.500. However, if the Board finds that Phil Rouse “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) (2004); *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 August 4, 2005, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board