

ILLINOIS POLLUTION CONTROL BOARD  
March 7, 2024

COUNTY OF LASALLE, )  
)  
Complainant, )  
)  
v. ) AC 24-4  
) (Administrative Citation)  
JOSEPH AND STEPHANIE STEVENS, )  
)  
Respondents. )

OPINION AND ORDER OF THE BOARD (by J. Van Wie):

On January 16, 2024, the County of LaSalle (County) timely filed an administrative citation against Joseph and Stephanie Stevens (Respondents). *See* 415 ILCS 5/31.1(c) (2022); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns the Respondents’ property located at 107 North Vermilion Street in Troy Grove, LaSalle County. The property is commonly known to the Illinois Environmental Protection Agency (IEPA or Agency) as the “Stevens Property” site and is designated with Site Code No. 0998325006. For the reasons below, the Board finds that Joseph and Stephanie Stevens violated the Environmental Protection Act (Act) (415 ILCS 5 (2022)) and orders them to pay \$3,000 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 IEPA 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 December 14, 2023, Joseph and Stephanie Stevens violated Sections 21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1), 21(p)(3) (2022)) by causing or allowing the open dumping of waste in a manner resulting in litter and open burning. The County asks the Board to impose the statutory \$1,500 civil penalty per violation on Joseph and Stephanie Stevens, for a total civil penalty of \$3,000. As required, the County served Joseph and Stephanie Stevens with the administrative citation on January 11, 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 Thursday, February 15, 2024. Joseph and Stephanie Stevens failed to timely file a petition. Accordingly, the Board finds that they violated Sections 21(p)(1) and 21(p)(3) 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 two violations of Section 21(p) and there is no indication in the record that either is a second or subsequent adjudicated violation, the total civil penalty is \$3,000. 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 Joseph and Stephanie Stevens violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (2022)).
2. Joseph and Stephanie Stevens must pay a civil penalty of \$3,000 no later than Monday, April 8, 2024, which is the first business day following the 30th day after the date of this order. Joseph and Stephanie Stevens must pay the civil penalty by two separate certified checks or money orders, each for \$1,500, 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 each certified check or money order.
3. Respondents must send the first certified check or money order, made out to the LaSalle County Treasurer, to:

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

Respondents must send the second certified check or money order, made out to the Illinois Environmental Protection Trust Fund, to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. 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)).

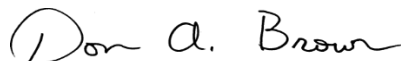
5. Payment of this penalty does not prevent future prosecution if the violations continue.

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.

<b>Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court</b>	
<b>Parties</b>	<b>Board</b>
LaSalle County State's Attorney's Office Attn.: Mark Anderson, Asst. State's Attorney 707 Etna Road Ottawa, Illinois 61350	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 <a href="mailto:don.brown@illinois.gov">don.brown@illinois.gov</a>
Joseph and Stephanie Stevens 1503 Brentwood Place Joliet, Illinois 60435	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 7, 2024, by a vote of 4-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board