

ILLINOIS POLLUTION CONTROL BOARD

September 5, 2024

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| COUNTY OF DUPAGE, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | AC 25-1 |
| |) | (Administrative Citation) |
| THE BEAUTY OF THE LAND, LLC, |) | |
| |) | |
| Respondent. |) | |

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

On July 11, 2024, the County of DuPage (County) timely filed an administrative citation against The Beauty of the Land LLC (Beauty of the Land). *See* 415 ILCS 5/31.1(c) (2022); 35 Ill. Adm. Code 101.300(b), 108.200(b)(3). The administrative citation concerns Beauty of the Land’s property located at 2040 W. Roosevelt Road in West Chicago, DuPage County. The property is commonly known to the County as the “the Beauty of the Land, LLC” site and is designated with Site Code No. 0430905896. For the reasons below, the Board finds that Beauty of the Land violated the Environmental Protection Act (Act) (415 ILCS 5 (2022)) and orders Beauty of the Land to pay \$1,500 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 Illinois Environmental Protection Agency (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 June 11, 2024, Beauty of the Land violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2022)) by causing or allowing the open dumping of waste in a manner that results in litter. The County asks the Board to impose the statutory \$1,500 civil penalty per violation on Beauty of the Land, for a total civil penalty of \$1,500. As required, the County served Beauty of the Land with the administrative citation on July 18, 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 August 22, 2024. Beauty of the Land failed to timely file a petition. Accordingly, the Board finds that Beauty of the Land violated Section 21(p)(1) 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 is one violation 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 \$1,500. 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 Beauty of the Land violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2022)).
2. Beauty of the Land must pay a civil penalty of \$1,500 no later than Monday, October 7, 2024, which is the first business day following the 30th day after the date of this order. Beauty of the Land must pay the civil penalty by two separate certified checks or money orders, each in the amount of \$750, the first made payable to DuPage County, and the second made payable to the Illinois Environmental Protection Trust Fund. The case number and case name must appear on each of the certified checks or money orders.
3. Beauty of the Land must send the first certified check or money order for \$750 to:

DuPage County
Building & Zoning Department
Environmental Division
421 North County Farm Road
Wheaton, IL 60187

Beauty of the Land must send the second certified check or money order for \$750, 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)).

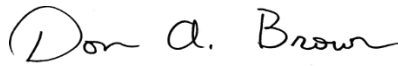
5. Payment of this penalty does not prevent future prosecution if the violations continue.

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.

| Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court | |
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| Parties | Board |
| DuPage County State's Attorney Attn.: Nicholas V. Alfonso, ASA 503 N. County Farm Road Wheaton, IL 60187 Nicholas.Alfonso@dupagecounty.gov | Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 East Van Buren Street, Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov |
| The Beauty of the Land LLC 2040 W. Roosevelt Road West Chicago, Illinois 60185 | |

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 5, 2024, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board