

ILLINOIS POLLUTION CONTROL BOARD
February 6, 2003

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 03-15
) (IEPA No. 690-02-AC)
PAUL RIDER,) (Administrative Citation)
)
Respondent.)

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

On December 26, 2002, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Paul Rider (Rider). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The Agency alleges that Rider violated Sections 21(p)(1) and (3) of the Environmental Protection Act. 415 ILCS 5/21(p)(1) and (3) (2002). The Agency further alleges that Rider violated these provisions by owning and operating an open dump at 29221 E. 2900 N. Road, Chenoa, McLean County.

As required, the Agency served the administrative citation on Rider 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 January 27, 2003, Rider timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2002); 35 Ill. Adm. Code 108.204(b). Rider alleges that he did not cause or allow the violation of the Act. *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, Rider 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 108.504. 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.

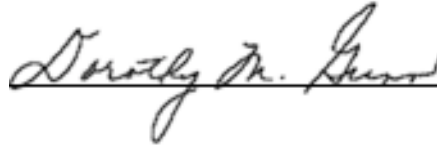
Rider may withdraw its petition to contest the administrative citation at any time before the Board enters its final decision. If Rider chooses to withdraw its petition, he must do so in writing, unless he does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If Rider withdraws its petition after the hearing starts, the Board will require Rider 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 Rider violated Section 21(p)(1) or (3), the Board will impose civil penalties on Rider. 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 Rider “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 February 6, 2003, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board