

ILLINOIS POLLUTION CONTROL BOARD
March 7, 2002

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-33
)	(IEPA No. 533-01-AC)
LISA LEWEY-SHIELDS and PAUL)	(Administrative Citation)
SHIELDS,)	
)	
Respondents.)	
)	

ORDER OF THE BOARD (by N.J. Melas):

On January 18, 2002, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Lisa Lewey-Shields and Paul Shields (respondents). *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The Agency alleges that respondents violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and 21(p)(7) (2000)). The Agency further alleges that respondents violated these provisions by operating an unpermitted open dump at 402 East Congress Street, Rantoul, Champaign County.

As required, the Agency served the administrative citation on respondents 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 February 22, 2002, respondents timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2000); 35 Ill. Adm. Code 108.204(b). Respondents allege that Lisa Lewey-Shields was never involved in any demolition or removal of waste on the property at issue. They also allege that she is the owner of the property because she inherited it from her parents. Respondents claim that Paul Shields, Lisa Lewey-Shields’ ex brother-in-law, is not the owner of the property even though he assisted in demolition and disposal of debris on the 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) (2000). By contesting the administrative citation, respondents 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. 35 Ill. Adm. Code 504.

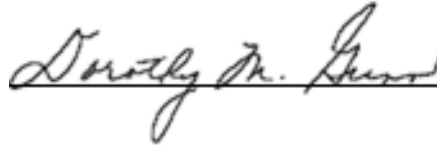
Respondents may withdraw its petition to contest the administrative citation at any time before the Board enters its final decision. If respondents choose to withdraw their petition, they must do so in writing, unless they do so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If

respondents withdraw their petition after the hearing starts, the Board will require respondents 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) (2000); 35 Ill. Adm. Code 108.400. If the Board finds that respondents violated Section 21(p)(1) or 21(p)(7) of the Act, the Board will impose civil penalties on respondents. The civil penalty for violating Section 21(p) of the Act 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 respondents have “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 March 7, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written in black ink. The signature is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board