

ILLINOIS POLLUTION CONTROL BOARD
May 3, 2007

COUNTY OF JACKSON,)
)
Complainant,)
)
v.) AC 06-32
) (Jackson County Site Code 0778005012)
DAVID SKIDMORE,) (Administrative Citation)
)
Respondent.)

DANIEL W. BRENNER, ASSISTANT STATE'S ATTORNEY, JACKSON COUNTY,
APPEARED ON BEHALF OF THE COMPLAINANT; and

DAVID SKIDMORE APPEARED *PRO SE*.

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

On March 1, 2007, the Board issued an interim opinion and order finding that David Skidmore violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21(p)(3), and 21(p)(7) (2004)) at a facility located in Jackson County at 37.89960 degrees latitude and -89.51298 longitude. These violations were alleged in an administrative citation issued by the County of Jackson. Having received documentation of hearing costs in this administrative citation enforcement action, the Board today issues its final opinion and order.

In the interim opinion and order, the Board found that the respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), and 21(p)(7) (2004)) by causing or allowing the open dumping of waste resulting in litter, open burning, and the deposition of general construction or demolition debris or clean construction or demolition debris. The allegations arose from a February 28, 2006 inspection by the Agency.

Because there are three violations of Section 21(p) of the Act (415 ILCS 5/21(p) (2004)) and these violations are first offenses, the total civil penalty is \$4,500. Further, because a hearing was held in this proceeding and respondent did not prevail, respondent is also liable for hearing costs. 35 Ill. Adm. Code 108.502, 108.504. The hearing was held on July 5, 2006, at the Jackson County Health Department in Murphysboro.

On March 8, 2007, the Clerk of the Board submitted an affidavit of the Board's hearing costs totaling \$220.20. The respondent did not respond to this statement of costs. *See* 35 Ill. Adm. Code 108.506(a) (setting 21-day deadline for response).

The Board finds the submitted hearing costs reasonable and orders respondent to pay those costs under Section 42(b)(4-5) of the Act. 415 ILCS 5/42(b)(4-5) (2004). The Board

incorporates by reference the findings of fact and conclusions of law from its March 1, 2007 interim opinion and order. Under Section 31.1(d)(2) of the Act, the Board attaches the administrative citation and makes it part of the Board's final order.

This opinion and order constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Board finds that respondent David Skidmore violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), and 21(p)(7) (2004)) at a facility located in Jackson County at 37.89960 degrees latitude and -89.51298 longitude.
2. The Board assesses the civil penalty of \$4,500 for the violations, as well as hearing costs totaling \$220.20 for a total amount of \$4,720.20. Respondent must pay \$4,720.20 no later than Monday, June 18, 2007, which is the first business day after the 45th day from the date of this order. Respondent must pay this amount by certified check or money order, made payable to the Office of the Jackson County Treasurer. The case number, case name, and respondent's social security number or federal employer identification number must be included on the certified check or money order.
3. Respondent must send the certified check or money order to:

Shirley Dillinger Booker
Jackson County Treasurer
Jackson County Courthouse
Murphysboro, IL 62966
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
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) (2004); *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.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 3, 2007, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board