

ILLINOIS POLLUTION CONTROL BOARD
December 1, 2011

MACON COUNTY ENVIRONMENTAL)
MANAGEMENT DEPARTMENT,)
)
Complainant,)
)
v.) AC 12-9
) (MCEMD 2011-001: 1158045029)
ESSIE NEAL,) (Administrative Citation)
)
Respondent.)


ORDER OF THE BOARD (by T.A. Hollbrook):

On October 20, 2011, the Macon County Environmental Management Department (Macon County) filed an administrative citation against Essie Neal. *See* 415 ILCS 5/31.1 (2010); 35 Ill. Adm. Code 108. The administrative citation concerns a property located at 5840 W. Hill Road in Decatur, Macon County. The property is commonly known to the Illinois Environmental Protection Agency as the “Harrison Twp./Neal” site and is designated with Site Code No. 1158045029. Macon County alleged that, on September 26, 2011, Essie Neal violated Sections 21(p)(1), 55(a)(1), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 55(a)(1) and 55(k)(1) (2010)) by allowing open dumping of waste, allowing open dumping of used tires, and allowing water to accumulate in waste tires.

On November 28, 2011, Macon County filed a motion to voluntarily dismiss the administrative citation. The Board grants Macon County’s motion, dismisses this case, and closes the docket. *See* 35 Ill. Adm. Code 108.402.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 1, 2011 by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board

NOTICE OF FILING
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

MACON COUNTY)	
ENVIRONMENTAL MGT. DEPT.,)	
)	
Complainant,)	AC
)	(MCEMD 2011-001: 1158045029)
v.)	
)	
ESSIE NEAL,)	
)	
Respondent.)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Macon County Environmental Management Department, a delegated county of the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act , 415 ILCS 5/31.1 (2008).

FACTS

1. That Respondent, Essie Neal, is the land owner of a property located at 5840 W. Hill Road, Decatur, Macon County, Illinois.
2. That Respondent has owned and/or operated said property at all times pertinent hereto.
3. That on September 26, 2011, Laurie Rasmus of the Macon County Environmental Management Department inspected the above-referenced facility. A copy of her

inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

4. That on Oct. 20, 2011, Laurie Rasmus sent this Notice of Filing of the Administrative Citation via United States Postal Service certified mail # 7007 0220 0001 1331 2322.

VIOLATIONS

Based upon direct observations made by Laurie Rasmus during the course of her September 26, 2011 inspection of the above-referenced facility, the Macon County Environmental Management Department has determined that Respondent violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2008)
- (2) That Respondent caused or allowed open dumping of any used or waste tire, a violation of Section 55(a)(1) of the Act, 415 ILCS 5/55(a)(1) (2008); and
- (3) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 5/55(k)(1) (2008).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2008), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty

specified above shall be due and payable no later than December 20, 2011, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2008), and if the Illinois Pollution Control Board issues a finding of violation(s) as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Macon County Environmental Management Department and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty of Four Thousand Five Hundred Dollars (\$4,500.00).

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2008), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and a finding of violation(s) as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's checks shall be made payable in equal amounts (50% of total penalty each) to:

(1) Macon County Environmental Management Department and mailed to the attention of Debra Hughes-Garrett, Macon County Environmental Management Department, 141 South Main Street, Room 408, Decatur, Illinois 62523.

(2) Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

Along with payments, Respondent shall complete and return the enclosed Remittance Forms to ensure proper documentation of payments.

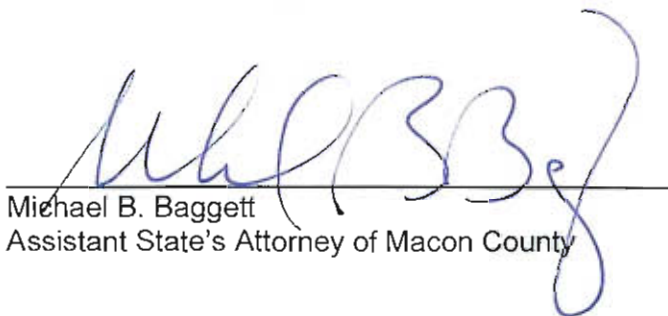
If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Macon County State's Attorney may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2008). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Macon County State's Attorney at 253 East Wood Street, Decatur, Illinois 62523. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

DATE: _____

10/20/11



Michael B. Baggett
Assistant State's Attorney of Macon County

REMITTANCE FORM

MACON COUNTY)	
ENVIRONMENTAL MANAGEMENT DEPT.,)	
)	
Complainant,)	AC
)	(MCEMD No. 2011-001: 1158045029)
v.)	
)	
NAME,)	
)	
Essie Neal.)	

FACILITY: Harristown Twp/Neal Land Pollution Control No.: 1158045029

COUNTY: Macon CIVIL PENALTY: \$4,500.00

DATE OF INSPECTION: September 26, 2011

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Macon County Environmental Management Department, Attn.: Debra Hughes-Garrett, 141 South Main Street, Room 408, Decatur, Illinois 62523.

REMITTANCE FORM

MACON COUNTY)	
ENVIRONMENTAL MANAGEMENT DEPT.,)	
)	
Complainant,)	AC
)	(MCEMD No. 2011-001: 1158045029)
v.)	
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NAME,)	
)	
Essie Neal.)	

FACILITY:	Harristown Twp/Neal	Land Pollution Control No.:	1158045029
COUNTY:	Macon	CIVIL PENALTY:	\$4,500.00
DATE OF INSPECTION:	September 26, 2011		

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

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