

ILLINOIS POLLUTION CONTROL BOARD
December 15, 2011

COUNTY OF PERRY,)
)
Complainant,)
)
v.) AC 12-10
) (Administrative Citation)
ANGIE WOODROME,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by T.A. Holbrook):

On October 27, 2011, the Perry County timely filed an administrative citation against Angie Woodrome. *See* 415 ILCS 5/31.1(c) (2010); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns a parcel of land owned by Woodrome and located in Tamaroa, Perry County. The property is commonly known to the Illinois Environmental Protection Agency as the “Tamaroa/Angie Woodrome” site and is designated with Site Code No. 1458520002. For the reasons below, the Board finds that Woodrome violated the Environmental Protection Act (Act) (415 ILCS 5 (2010)) and orders Woodrome to pay \$4,500.00 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 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) (2010); 35 Ill. Adm. Code 108.

In this case, Perry County alleges that, on September 15, 2011, Woodrome was operating an open dump site which resulted in litter, open burning, and deposition of clean construction or demolition debris. These acts constitute violations of Section 21(p)(1), Section 21(p)(3), and Section 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2010)). Perry County asks the Board to impose the statutory \$1,500.00 civil penalty per violation on Woodrome, for a total civil penalty of \$4,500.00. As required, Perry County served the administrative citation on Woodrome within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2010); *see also* 35 Ill. Adm. Code 101.300(c), 108.202(b).

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) (2010); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Here, any petition for review was due by November 29, 2011. Woodrome failed to timely file a petition. Accordingly, the Board finds that Woodrome violated Sections 21(p)(1), (p)(3), and (p)(7) 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) (2010); 35 Ill. Adm. Code 108.500(a). Because there are three violations of Section 21(p) and there is no indication in the record that any of these is a second or subsequent adjudicated violation, the total civil penalty is \$4,500.00. 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 Angie Woodrome violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/ (p)(1), (p)(3), and (p)(7) (2010)).
2. Woodrome must pay a civil penalty of \$4,500 no later than January 17, 2012, which is the first business day following the 30th day after the date of this order. Woodrome must pay the civil penalty in two certified checks or money orders, made payable in equal amounts to Perry County and to the Illinois Environmental Protection Trust Fund. The case number, case name, and Woodrome's social security number must be included on each certified check or money order.
3. Woodrome must send a certified check or money order in the amount of \$2,250 accompanied by the remittance form to:

Perry County Solid Waste, c/o Perry County Treasurer
Perry County Government Building
3764 State Route 13/127
Pinckneyville, Illinois 62274.
4. Woodrome must send a certified check or money order in the amount of \$2,250 accompanied by the remittance form to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).

6. 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) (2010); *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 order on December 15, 2011 by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board