

ILLINOIS POLLUTION CONTROL BOARD

February 21, 2013

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	
)	AC 13-23
IL VALLEY URBAN LUMBERJACKS, LLC,)	(IEPA No. 275-12-AC)
)	(Administrative Citation)
Respondent.)	

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

On December 5, 2012, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against IL Valley Urban Lumberjacks, LLC (respondent). *See* 415 ILCS 5/31.1(c) (2010); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerned respondent's facility located at 1538 N 2725 Road, Ottawa, LaSalle County. The property is commonly known to the Agency as the "Ottawa/IL Valley Urban Lumberjacks." The Agency alleged that on October 12, 2012, respondent violated Section 55(k)(1) of the Act (415 ILCS 5/55(k)(1) (2010)) by causing or allowing water to accumulate in used or waste tires. On December 11, 2012, the Agency filed proof that it had served the citation on the respondent on December 3, 2012, causing the 35-day appeal period to end on January 7, 2013. *See* 415 ILCS 31.1(d)(1) (2010); 35 Ill. Adm. Code 101.300(b), 108.204(b).

In an order dated January 24, 2013, the Board entered a default order finding that respondent had failed to file a timely petition for review and that respondent had violated Section 55(k)(1) of the Act (415 ILCS 5/55(k)(1) (2010)). The Board assessed the statutory penalty of \$1,500. *See* 415 ILCS 5/42(b)(4-5) (2010); 35 Ill. Adm. Code 108.500(a).

On February 5, 2013, the respondent filed a motion to reconsider (Mot.) submitted by Sheila R. Bray as owner. *See* 35 Ill. Adm. Code 101.520(a). The motion refers to respondent's facility and activities there and concludes that respondent should not be required to pay a fine. Mot. at 1.

Respondent's motion did not include an affidavit or certificate of service, and it does not provide any other indication that respondent has served the motion to the Agency. Under the Board's procedural rules, "[p]roof of proper service is the responsibility of the party filing and serving the document. An affidavit of service or certificate of service must accompany all filings of all parties." 35 Ill. Adm. Code 101.304(d).

Accordingly, the Board directs respondent to provide within 14 days, on or before Thursday, March 7, 2013, proof of service of its motion to reconsider to the Agency. Service of

the motion will determine the Agency's 14-day deadline for filing a response. 35 Ill. Adm. Code 101.500(d).

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 February 21, 2013 by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is fluid and cursive, with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board