

ILLINOIS POLLUTION CONTROL BOARD
July 10, 2014

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 14-46
)	(IEPA No. 101-14-AC)
JEANETTA and GARY MADDOCK,)	(Administrative Citation)
)	
Respondents.)	

ORDER OF THE BOARD (by J.A. Burke):

On April 18, 2014, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Jeanetta and Gary Maddock (respondents). *See* 415 ILCS 5/31.1(c) (2012); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns respondents' residential property located at 6728 & 6732 South US Highway 45 in Brookport, Massac County. The property is commonly known to the Agency as the "Brookport/Maddock" site and is designated with Site Code No. 1278600003. For the reasons below, the Board accepts respondents' petition to contest the administrative citation.

Under the Environmental Protection Act (Act), administrative citations may be filed by the Agency 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) (2012); 35 Ill. Adm. Code 108.

In this case, the Agency alleges that on March 26, 2014, respondents violated Sections 21(p)(1), 21(p)(2), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(2), (p)(3), (p)(7) (2012)) by causing or allowing open dumping in a manner resulting in litter, scavenging, open burning, and deposition of general construction or demolition debris or clean construction or demolition debris at the property. The Agency asks the Board to impose on respondents the statutory \$1,500 civil penalty for each alleged violation, for a total civil penalty of \$6,000.

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) (2012); *see also* 35 Ill. Adm. Code 101.300(c), 108.202(b). Any petition to contest the administrative citation was due by May 23, 2014. On May 16, 2014, Gary Maddock timely filed a petition. *See* 415 ILCS 5/21.1(d) (2012); 35 Ill. Adm. Code 101.300(b), 108.204(b). However, the Board found the petition deficient, and ordered respondents to file an amended petition by July 7, 2014. Respondents timely filed an amended petition (Pet.) on July 1, 2014. Respondents allege they did not cause or allow the alleged violations, and that the administrative citation was improperly issued. Pet. at 1. Mr. Maddock also states that he does not own the property. *Id.*

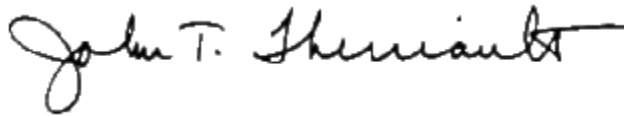
The Board accepts the petition and directs the hearing officer to proceed expeditiously to hearing. The hearing officer will give the parties at least 21 days written notice of the hearing. *See* 35 Ill. Adm. Code 108.300; 415 ILCS 5/31.1(d)(2) (2012). By contesting the administrative citation, respondents may have to pay the hearing costs of the Board and the Agency. *See* 415 ILCS 5/42(b)(4-5) (2012); 35 Ill. Adm. Code 108.500. A schedule of the Board's hearing costs is available from the Clerk of the Board and on the Board's Web site at www.ipcb.state.il.us. *See* 35 Ill. Adm. Code 108.504.

Respondents may withdraw their 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 the respondents withdraw their petition after the hearing starts, the Board will require the 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) (2012); 35 Ill. Adm. Code 108.400. If the Board finds that the respondents violated Sections 21(p)(1), 21(p)(2), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(2), (p)(3), (p)(7) (2012)), the Board will impose civil penalties on the respondents. The civil penalty for violating any provision of Section 21(p) is \$1,500 for each violation. *See* 415 ILCS 5/42(b)(4-5) (2012); 35 Ill. Adm. Code 108.500(a). However, if the Board finds that the 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) (2012); *see also* 35 Ill. Adm. Code 108.500(b).

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 10, 2014, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board