

ILLINOIS POLLUTION CONTROL BOARD
September 3, 2015

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 2012-021
)	(IEPA File No. 374-11-AC)
KATHERINE BLUNK,)	(Administrative Citation)
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by C.K. Zalewski):

For the reasons below, the Board accepts the proposed settlement and dismissal of this administrative citation enforcement action. On December 21, 2011, the Illinois Environmental Protection Agency (Illinois EPA) timely filed an administrative citation against Katherine Blunk (Blunk). Illinois EPA alleged that on October 25, 2011 Blunk violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2014)) by open dumping waste in a manner that resulted in litter. The violation allegedly took place at Blunk’s property located at 420 W. Hickory Street in Watseka, Iroquois County. The property is referred to by the Illinois EPA as the “Watsseka/Blunk” site and is designated with Site Code No. 0750905060.

On January 27, 2012, Blunk timely filed a petition to contest the administrative citation, which the Board accepted on February 2, 2012. On August 18, 2015, the parties filed a “stipulation of settlement and dismissal of respondent’s petition for administrative review” (Stip.). Under its terms, Blunk admits that she violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2014)) by open dumping waste in a manner that resulted in litter, and agrees to pay the statutory civil penalty of \$1,500 for the violation. Stip. at 2. Blunk also agrees to the dismissal of her petition contesting the administrative citation. *Id.* The stipulation further states that the “violations observed during the October 25, 2011 inspection are not continuing at this time.” *Id.* In addition, the Agency agrees not to refer the violations that are the subject of the administrative citation to the Office of the Illinois Attorney General or any other prosecuting authority to initiate a civil enforcement action. *Id.*

The Board accepts the stipulation and proposal for settlement. Under Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (2014)), the Board therefore finds that Blunk violated Section 21(p)(1) of the Act. 415 ILCS 5/21(p)(1) (2014). Section 42(b)(4-5) of the Act (415 ILCS 5/42(b)(4-5) (2014)) establishes a civil penalty of \$1,500 for a violation of this type. The Board accordingly assesses a civil penalty of \$1,500.

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

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The Board finds that Katherine Blunk (Blunk) violated Section 21(p)(1) of the Environmental Protection Act (Act). 415 ILCS 5/21(p)(1) (2014).
3. Blunk must pay a civil penalty of \$1,500 no later than October 5, 2015 which is the first business day following the 30th day after the date of this order. Blunk must pay the civil penalty by certified check or money order, made payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Blunk's social security number or federal tax identification number must be included on the certified check or money order.
4. Blunk must send the certified check or money order 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 Act (415 ILCS 5/42(g) (2014)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act. 35 ILCS 5/1003(a) (2014).
6. The Board dismisses the alleged violation of Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2014)) and Blunk's petition to contest the administrative citation.

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) (2014); *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, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 3, 2015 by a vote of 5 to 0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Assistant Clerk
Illinois Pollution Control Board