

IL Pollution Control Board Again Penalizes for Open Dumping

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On January 21, 2010, the Illinois Pollution Control Board found that the owner of a facility in Clay County, Illinois violated the Illinois Environmental Protection Act and ordered the owner to pay \$3,000 in civil penalties, in *Illinois Environmental Protection Agency v. Luttrell, IPCB No. AC 10-09*. This follows on the heels of [a \\$3,000 penalty for a disposal facility in Sangamon County, Illinois](#).

The penalty resulted from an administrative citation that was filed by the Illinois Environmental Protection Agency concerning a facility located at approximately 800 North Aspen Road, Xenia, Clay County, Illinois and commonly known as the "Xenia/Luttrell, Tony A. and Crystal K. (northeast)" site. Illinois EPA alleged that the defendant violated the Illinois Environmental Protection Act by causing or allowing the open dumping of waste in a manner resulting in litter and deposition of general construction or demolition debris.

To contest an administrative citation, a defendant must file a petition with the Pollution Control Board no later than 35 days after being served with the administrative citation. If the defendant fails to do so, the Pollution Control Board must find that the defendant committed the violations alleged and impose the corresponding civil penalty.

Because the defendant failed to file a petition with the Pollution Control Board, the Board found that the defendant committed the alleged violations and imposed a \$3,000 penalty.

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