

ILLINOIS POLLUTION CONTROL BOARD
December 6, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-18
)	(IEPA No. 431-01-AC)
BRADNEY LUCKHART,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by N.J. Melas):

On October 22, 2001, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Bradney Luckhart (Luckhart).¹ See 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The Agency alleges that Luckhart violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2000)). The Agency further alleges that Luckhart violated these provisions by causing or allowing open dumping of waste in a manner resulting in litter, open burning, and deposition of construction or demolition debris at a facility adjacent to Kickapoo Creek in West Lincoln Township, Logan County.

As required, the Agency served the AC on Luckhart within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2000); *see also* 35 Ill. Adm. Code 108.202(b). On November 27, 2001, Luckhart timely filed a petition to contest the administrative citation. See 415 ILCS 5/31.1(d) (2000); 35 Ill. Adm. Code 108.204(b).

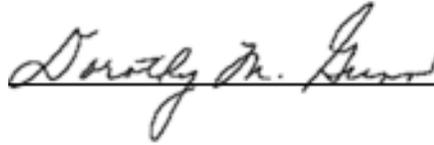
On November 27, 2001, Luckhart filed a petition for review with the Board. Pursuant to 35 Ill. Adm. Code 108.206, a petition for review “must include any reasons why the AC Recipient believes the AC was improperly issued.” Such reasons may include: 1) the AC recipient does not own the property; 2) the AC recipient did not cause or allow the alleged violations; 3) the AC was not timely filed or properly served; or 4) the alleged violation was the result of uncontrollable circumstances. In the present case, Luckhart’s petition for review does not state any reasons why he believes the AC was improperly issued.

The Board grants Luckhart 30 days from the date of this order to file an amended petition for review that includes one or more reasons that he believes the AC was improperly issued. If Luckhart does not file an amended petition for review by January 5, 2002, the Board will issue a default order.

¹ Paragraph 1 of the Administrative Citation states that Brad Krstic is the owner of the property in question. The Board notes that this is a typographical error. The caption is correct and Bradney Luckhart was served.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 6, 2001 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board