

ILLINOIS POLLUTION CONTROL BOARD
September 18, 2003

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 03-35
)	(IEPA No. 343-03-AC)
DENNY D. RICHEY,)	(Administrative Citation)
)	
Respondent.)	

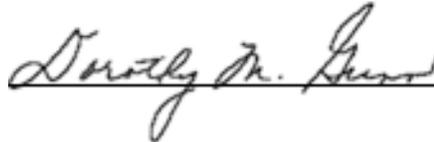
ORDER OF THE BOARD (by T.E. Johnson):

On June 26, 2003, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Denny D. Richey. *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The Agency alleges that Denny D. Richey violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)). The Agency further alleges that Denny D. Richey violated this provision by causing or allowing open dumping of waste in a manner that resulted in litter at 21285 North 2180th Street, Marshall, Clark County.

However, the Agency states in a September 17, 2003 motion to dismiss, that it failed to serve the administrative citation on Denny D. Richey within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2002); *see also* 35 Ill. Adm. Code 108.202(b). The Board therefore dismisses this case and closes the docket. *See* 35 Ill. Adm. Code 108.402.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 18, 2003, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board