

ILLINOIS POLLUTION CONTROL BOARD

August 18, 2005

|                    |   |                                |
|--------------------|---|--------------------------------|
| COUNTY OF JACKSON, | ) |                                |
|                    | ) |                                |
| Complainant,       | ) |                                |
|                    | ) |                                |
| v.                 | ) | AC 04-39                       |
|                    | ) | (County Site Code: 0778155007) |
| EDWARD TOW,        | ) | (Administrative Citation)      |
|                    | ) |                                |
| Respondent.        | ) |                                |

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

On January 26, 2004, the County of Jackson (County) timely filed an administrative citation against Edward Tow (Tow). *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The County alleges that Tow violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2004)). The County further alleges that Tow violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in litter at Vergennes/Section 13, Jackson County.

On January 30, 2004, Tow timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 108.204(b). Tow alleges that (1) the property had been inaccessible to him; and (2) he had been barred from the property. *See* 35 Ill. Adm. Code 108.206. The Board accepted the petition for hearing on February 5, 2004.

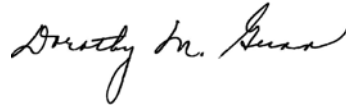
On November 22, 2004, a hearing was held in this matter at the Jackson County Health Department in Murphysboro. On March 7, 2005, the parties made an oral motion to suspend the briefing schedule to allow Tow to have until July 31, 2005 to clean the site. Hearing Officer Carol Webb granted this motion on March 8, 2005. On August 8, 2005, the County filed a motion to withdraw and dismiss the administrative citation.

In the motion to withdraw, the County asserts that an August 3, 2005 inspection showed the site had been cleaned, was in general compliance with the open dumping laws, and revealed no violations. Mot. at 1. The County asks that the citation be withdrawn and dismissed, and that the proceeding be closed.

The Board grants the motion. The administrative citation is dismissed and the docket is closed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the Board adopted the above order on August 18, 2005, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board