

ILLINOIS POLLUTION CONTROL BOARD
September 30, 2008

ILLINOIS ENVIRONMENTAL)	
PROTECTION,)	
)	
Complainant,)	
)	
v.)	AC 09-6
)	(IEPA No. 137-08-AC)
EUWELL and PHYLLIS BEERS and)	(Administrative Citation)
JEREMY BEERS,)	
)	
Respondents.)	

ORDER OF THE BOARD (by A.S. Moore):

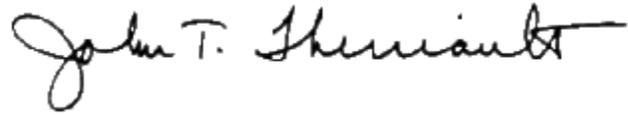
On July 28, 2008, the Illinois Environmental Protection Agency (Agency or Illinois EPA) filed an administrative citation against Euwell and Phyllis Beers and Jeremy Beers (collectively, respondents). *See* 415 ILCS 5/31.1(c) (2006); 35 Ill. Adm. Code 108.202(c). The Agency alleges that respondents violated Sections 21(p)(1), 21(p)(3) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2006)). The Agency further alleges that respondents violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and deposition of general construction or demolition debris or clean construction or demolition debris at a facility located at 15281 Lighthouse Road, near Pittsburg, Williamson County.

On September 25, 2008, the Agency filed a motion to dismiss (Mot.). The Agency's motion first states that "[r]espondent Euwell Beers is deceased, and therefore this Administrative Citation should be dismissed as to him." Mot. at 1. The Agency further states that "[t]he Administrative Citation addressed to Respondent Jeremy Beers was returned to the Illinois EPA from the United States Postal Service, as unclaimed." *Id.* The Agency claims that, "[b]ecause Respondent Jeremy Beers was not timely served within 60 days as required by 415 ILCS 5/31.1(b), this Administrative Citation should be dismissed as to him." *Id.* Finally, the Agency states that, "[b]ased on newly-discovered circumstances surrounding this case, Illinois EPA believes that it is now appropriate to dismiss this Administrative Citation against Respondent Phyllis Beers, as well." *Id.* at 2.

The Board grants the Agency's motion to dismiss this citation against all three of the respondents, dismisses the case, and closes the docket.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 30, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board