

ILLINOIS POLLUTION CONTROL BOARD
December 5, 2013

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 14-24
)	(IEPA No. 308-12-AC)
GWENDOLYN SUTTON & MILTON)	(Administrative Citation)
“RUSTY” SUTTON,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On October 31, 2013, the Illinois Environmental Protection Agency (Agency) filed an administrative citation against Gwendolyn Sutton and Milton “Rusty” Sutton (respondents). *See* 415 ILCS 5/31.1 (2012); 35 Ill. Adm. Code 108. The administrative citation concerns a property located half a mile southeast of the intersection of Illinois Route 3 West and Illinois Route 109 in Elsay Township, Jersey County. The property is commonly known to the Agency as the “Elsah Township/Sutton” site and is designated with Site Code No. #0838005004. The Agency alleged that on September 11, 2013, respondents violated Sections 21(p)(1) and (3) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (3) (2012)) by causing or allowing the open dumping of waste in a manner resulting in litter and open burning.

On November 19, 2013, the Agency filed a motion for voluntary dismissal of the administrative citation against Gwendolyn Sutton. In the motion, the Agency states that it failed to serve the citation on Gwendolyn Sutton within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2012); *see also* 35 Ill. Adm. Code 108.202(b). However, Milton “Rusty” Sutton was properly served. The Board grants the Agency’s motion to dismiss Gwendolyn Sutton; however the case continues as to Milton “Rusty” Sutton.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 5, 2013, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board