

ILLINOIS POLLUTION CONTROL BOARD
October 18, 2001

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 02-6
) (IEPA No. 367-01-AC)
LARRY BEAM,) (Administrative Citation)
)
Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

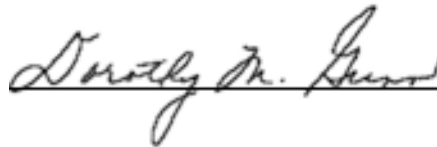
On August 24, 2001, the Illinois Environmental Protection Agency (Agency) filed an administrative citation against Larry Beam (Beam). *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). On October 4, 2001, the Board ordered Beam to pay a penalty of \$4,500.

On October 15, 2001, the Agency filed a motion for reconsideration of the Board's October 4, 2001 order. The Agency's motion to reconsider indicates the Agency served Beam on "August 28, 2001, one day after the statutory time period expired" and that the Agency "failed to file the intended motion to withdraw prior to the Board's October 4, 2001 order."

The Agency's motion is granted, and the Board's October 4, 2001 order is vacated. Because the Agency failed to serve the administrative citation on Beam within 60 days after the date of the observed violation, the Board 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 October 18, 2001, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board