

ILLINOIS POLLUTION CONTROL BOARD
December 2, 1993

SANGAMON COUNTY,)
)
 Complainant,)
)
 v.) AC 93-51
) (SCDPH-93-AC-11)
 PETER RAPACZ,) (Administrative Citation)
)
 Respondent.)

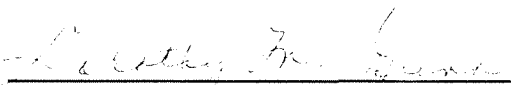
ORDER OF THE BOARD (by C.A. Manning):

This matter is before the Board on Complainant Sangamon County's November 22, 1993, Motion to Withdraw an Administrative Citation filed against Respondent, Peter Rapacz. This matter is before the Board upon an October 4, 1993 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act). On October 2, 1993, the Administrative Citation was served upon Peter Rapacz. Section 31.1(d)(2) of the Act allow a respondent thirty-five (35) days to file a Petition for Review with the Clerk of the Board in order to challenge the Administrative Citation. Peter Rapacz did not file a Petition for Review pursuant to Section 31.1(d)(2), and pursuant to Section 31.1(d)(1), the Board on November 18, 1993, entered a default order finding Peter Rapacz in violation of Sections 21(p)(1) and 21(p)(3) of the Act.

Sangamon County's Motion to Withdraw was mailed on November 19, 1993, one day after the Board entered its order finding Peter Rapacz in violation. The motion to withdraw will be construed as a motion to reconsider the Board's order of November 18, 1993, which the Board accepts and herewith also grants the motion to withdraw the Administrative Citation. The Board's order of November 18, 1993, is vacated. The motion to withdraw is granted and the docket in this matter is closed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 2nd day of December, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board