

ILLINOIS POLLUTION CONTROL BOARD
March 26, 1992

SANGAMON COUNTY,)
)
 Complainant,)
)
 v.) AC 92-9
) (Case No. 92-AC-2)
 ESG WATTS, INC,) (Administrative Citation)
)
 Respondent.)
)


ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on its own motion. The administrative citation was filed with the Board on February 18, 1992. Section 31.1 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1001 et seq.) establishes the administrative citation process which allows for expeditious enforcement of a limited number of the Act's provisions. The administrative citation process is similar to a speeding ticket in that the efficiency of the process is achieved by allowing a respondent to either not contest the citation and pay the statutory penalty or to contest the citation and receive a hearing on the merits. Because of the nature of the due process afforded in the administrative citation process, the Act details every step that a complainant must take to file and prosecute an administrative citation before the Board.

Section 31.1(b) requires that an administrative citation must be served upon the respondent within 60 days of the observed violation. Section 31.1(c) requires that a copy of each administrative citation shall be filed with the Board within 10 days after the respondent was served. Section 31.1(d) allows the respondent 35 days from the date of service to file a petition for review with the Board. Service and proof of service are essential requirements for a properly filed administrative citation. In this matter, the Board's records do not contain any proof of service on the respondent. Therefore, this matter is dismissed for failure to prove service as required by statute.

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 26th day of March, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board