

ILLINOIS POLLUTION CONTROL BOARD
April 12, 1990

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 90-7
) IEPA No. 10105-AC
) (Administrative Citation)
ROGER SMITH,)
)
Respondent.)

ORDER OF THE BOARD (by J. Marlin):

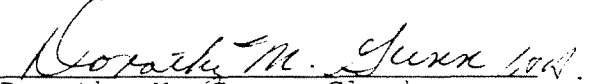
This matter is before the Board on the April 10, 1990 Agency response to Board Order of March 22, 1990 filed by the Illinois Environmental Protection Agency. The Board issued a Default Order in this matter to the respondent on February 22, 1990. The respondent filed a petition to reopen on March 2, 1990. The Agency also filed a response which was received on March 28, 1990.

The respondent claimed in the petition to reopen that no petition for review was filed with the Board because of confusion as to whether or not a petition needed to be filed. The Agency has admitted, in similar cases, that some confusion concerning Petitions for Review may have occurred in the past, but states that its procedures have been changed to avoid such confusion in the future.

After considering both the petition to reopen and the response, the Board believes there is just cause to vacate its Default Order of February 22, 1990. The Clerk is directed to set this matter for hearing.

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 12th day of April, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board