

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1993

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Petitioner,)
)
v.) AC 93-20
) (IEPA Docket No. 306-93-AC)
ILLINOIS LANDFILL, INC. and) (Administrative Citation)
KENTON RODERICK,)
)
Respondents.)

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

This matter comes before the Board upon a June 14, 1993 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency).

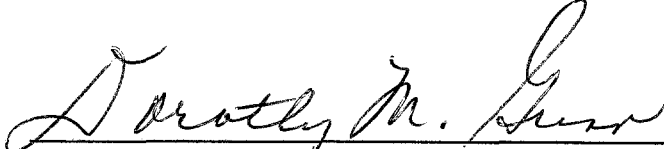
On August 2, 1993, the Agency filed a motion to dismiss Mr. Roderick as a respondent. The Agency was unable to perfect service within 60 days of the "observed violation," as is required under Section 31.1(b) of the Act. The motion states that the Administrative Citation was mailed to respondents via certified mail on June 10, 1993, the citation addressed to Kenton Roderick was returned to the Agency marked "unclaimed" by the U.S. Postal Service. Accordingly, the motion is hereby granted and Kenton Roderick is dismissed as a respondent. Hereafter, this case shall be captioned with Illinois Landfill, Inc. as sole respondent.

Though the Agency states in the August 2, 1993 motion to dismiss that service was made on Illinois Landfill, Inc. on June 14, 1993, a review of the record in the office of the Clerk of the Pollution Control Board reveals that proof of service has not yet been received by the Board. The Agency is directed to file its proof of service on Illinois Landfill, Inc. with the Board on or before August 20, 1993, or this matter will be subject to dismissal.

IT IS SO ORDERED.

0146-0111

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 5th day of August, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board