

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1987

IN THE MATTER OF:)
)
PAUL W. CORLEY and) AC 87-74
JOAN R. CORLEY) (IEPA Docket No. 8480-AC)
)
)
Respondents.)

INTERIM ORDER OF THE BOARD:

This matter comes before the Board upon an August 11, 1987 filing of a petition for review to contest the issuance of an Administrative Citation filed July 16, 1987, pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Respondents Paul and Joan Corley.


The Agency has alleged in the Administrative Citation that the Respondents are operating a sanitary landfill without an Illinois Environmental Protection Agency Operating Permit. In Illinois Environmental Protection Agency v. James Pressnall, (AC 87-6), the Board held that under Section 31.1 of the Act only permitted sanitary landfill operations are subject to Administrative Citation enforcement. As a consequence of the Agency's allegation, the Board will not authorize a hearing at this time.

The Agency is granted fifteen (15) days in which to file an Amended Administrative Citation which alleges that the facility is operating pursuant to permit or additional information which demonstrates enforceability of the Administrative Citation consistent with the Pressnall decision. Failure to respond within the fifteen (15) days will subject this proceeding to dismissal.

IT IS SO ORDERED.

B. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted this 1st day of October, 1987 by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board