

ILLINOIS POLLUTION CONTROL BOARD
January 23, 1997

COUNTY OF WILL,)
)
 Complainant,)
)
 v.) AC 97-22
) (County No. WC 96 AC 14)
 CITIWASTE, INC. and ALLIED WASTE) (Administrative Citation)
 INDUSTRIES,)
)
 Respondents.)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board upon the September 18, 1996 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Will (County). A copy of the Administrative Citation is attached hereto.

Service of the Administrative Citation was made upon Citiwaste, Inc. (Citiwaste) on September 10, 1996. The County alleges that on September 5, 1996, Citiwaste, present operator of a transfer station located in Will County, Illinois, and known to the Environmental Protection Agency (Agency) as Site No. 1978093002, violated Section 21(a) of the Act by causing or allowing open dumping of any waste. The County also alleges that from August 8, 1996 to September 5, 1996 Citiwaste violated Section 21(d)(1) of the Act by conducting a waste-disposal operation without a permit.

Citiwaste filed a Petition for Review on October 18, 1996. On December 11, 1996, the County filed a letter stating that a settlement had been reached between the parties and that a settlement payment was received from Citiwaste. On January 9, 1997 Citiwaste filed a motion to dismiss its petition for review, stating that the parties reached a settlement with no admission of liability, that Citiwaste has agreed to remove a specified number of tires from the property and to submit a settlement payment to the County.

The Board will construe the County's December 11, 1996 letter as a motion to dismiss the complaint and grant said motion. Therefore, Citiwaste's motion to dismiss is moot. This docket is closed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules

of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the ____ day of _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board