

ILLINOIS POLLUTION CONTROL BOARD
July 26, 1973

ENVIRONMENTAL PROTECTION AGENCY)

v.)

PCB 73-59)

METRO DISPOSAL SYSTEM, INC.)

ORDER OF THE BOARD (by Mr. Dumelle)

On July 9, 1973 the Board received a Petition for Review, Reconsideration and Relief alleging failure of the registered agent to inform the corporation's attorneys of the proceeding and asks to present evidence in mitigation of the penalty.

The Agency responded to the Petition on July 13, 1973 and asked for denial. An affidavit from the Assistant Attorney General in the proceeding swears to service upon the registered agent and in addition contacts with an officer and the attorney for the corporation. Further it is stated that the registered agent indicated that he would appear at the hearing.

Thus proper notice was given and the corporation had its opportunity to appear and place whatever it thought germane toward mitigation or lack of fault into the record. It did not do so. We will not reopen this proceeding.

The Petition is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 26th day of July, 1973 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board