

ILLINOIS POLLUTION CONTROL BOARD

June 5, 2003

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 03-24
)	(IEPA No. 113-03-AC)
ARROWHEAD TREE REMOVAL, INC.,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

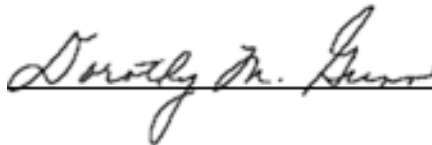
On March 20, 2003, Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Arrowhead Tree Removal, Inc. (Arrowhead). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The Agency alleges that Arrowhead violated Section 21(p)(1) of the Environmental Protection Act. 415 ILCS 5/21(p)(1) (2002). The Agency further alleges that Arrowhead violated this provision by causing or allowing the open dumping of waste in a manner that resulted in litter at the south side of Route 16 East, approximately one mile east of Jerseyville, Jersey County. The administrative citation meets the content requirements of 35 Ill. Adm. Code 108.202(b).

On May 15, 2003, the Board issued a default order requiring Arrowhead to pay a penalty because Arrowhead had failed to file a petition for review of the citation. However, the Agency states in a May 22, 2003 motion for reconsideration and to dismiss, that it failed to serve the administrative citation on Arrowhead within "60 days after the date of the observed violation." P.A. 92-0574, eff. June 26, 2002 (amended 415 ILCS 5/31.1(b) (2002)); *see also* 35 Ill. Adm. Code 108.202(b).

The Board vacates its order of May 15, 2003, dismisses this administrative citation at the Agency's request, and closes the docket. *See* 35 Ill. Adm. Code 108.402.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 5, 2003, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board