

ILLINOIS POLLUTION CONTROL BOARD
September 2, 2004

COUNTY OF SANGAMON,)	
)	
Complainant,)	
)	
v.)	AC 05-12
)	(SCDPH No. 04-AC-1)
JAMES WITHERS,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by J.P. Novak):

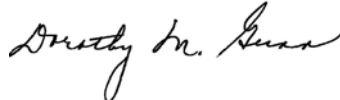
On July 26, 2004, the County of Sangamon timely filed an administrative citation against James Withers. *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The County of Sangamon alleged that James Withers violated Sections 9(a) and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and 21(p)(7) (2002)). The County of Sangamon further alleges that on June 8, 2004 James Withers violated these provisions by (1) threatening, causing, or allowing the discharge or emission of a contaminant so as to cause or tend to cause air pollution or violate regulations or standards and by (2) causing or allowing the open dumping of waste in a manner that resulted in deposition of general construction or demolition debris or clean construction or demolition debris at 3300 Ridgewood, Springfield, Sangamon County.

On August 23, 2004, the County of Sangamon filed a motion to dismiss the administrative citation for lack of service on James Withers. *See* 35 Ill. Adm. Code 108.402. The Board grants that motion and dismisses the administrative citation.

The Act does not allow the use of an administrative citation for the enforcement of Section 9(a) of the Act (415 ILCS 5/9(a) and 21(p)(7) (2002)). *See* 415 ILCS 5/31.1 (2002). That is an additional basis for dismissal of that segment of the administrative citation relating to Section 9(a) of the Act.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 2, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board