

ILLINOIS POLLUTION CONTROL BOARD
December 2, 2004

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|-----------------------|---|---------------------------|
| COUNTY OF MONTGOMERY, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | AC 05-25 |
| |) | (County No. 2004-02-AC) |
| RONALD R. SIMMONS, |) | (Administrative Citation) |
| |) | |
| Respondent. |) | |

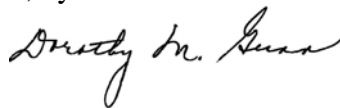
ORDER OF THE BOARD (by J.P. Novak):

On September 13, 2004, the County of Montgomery timely filed an administrative citation against Ronald R. Simmons. *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The County of Montgomery alleged that on July 29, 2004 Ronald R. Simmons violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)). The County of Montgomery further alleges that Ronald R. Simmons violated this provision by causing or allowing the open dumping of waste in a manner that resulted in litter at the east half of the northeast quarter of Section 12, Township 7 North, Range 2 West of the Third Principal Meridian in Montgomery County.

The County of Montgomery was required to serve the administrative citation on Michael Schwab within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2002); *see also* 35 Ill. Adm. Code 108.202(b). September 27, 2004 was the 60th day after the observed violation. As of the date of this order, the County of Montgomery has failed to file with the Board any proof of service on the respondent. For this reason, the Board, on its own motion, dismisses the administrative citation.

IT IS SO ORDERED.

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



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board