

ILLINOIS POLLUTION CONTROL BOARD
January 20, 2005

COUNTY OF MACON,)
)
 Complainant,)
)
 v.) AC 05-38
) (MCSWMD File No. 2004-001-AC)
) (Administrative Citation)
 TERRY CRIPE and DONNA CRIPE,)
)
 Respondents.)

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

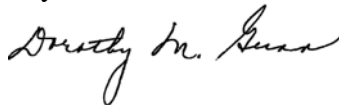
On November 17, 2004, County of Macon timely filed an administrative citation against Terry Cripe and Donna Cripe (Cripes). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The County of Macon alleged that on September 15, 2004, the Cripes violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (p)(7) (2002)). The County of Macon further alleges that the Cripes violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter; and (2) deposition of general construction or demolition debris or clean construction or demolition debris at 2508 Finch Street, Decatur, Macon County.

On January 6, 2005, the County of Macon filed its proof of service of the administrative citation for lack of service on the Cripes. *See* 35 Ill. Adm. Code 108.402. In its transmittal letter, the County of Macon notes that it did not obtain the certified mail return receipt card. But, the County of Macon states that it checked the United States Postal Service website and determined that the administrative citation was served on the Cripes by the United States Postal Service on November 23, 2004, which was the 69th day after the date of the September 15, 2004 inspection.

The Act requires service on the respondent 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). For these reasons, the Board hereby dismisses the administrative citation as untimely serviced.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 20, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board