

ILLINOIS POLLUTION CONTROL BOARD
January 20, 2005

COUNTY OF MACON,)	
)	
Complainant,)	
)	
v.)	AC 05-41
)	(MCSWMD File No. 2004-003-AC)
BLUE MOUND PLUMBING,)	(Administrative Citation)
)	
Respondent.)	

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

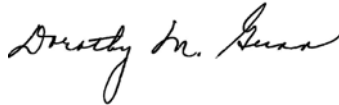
On November 23, 2004, the County of Macon timely filed an administrative citation against Blue Mound Plumbing. *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The County of Macon alleged that on September 29, 2004, Blue Mound Plumbing violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (p)(7) (2002)). The County of Macon further alleges that Blue Mound Plumbing 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 401 Railroad Avenue, Blue Mound, Macon County.

On December 10, 2004, the County of Macon filed its proof of service of the administrative citation for lack of service on Blue Mound Plumbing. *See* 35 Ill. Adm. Code 108.402. In its transmittal letter, the County of Macon notes that the certified mail return receipt card is undated. The Board's Clerk has checked the United States Postal Service website and determined that the administrative citation was served on Blue Mound Plumbing by the United States Postal Service on November 29, 2004, which was the 61st day after the date of the September 29, 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