

ILLINOIS POLLUTION CONTROL BOARD  
June 16, 2005

COUNTY OF LASALLE,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 05-73
	)	(LaSalle County No. 0998205005)
HARRIET BAUGHER and JOHN	)	(Administrative Citation)
BAUGHER,	)	
	)	
Respondents.	)	

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

On May 23, 2005, the County of LaSalle filed an administrative citation against Harriet Baugher and John Baugher (the Baughers). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The County of LaSalle alleged that on February 22, 2005, the Baughers violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)). The County of LaSalle further alleges that the Baughers violated this provision by causing or allowing the open dumping of waste in a manner that resulted in litter in Miller Township, LaSalle County.

The Baughers have not filed a petition for review. But, for the following reasons, the Board lacks jurisdiction to hear or enter a default judgment on the administrative citation:

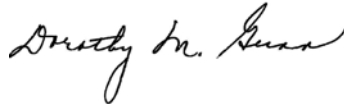
- (1) The County of LaSalle failed to timely serve the administrative citation on the Baughers. The County of LaSalle served the administrative citation on the Baughers on April 27, 2005, which was the 64th day after the observed violations. This was not within "60 days after the date of the observed violation," as required by the Act. *See* 415 ILCS 5/31.1(b) (2002); *see also* 35 Ill. Adm. Code 108.202(b).
- (2) The County of LaSalle failed to timely file the administrative citation with the Board. The County of LaSalle did not mail the administrative citation to the Board until May 17, 2005, which was the 20th day after service on the Baughers. The Act required the County of LaSalle to file the administrative citation "no later than 10 days after the date of service." *See* 415 ILCS 5/31.1(c) (2002); *see also* 35 Ill. Adm. Code 108.202(c); 101.300(b)(2).

The Board accordingly dismisses the administrative citation.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 16, 2005, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board