

ILLINOIS POLLUTION CONTROL BOARD
October 6, 2005

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 05-74
)	(IEPA No. 143-05-AC)
LINDA HOLMES,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On May 24, 2005, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Richard Holmes, doing business as Rich's Towing, and Linda Holmes. *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The Agency alleged that on March 30, 2005, respondents violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2004)). The Agency further alleges that respondents violated this provision by causing or allowing the open dumping of waste in a manner that resulted in litter at 56 Airport Road, Murphysboro, Jackson County.

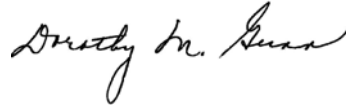
On June 27, 2005, Linda Holmes filed a petition for review, which the Board accepted for hearing by an order dated July 7, 2005. In that order, the Board found that Richard Holmes violated Section 21(p) of the Act. Richard Holmes had failed to timely file a petition. The Board ordered Richard Holmes to pay a civil penalty of \$1,500 for a single violation of Section 21(p)(1) of the Act. 415 ILCS 5/21(p)(1) (2004).

On September 16, 2005, the Agency filed a motion to dismiss the administrative citation, stating, "it is appropriate that this Administrative Citation be dismissed as to the remaining Respondent, Linda Holmes." Motion to Dismiss at 1; *see* 415 ILCS 5/31.1(b) (2004) and 35 Ill. Adm. Code 108.402. The Board grants that motion and dismisses the administrative citation and Linda Holmes' petition for review. The docket is closed.

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) (2004); *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 October 6, 2005, by a vote of 4-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board