

ILLINOIS POLLUTION CONTROL BOARD
November 2, 2006

COUNTY OF WAYNE,)	
)	
Complainant,)	
)	
v.)	AC 06-55
)	(Site Code 1910405002)
JULIAN BUCHANAN,)	(Administrative Citation)
)	
Respondent.)	

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

On June 22, 2006, the County of Wayne timely filed an administrative citation against Julian Buchanan. *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The County of Wayne (County) alleged that on May 16, 2006 Julian Buchanan violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2004)). The County further alleges that Julian Buchanan violated this provision by causing or allowing the open dumping of waste in a manner that resulted in litter. The alleged violations occurred in Arrington Township, Wayne County.

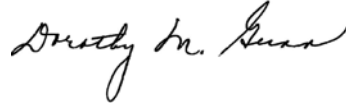
As required, the County served the administrative citation on Julian Buchanan within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2004); *see also* 35 Ill. Adm. Code 108.202(b). On July 24, 2006, Julian Buchanan timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 108.204(b). Julian Buchanan alleges that the alleged violations were the result of uncontrollable circumstances: debris on the site was what remained of buildings damaged or destroyed by a tornado in April 2002. He further asserts that the remaining debris has since been removed from the site. *See* 35 Ill. Adm. Code 108.206. The Board accepted the petition for hearing by order of September 21, 2006.

On October 20, 2006, the parties filed a joint motion to dismiss. The motion asserts that the County withdraws the administrative citation, and that respondent requests that the case be closed.

The motion to withdraw the administrative citation is granted. Accordingly, the Board dismisses Mr. Buchanan’s petition for review as moot, and closes the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 2, 2006, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board