

ILLINOIS POLLUTION CONTROL BOARD  
May 24, 1990

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 89-170  
 ) (IEPA No. 9804-AC)  
 ) (Administrative Citation)  
DONALD & CATHERINE BOUTHOT, )  
 )  
Respondents. )

ORDER OF THE BOARD (by B. Forcade):

This matter comes to the Board on an April 2, 1990, motion by the respondents for reconsideration of the Board's September 13, 1989 Default Order in this proceeding. The Board, by Order of April 12, 1990, sought additional information. Responses were filed on behalf of the Bouthots on May 8, 1990 and by the Illinois Environmental Protection Agency ("Agency") on May 7, 1990.

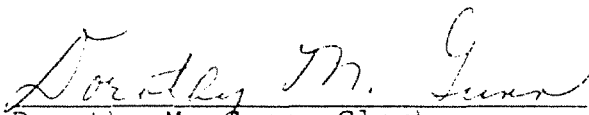
For purposes of today's Order, the following facts are relevant. Beginning in April, 1989, an Agency inspection gave the Agency reason to be concerned about the site. On May 1, 1989, Mr. Donald Bouthot died. On June 13, 1989, the Agency inspected the site and such inspection prompted the instant Administrative Citation to be filed on August 8, 1989, against both Donald and Catherine Bouthot. Thus, at the time of filing this Administrative Citation, the first named respondent Donald Bouthot had already passed away. The Board believes that in the interest of justice, the Administrative Citation must be vacated.

The Board hereby reconsiders and vacates the Default Order of September 13, 1989. The Board hereby dismisses this proceeding. The Agency is free to refile a new Administrative Citation against any present owner/operator if inspections reveal just cause.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24<sup>th</sup> day of May, 1990, by a vote of 6-1.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board