

ILLINOIS POLLUTION CONTROL BOARD  
September 13, 1989

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 89-161
	)	IEPA No. 9778-AC
AMERICAN FLY ASH COMPANY,	)	
	)	
Respondent.	)	

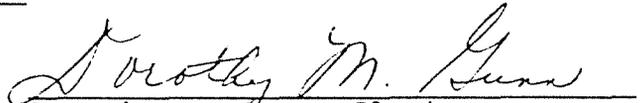
ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a motion to withdraw filed by the Illinois Environmental Protection Agency (Agency) on September 5, 1989. In support of its motion, the Agency asserts that it does not believe that it could carry its burden to prove the alleged violation at hearing in this matter. Apparently, the issued citation was not based upon direct observation of the alleged violation. The Agency's motion to withdraw is hereby granted and this matter is dismissed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 ch. 111  $\frac{1}{2}$  par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 13<sup>th</sup> day of September, 1989, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board