

ILLINOIS POLLUTION CONTROL BOARD

November 2, 2006

CITY OF CHICAGO DEPARTMENT OF)
ENVIRONMENT,)
)
Complainant,)
)
v.) AC 07-13
) (Administrative Citation)
MR. BULT’S, INC.,)
)
Respondent.)

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

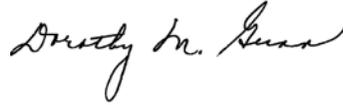
On September 6, 2006, the City of Chicago Department of Environment timely filed an administrative citation against Mr. Bult’s, Inc. (Mr. Bult’s). *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The City of Chicago Department of Environment alleged that on July 17, 2006 Mr. Bult’s violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2004)). The City of Chicago Department of Environment further alleges that Mr. Bult’s violated this provision by causing or allowing the open dumping of waste in a manner that resulted in litter from a truck lacking a covering tarp. The alleged violations occurred at the Liberty Waste Transfer Station located at 2040 East 106th Street, Chicago, Cook County.

Under Section 31.1(b) of the Act, the City of Chicago Department of Environment was required to serve the administrative citation on Mr. Bult’s 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). The City of Chicago Department of Environment has failed to file proof that Mr. Bult’s was timely served. Mr. Bult’s has not made any filing that would allow the Board to find that this respondent timely received service. The Board therefore dismisses the administrative citation for lack of timely service on respondent.

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 opinion and order on November 2, 2006, 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