

ILLINOIS POLLUTION CONTROL BOARD
December 7, 2006

COUNTY OF MACON,)	
)	
Complainant,)	
)	
v.)	AC 07-21
)	(MCSWMD No. 2006-005-AC)
TIM WALKER,)	(Administrative Citation)
)	
Respondent.)	

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

On October 16, 2006, the County of Macon (County) timely filed an administrative citation against Tim Walker. *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The County alleges that the respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2004)). The County further alleges that the respondent violated these provisions by causing or allowing the open dumping of waste resulting in litter, open burning, and the deposition of general construction or demolition debris or clean construction or demolition debris at a facility located at 3710 Christmas Tree Road, Macon County.

On November 28, 2006, the Board received a petition to contest the administrative citation. There is no legible postmark on the petition's mailing envelope, but the certificate of service states that respondent's attorney placed the petition in the United States mail on November 24, 2006.

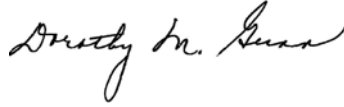
Under the Act, any administrative citation must be filed upon respondent within 60 days of the date of the observed violation, any timely petition for review must be postmarked within 35 days of the date respondent received service. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 108.202(c) and 108.204(b). As the Board has not received any information from the parties concerning the date respondent received the administrative citation, the Board cannot determine whether the administrative citation or the petition was timely filed so as to give the Board jurisdiction over this matter.

The Board directs the County to file, on or before January 4, 2007, the proof of service of the administrative citation on respondent. *See* 35 Ill. Adm. Code 108.202(c). The Board directs respondent to file, on or before January 4, 2007, an amended petition stating the date on which he received service of the administrative citation from the County and stating the reasons for appeal as required by 35 Ill. Adm. Code 108.206.

After receipt of the specified filings, the Board will determine whether the administrative citation and/or respondent's petition for review was properly filed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 7, 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