

ILLINOIS POLLUTION CONTROL BOARD
December 21, 2006

COUNTY OF OGLE,)
)
 Complainant,)
)
 v.) AC 07-19
) (Administrative Citation)
 MICHAEL JOHNSON,)
)
 Respondent.)

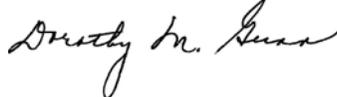
ORDER OF THE BOARD (by G.T. Girard):

On October 16, 2006, the County of Ogle (County) filed an administrative citation against respondent Michael Johnson. *See* 415 ILCS 5/31.1 (2004); 35 Ill. Adm. Code 108. The administrative citation alleged that respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)) by causing or allowing the open dumping of waste resulting in litter, open burning, and the deposition of general or clean construction or demolition debris. The violations allegedly took place at respondent's Ogle County facility, which has the Illinois Environmental Protection Agency site code number of 1418195007. In its administrative citation, the County sought the fixed statutory penalty of \$1,500 for each alleged violation, for a total civil penalty of \$4,500.

Respondent did not file a petition with the Board to contest the administrative citation and the record contains no proof of the County's service of the administrative citation upon respondent. *See* 415 ILCS 5/31.1(b), (c), (d)(1) (2004); 35 Ill. Adm. Code 108.202, 108.204. On December 6, 2006, the County filed a motion to dismiss this case "in its entirety based on the criminalization of the fact pattern that gave rise to the instant administrative citation," adding that the "People of the State of Illinois have filed Ogle County Case Number 06CM656, alleging a violation of 415 ILCS 5/44(p)(1)([B])." Motion at 1. The Board grants the County's motion, dismisses the administrative citation, 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 December 21, 2006, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board