

ILLINOIS POLLUTION CONTROL BOARD
April 19, 2007

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 07-48
) (IEPA No. 54-07-AC)
BEN and DESTINY WYANT,) (Administrative Citation)
)
Respondents.)

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

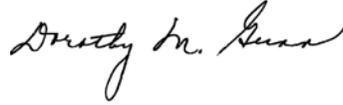
On March 20, 2007, the Illinois Environmental Protection Agency (Agency) filed an administrative citation against Ben and Destiny Wyant (respondents). *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The administrative citation concerns respondents' facility located at the west ten acres of the northeast 1/4 of the southeast quarter of section eight, township eight south and range four east of the third principal meridian in Williamson County. The facility is designated with Site Code No. 1998535005. For the reasons below, the Board grants the Agency's motion to dismiss this administrative citation.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the Agency or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations at sanitary landfills or unpermitted open dumps. *See* 415 ILCS 5/3.305, 3.445, 21(o), (p), 31.1(c), 42(b)(4), (4-5) (2004); 35 Ill. Adm. Code 108.

In this case, the administrative citation alleges that respondents violated Sections 21(p)(1) and (7) of the Act (415 ILCS 5/21(p)(1), (7) (2004)) by causing or allowing the open dumping of waste in a manner resulting in litter and the deposition of general or clean construction or demolition debris. However, on March 28, 2007, the Agency filed a motion to dismiss this administrative citation, stating that the Agency failed to serve the administrative citation on respondents within "60 days after the date of the observed violation" as required by the Act. *See* 415 ILCS 5/31.1(b) (2004); *see also* 35 Ill. Adm. Code 108.202(b). The Board grants the Agency's motion, dismisses this case, and closes the docket. *See* 35 Ill. Adm. Code 108.402.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 19, 2007, by a vote of 3-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board