

ILLINOIS POLLUTION CONTROL BOARD
February 1, 1996

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 95-11
)	(IEPA NO. 42-95-AC)
)	(Administrative Citation)
)	
GORDON MCCANN AND)	
LARSON FOUNDATION,)	
)	
Respondents.)	

INTERIM ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon a Motion for Default Judgment filed by the Illinois Environmental Protection Agency (Agency) on January 22, 1996. The Agency filed the pertinent Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/31.1 (1994)) with the Board on February 3, 1995. The Agency alleges respondents Gordon McCann and the Larson Foundation violated the open dumping (415 ILCS 5/21(p) (1)) provision of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act. A hearing has not yet been held.

The Larson Foundation was served with the administrative citation on January 30, 1995. The Larson Foundation filed a timely a Petition for Review and Response with the Board on March 2, 1995. However, respondent Gordon McCann has not filed a petition for review. The record indicates service of the Administrative Citation was made upon Gordon McCann on February 6, 1995, at which time Gordon McCann personally signed the return receipt.

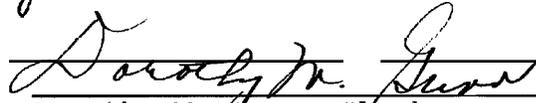
Because Gordon McCann has not filed a petition for review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act, pursuant to Section 31.1(d)(1), the Board finds that Gordon McCann has violated the provision alleged in the Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

The Board hereby grants the Agency's Motion for Default Judgment of Gordon McCann. The Board will reserve issuing an

order assessing penalties until the Board issues a final opinion and order in this matter. At this time the Board makes no determination regarding the liability of the Larson Foundation. The Board notes, as it has previously held, respondents are jointly and severally liable for any violation.

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 1st day of February, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board