

ILLINOIS POLLUTION CONTROL BOARD
October 3, 2013

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 14-3
)	(IEPA No. 174-13-AC)
THOMAS AND HEATHER FARRIS,)	(Administrative Citation)
)	
Respondents.)	
)	

ORDER OF THE BOARD (by C.K. Zalewski):

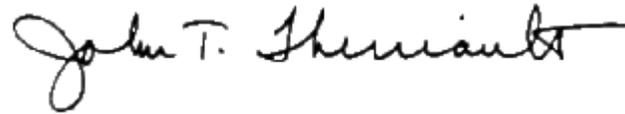
On July 8, 2013, the Illinois Environmental Protection Agency (Illinois EPA) filed an administrative citation against Thomas and Heather Farris. *See* 415 ILCS 5/31.1 (2012); 35 Ill. Adm. Code 108. The administrative citation concerns a property located in Bartlett & Gordon’s Addition Lots 1 through 13, Block 6 in Hamilton, Hancock County. The property is commonly known to the Illinois EPA as the “Farris, Thomas and Heather” site and is designated with Site Code No. 0670405029. Illinois EPA alleged that on May 30, 2013, Thomas and Heather Farris violated Sections 21(p)(1), 21(p)(3) and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21(p)(3) and 21(p)(7) (2012)) by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and deposition of general construction or demolition debris, or clean construction or demolition debris at the Hancock County site. On September 5, 2013, the Board accepted Thomas Farris’ petition for review and issued a default judgment against Heather Farris. Illinois EPA v. Thomas and Heather Farris, AC 14-3, slip op. at 1-2 (Sept. 5, 2013).

On September 23, 2013, Illinois EPA filed a motion for voluntary dismissal of the administrative citation. In the motion, Illinois EPA states that it failed to properly serve the citation on Thomas and Heather Farris. 415 ILCS 5/31.1(b) (2012); *see also* 35 Ill. Adm. Code 108.202(b). Failure to properly serve an administrative citation on respondents deprives the Board of jurisdiction. *See, e.g., Illinois EPA v. Upper Rock Island County Landfill and Dave Geier*, AC 08-31, slip op. at 1 (Sept. 4, 2008); and County of LaSalle v. Harriet and John Baugher, AC 05-73, slip op. at 1 (June 16, 2005).

Section 108.402 of the Board’s procedural rules authorizes the Board to dismiss an AC upon its own motion or an Illinois EPA motion indicating that the citation was not properly served. 35 Ill. Adm. Code 108.402. In light of the Illinois EPA’s motion stating that it failed to properly serve the citation on the two respondents, the Board, on its own motion, vacates its September 5, 2013 default order against Heather Farris and grants Illinois EPA’s motion for voluntary dismissal as to both respondents, dismisses this case, and closes the docket. *See* 35 Ill. Adm. Code 108.402.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 3, 2013, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board