

ILLINOIS POLLUTION CONTROL BOARD
October 19, 1995

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 96-2
)	(IEPA No. 405-95-AC)
)	(Administrative Citation)
WILLIAM E. HANNA,)	
)	
Respondent.)	

Order of the Board (by J. Yi):

On June 28, 1995 the Illinois Environmental Protection Agency (Agency) filed an administrative citation pursuant to Section 31.1 of the Act. (415 ILCS 5/31.1 (1994).) The administrative citation alleges that Mr. William Hanna violated Section 21(o)(1) of the Act by causing or allowing the occurrence of litter at an open dump on his property located in Carroll County, Illinois. (415 ILCS 5/21(o)(1) (1994).) The Clerk of the Board received a letter from Mr. Hanna on July 20, 1995. On August 2, 1995 the Agency filed a motion to dismiss this matter pursuant to Section 31.1 of the Act and 35 Ill. Adm. Code 101.103 and 101.243 which the Board construed to be a request for the Board to enter a default order against Mr. Hanna.

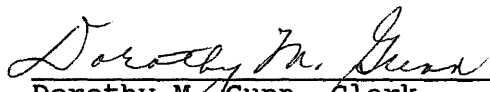
The Board denied the Agency's motion, construing Mr. Hanna's letter filed on July 20 as a petition for review, and allowed Mr. Hanna to either pursue this matter at hearing or withdraw the petition for review. The Board allowed Mr. Hanna, if he did not wish to proceed with this matter, to file a motion to dismiss with the Board by October 13, 1995. If Mr. Hanna failed to file a motion to dismiss by October 13, 1995 we were to set this matter for hearing.

Mr. Hanna did not file a motion to dismiss in this matter on or before October 13, 1995. Therefore this matter is accepted for hearing. The Board will assign a hearing officer to conduct hearings consistent with this order, and the Clerk of the Board shall promptly issue appropriate directions to that assigned hearing officer.

If after appropriate consultation with the parties, the parties fail to provide an acceptable hearing date or if after an attempt the hearing officer is unable to consult with the parties, the hearing officer shall unilaterally set a hearing date in conformance with the schedule above. The hearing officer and the parties are encouraged to expedite this proceeding as much as possible.

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 19th day of October, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board