

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1989

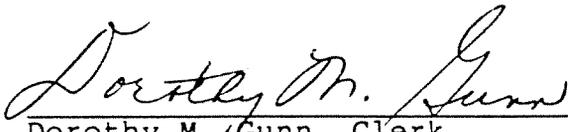
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Petitioner,)	
)	
v.)	AC 87-38
)	(Adminstrative Citation)
)	(IEPA No. 8365-AC)
)	
JOHN LYBARGER AND)	
DIANN LYBARGER,)	
)	
Respondents.)	

ORDER OF THE BOARD (by J. Marlin)

This matter comes before the Board upon a motion to dismiss filed by the Illinois Environmental Protection Agency ("Agency") on October 26, 1989. In support of its motion, the Agency states that since the administrative citation issued to the respondent was for an unpermitted dump, it is governed by IEPA v. PCB, 186 Ill.App.3d 995; 542 N.E.2d 1141 (Ill.App. 5 Dist. 1989), (Pressnall). The Agency states that this ruling requires dismissal of the citation issued to the respondent. The Agency's motion is granted and this matter is dismissed.

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 2nd day of November, 1989, by a vote of 6-0.



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board