

ILLINOIS POLLUTION CONTROL BOARD  
June 21, 1990

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	AC 89-120
v.	)	IEPA No. 9691-AC
	)	(Administrative Citation)
WILLIAM WHITE,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Anderson):

On July 27, 1989, the Board entered a default order in this matter, finding a violation of Section 21(q)(1) of the Illinois Environmental Protection Act and imposing a \$500.00 fine. On April 2, 1990, Mrs. William White filed a Motion for Reconsideration of the Board's July 27, 1989 default order. On April 12, 1990, the Board issued an order seeking additional information from the Illinois Environmental Protection Agency (Agency) regarding the matter. The Agency filed its response to the order on May 7, 1990. On May 24, 1990, the Board issued a second order requesting Mr. White to respond to the Illinois Environmental Protection Agency's (Agency's) May 7, 1990 response, and requesting the Agency to provide further information in this matter. Mrs. White filed a response to the Board's order on June 6, 1990. The Agency filed its response on June 11, 1990. On June 18, 1990, Mrs. White filed a reply to the Agency's June 11, 1990 response.

At the outset, the Board notes that Mrs. White filed her June 18, 1990 reply without leave of the Board. We will give Mrs. White the benefit of the doubt of not knowing of the Board's procedural requirements because she is acting pro se, and accept the reply. The Board also notes that it initiated the request for more information and that it is in the interest of all concerned to elicit as much information as possible in this matter.

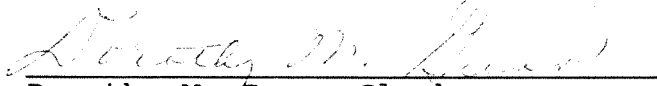
With regard to the Motion for Reconsideration, Mrs. White claims that no Petition for Review was filed with the Board because of confusion as to whether or not a petition needed to be filed. Although the Agency admits that this case precedes a change in its procedures that was made to avoid confusion of this nature, it recommends denial of the Motion for Reconsideration.

After a careful review of all of the above-mentioned filings, the Board believes there is just cause to grant the Motion for Reconsideration, vacate our July 27, 1989 default order, and dismiss this proceeding.

IT IS SO ORDERED.

Board Members J. Marlin, J. Theodore Meyer, and B. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21<sup>st</sup> day of June, 1990, by a vote of 4-3.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board