

ILLINOIS POLLUTION CONTROL BOARD
September 27, 1990

COUNTY OF JACKSON,)
)
 Complainant,)
) AC 90-57
 v.) (Administrative Citation)
)
 FRANK DOAN)
)
 Respondent.)

ORDER OF THE BOARD BY (J. C. Marlin):

This matter comes before the Board on a September 7, 1990 motion for withdrawal of violation alleged in administrative citation AC 90-57 filed by the complainant, the County of Jackson. The Board is construing this filing as a timely filed motion for reconsideration of its August 30, 1990 Order in this matter. Pursuant to Section 101.246(a) of the Board's Procedural Rules, a motion for reconsideration of a final Board order must be filed within 35 days of the adoption of that order. Subsection (b) of Section 101.246 allows 14 days for a response to be made to any motion for reconsideration.

In support of its motion the County of Jackson states that the respondent has paid the civil penalty for two of the three violations alleged in the administrative citation and has come into compliance with regards to the remaining violation. The County of Jackson requests that the remaining violation be withdrawn.

The Board received a copy of the administrative citation issued to Doan on July 6, 1990. No petition for review was filed by Doan. In accordance with Section 31.1(d)(1) of the Environmental Protection Act (Act) the Board issued an Order on August 30, 1990 finding Doan in violation of Sections 21(q)(1), 21(q)(2), and 21(q)(5) as alleged in the citation. The Order also imposed the civil penalty required by the Act for each of the three violations.

The Board hereby grants the motion for reconsideration and reopens this docket. The respondent, Frank Doan may file a response in the Board's offices by October 11, 1990.

The Board notes that this case differs from the prior case of In the Matter of: John R. Vander, AC 88-99 (March 9, 1989), in that the complainant in Vander did not file a timely motion.

IT IS SO ORDERED.

J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the _____ day of _____, 1990, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board