

ILLINOIS POLLUTION CONTROL BOARD

September 5, 2002

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-43
)	(IEPA No. 49-02-AC)
JAMES POTTER,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

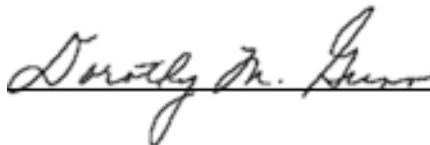
On March 14, 2002, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against James Potter (Potter). The Agency alleges that Potter violated Section 21(p)(1) and (p)(3) of the Environmental Protection Act (Act). 415 ILCS 5/21(p)(1) and (p)(3) (2000). On April 25, 2002, Potter filed a petition for review contesting the administrative citation. Potter's facility is located on the northwest corner of US 36 and Scotland Road, Prairie Township, Edgar County. The Board accepted the petition for hearing on May 2, 2002.

On August 19, 2002, the Agency filed a motion to withdraw the administrative citation. In the motion, the Agency asserts that based on its review of financial documentation submitted by Potter and the fact that no compliance issues remain, the Agency believes it is appropriate to withdraw the administrative citation. Potter has not filed a response to the motion.

Pursuant to Section 101.500(d) of the Board's procedural rules, if no response to a motion is filed within 14 days after service, the party will be deemed to have waived objection. See 35 Ill. Adm. Code 101.500(d). The Agency's motion to withdraw the administrative citation is granted, and the docket is closed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 5, 2002, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board