

ILLINOIS POLLUTION CONTROL BOARD
October 2, 2003

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 04-5
)	(IEPA No. 389-03-AC)
JERRY SUMMERS,)	(Administrative Citation)
)	
Respondent.)	

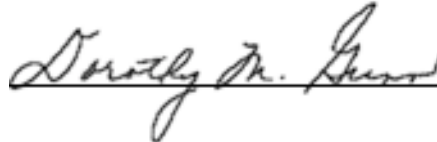
ORDER OF THE BOARD (by T.E. Johnson):

On August 6, 2003, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Jerry Summers (Summers). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). At issue is the Agency's allegation that Summers violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act. 415 ILCS 5/21(p)(1) and (p)(7) (2002). The Agency further alleges that Summers violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in litter and in deposition of general construction or demolition debris, or clean construction or demolition debris, at a facility located in the southeast quarter of Section 29, Township 6 North, Range 1 east of the Third Principal Meridian, in Fayette County.

The Agency states in a September 17, 2003 motion to dismiss, that it failed to serve the administrative citation on Summers within "60 days after the date of the observed violation" and requests that the Board dismiss the pending action. *See* 415 ILCS 5/31.1(b) (2002); *see also* 35 Ill. Adm. Code 108.202(b). The Board grants the motion, and therefore dismisses this case and closes the docket. *See* 35 Ill. Adm. Code 108.402.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 2, 2003, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board