

ILLINOIS POLLUTION CONTROL BOARD
November 20, 2003

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 04-15
)	(IEPA No. 506-03-AC)
ANTHONY FUNARO, JR.,)	(Administrative Citation)
)	
Respondent.)	

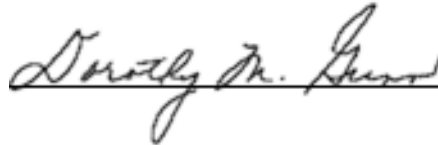
ORDER OF THE BOARD (by T.E. Johnson):

On September 25, 2003, Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Anthony Funaro, Jr.. *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). At issue is the Agency's allegation that Anthony Funaro, Jr. 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 Anthony Funaro, Jr. violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter; and (2) deposition of general construction or demolition debris or clean construction or demolition debris at 401 South Oak Street, Carrier Mills, Saline County.

However, the Agency states, in a November 14, 2003 motion to dismiss, that it failed to serve the administrative citation on Anthony Funaro, Jr. within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2002); *see also* 35 Ill. Adm. Code 108.202(b). The Board 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 November 20, 2003, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board