

ILLINOIS POLLUTION CONTROL BOARD
October 21, 2004

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	AC 05-20
v.)	(IEPA No. 412-04-AC)
)	(Administrative Citation)
JOHN GROFF and ROBERT GROFF,)	
)	
Respondents.)	

ORDER OF THE BOARD (by N.J. Melas):

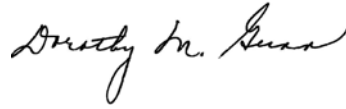
On October 8, 2004, the Illinois Environmental Protection Agency (Agency) moved the Board to dismiss this administrative citation against respondent Mr. Robert Groff because the Agency failed to timely serve him. *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The Agency alleged that on August 30, 2004, Mr. Robert Groff and Mr. John Groff violated Section 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2002)). The Agency further alleges that John Groff and Robert Groff violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter, (2) open burning, and (3) deposition of general construction or demolition debris or clean construction or demolition debris at 2503 Barton Road, Junction City, Marion County.

As required, the Agency served the administrative citation on John Groff 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). On October 4, 2004, John Groff timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2002); 35 Ill. Adm. Code 108.204(b). The Board accepted John Groff’s petition for hearing on October 7, 2004.

On September 10, 2004, the administrative citation addressed to Robert Groff was returned to the Agency unclaimed. Therefore, the Agency argues, the respondent was not timely served within 60 days, as required by Section 31.1(b), and this administrative citation should be dismissed. *See* 415 ILCS 5/31.1(b) (2002). The Board agrees, and accordingly, grants the Agency’s motion to dismiss Robert Groff from this action. Future captions in this case will list John Groff as the only respondent. Hearing on John Groff’s petition for review will proceed consistent with the Board’s order of October 7, 2004.

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 21, 2004, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board