

ILLINOIS POLLUTION CONTROL BOARD  
December 14, 1994

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 94-67  
 ) (IEPA No. 396-94-AC)  
 ) (Administrative Citation)  
 )  
KIRK DANA, )  
 )  
Respondent. )

ORDER OF THE BOARD (by C. A. Manning):

On August 8, 1994, complainant Illinois Environmental Protection Agency (Agency) filed an administrative citation against respondent Mr. Kirk Dana. The Agency alleged that Mr. Dana had violated Section 21(p)(1) of the Environmental Protection Act (Act) by causing and allowing litter. (415 ILCS 5/21(p)(1) (1992).) On September 15, 1994 the Board entered a default order against Mr. Dana finding him in violation and imposed a \$500.00 penalty pursuant to Section 31.1(d)(1) of the Act. (415 ILCS 5/31.1(d)(1) (1992).)

On October 11, 1994 Mr. Dana sent a letter to the Board requesting that the Board reconsider the administrative citation issued by the Agency. This letter was forwarded to the Agency, as it was addressed to the Agency and did not reference a docket number or otherwise clearly indicate that it was in reference to a matter before the Board. On November 9, 1994 the Agency sent the letter back to the Board noting that Mr. Dana was requesting to be heard in this matter. The Board will construe this letter as a timely filed motion for reconsideration of our September 15, 1994 default order.

The Clerk of the Board shall serve a copy of Mr. Dana's letter on the Agency in order that it can respond. The Agency shall respond on or before January 6, 1995. The Board presently anticipates that it will act on this motion at its January 12, 1995 meeting.

IT IS SO ORDERED.

Board Member Joseph Yi abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above order was adopted on the 14<sup>th</sup> day of December, 1994, by a vote of 5-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board