

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1994

COUNTY OF MACON AND THE)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 94-39
)	(SA File No. MC/EPA #941)
)	(Administrative Citation)
MACON COUNTY LANDFILL CORP.,)	
)	
Respondent.)	

ORDER OF THE BOARD:

On May 23, 1994, Macon County Landfill Corp. (Landfill) filed an appeal of an administrative citation pursuant to Section 31.1(d)(1) of the Environmental Protection Act (Act). The administrative citation apparently was issued by the County of Macon (County) as the result of an inspection occurring February 2, 1994.

Upon receipt of this purported appeal, the Clerk's Office contacted the parties to advise them that no administrative citation had been filed with the Board pursuant to Section 31.1(c) of the Act concerning this inspection. No administrative citation has been received since that time.

Section 31.1(d)(1) of the Act allows respondents in administrative citations to file a petition for review within 35 days of the issuance of the administrative citation by the Illinois Environmental Protection Agency or the local unit of government which has been delegated the authority to issue an administrative citation. If the respondent does not file a petition for review within the 35-day period the Board, pursuant to Section 31.1 (d)(1) of the Act, is directed to enter a default order finding violation. The Landfill filed its petition to appeal the administrative citation and also to protect itself from being found in violation by default pursuant to Section 31.1(d)(1) of the Act.

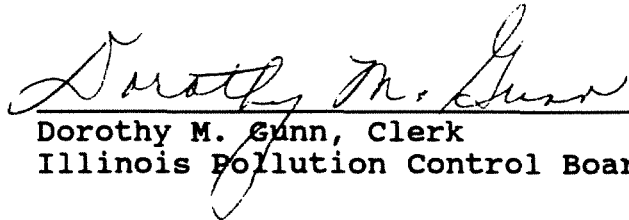
The Board, under similar circumstances where the administrative citation was not filed with the Board pursuant to Section 31.1(c), found we had no jurisdiction in the matter and closed the docket. (Williamson County Solid Waste Office v. Jim Jobe (November 18, 1993), AC 93-58.) The Board in this matter will open the docket for the limited purposes of docketing the Landfill's petition for review. The Board will also close this docket today as a result of the administrative citation not being

filed with the Board.

The Board accordingly opens this docket for the limited purposes of memorializing the filing of Landfill's petition for review and closes the docket.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of June, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board