

ILLINOIS POLLUTION CONTROL BOARD
February 8, 1990

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 89-132
) IEPA NO. 9712-AC
) (Administrative Citation)
RAY SCHROEDER,)
)
Respondent.)

ORDER OF THE BOARD BY (J. Marlin):

This matter is before the Board on the January 22, 1990 Agency response to Board Order of December 20, 1989 filed by the Illinois Environmental Protection Agency (Agency). The Board issued a Default Order in this matter on July 27, 1989. The respondent filed a motion to vacate on November 28, 1989.


The Agency's January 22nd response indicates that respondent filed a timely Petition for Review with the Agency but did not properly or timely file that Petition with the Board. The respondent's motion to vacate claims that there was some confusion about where a Petition needed to be filed. The Agency has admitted that some confusion concerning Petitions for Review may have been present in the past, but states that the procedures have been changed to avoid such confusion in the future.

The response from the Agency further states that there is no objection to vacating the Default Order. If the pending Motion to Vacate is granted, the Agency would move to dismiss its complaint and states reasons in support of a dismissal.

The Board construes the Agency's response as a motion to dismiss effective when the Default Order is vacated. The Board hereby vacates its default order of July 27, 1989. The Agency's motion to dismiss is granted. This case is closed.

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 8th day of February, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board