

ILLINOIS POLLUTION CONTROL BOARD
August 8, 2002

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-58
)	(IEPA No. 242-02-AC)
RCS, INC. and ROBERT FOSNOCK,)	(Administrative Citation)
)	
Respondents.)	

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

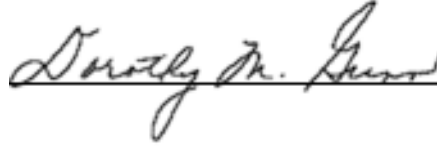
On June 3, 2002, the Illinois Environmental Protection Agency (Agency) filed an administrative citation against RCS, Inc. and Robert Fosnock (respondents). *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The Agency alleges that respondents violated Sections 21(o)(5) and (o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5), (o)(12) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). The Agency further alleges that respondents violated these provisions by conducting a sanitary landfill operation in a manner resulting in uncovered refuse remaining from a previous operating day, and failure to collect and contain litter at the end of the operating day at a facility at 1336 Crystal Lake Road in Jerseyville, Jersey County.

However, the Agency failed to serve the administrative citation on respondents within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2000); *see also* 35 Ill. Adm. Code 108.202(b).¹ The Board therefore dismisses this case and closes the docket. *See* 35 Ill. Adm. Code 108.402.

IT IS SO ORDERED.

¹ The Agency stated that the inspection occurred on April 2, 2002. Respondents were served with the citation on June 3, 2002, which is 62 days after the observed violation.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 8, 2002, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board