

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

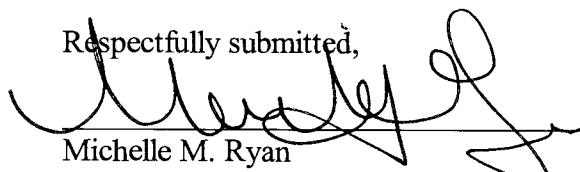
ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
 GWENDOLYN SUTTON & MILTON "RUSTY")
 SUTTON,)
)
 Respondents.)

RECEIVED
 NOV 19 2013
 STATE OF ILLINOIS
 Pollution Control Board
 AC 14-24
 (IEPA No. 308-12-AC)

NOTICE OF FILING

To: Gwendolyn Sutton
 309 East Main Street
 Godfrey, IL 62035

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled MOTION TO DISMISS.

Respectfully submitted,

 Michelle M. Ryan
 Assistant Counsel

Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 (217) 782-5544

Dated: November 14, 2013

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
GWENDOLYN SUTTON & MILTON)
"RUSTY" SUTTON)
)
Respondents.)

AC

(IEPA No. 308-10-AC)

RECEIVED
NOV 19 2013

MOTION TO DISMISS
ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Assistant Counsel Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

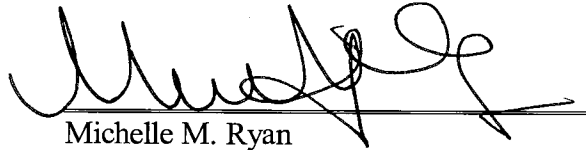
- (1) On October 25, 2013, the Illinois EPA issued an Administrative Citation to Respondents Gwendolyn Sutton and Milton "Rusty" Sutton, based on an inspection conducted on September 11, 2013.
- (2) On October 28, 2013, Milton "Rusty" Sutton was served with the Administrative Citation. The proof of service was filed with the Board on October 30, 2013.
- (3) The Administrative Citation issued to Gwendolyn Sutton was sent back to the Illinois EPA from the United States Postal Service, as unclaimed. Additionally, an attempt was made, by the Springfield Regional Inspector, to hand deliver the Administrative Citation. However, this attempt was unsuccessful.

- (4) Because Respondent, Gwendolyn Sutton was not timely served within 60 days as required by 415 ILCS 5/31.1(b), the Administrative Citation should be dismissed.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Gwendolyn Sutton.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: November 14, 2013



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

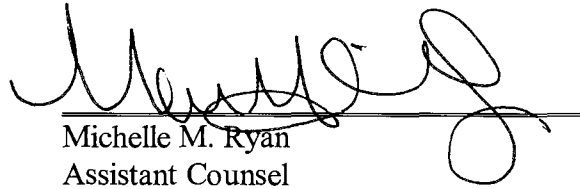
PROOF OF SERVICE

I hereby certify that I did on the 14th day of November 2013, send by U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION TO DISMISS

To: Gwendolyn Sutton
309 East Main Street
Godfrey, IL 62035

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail, with postage thereon fully prepaid

To: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601


Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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