

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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ADMINISTRATIVE CITATION

MAY 22 2003

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,))
))
v.))
))
ARROWHEAD TREE REMOVAL, INC.,)
))
Respondent.)

AC 03-24

(IEPA No. 113-03-AC)

NOTICE OF FILING

To: Scott Shultz, Esq.
Schultz Law Office
124 West Pearl Street
Jerseyville, Illinois 62052

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 FOR RECONSIDERATION.

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

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

Dated: May 20, 2003

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ILLINOIS ENVIRONMENTAL)
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MOTION FOR RECONSIDERATION

NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.520 and 35 Ill. Adm. Code 108.902, and respectfully states as follows:

(1) On March 18, 2003, Illinois EPA issued an Administrative Citation to Respondent, Arrowhead Tree Removal, Inc., based on an inspection conducted on January 22, 2003.

(2) Pursuant to 415 ILCS 5/31.1(b), the Administrative Citation was required to be served no later than March 24, 2003, by certified mail.

(3) Respondent contends that it received service of the Administrative Citation on or about March 27, 2003, by regular U.S. Mail. Illinois EPA's files do not contain any evidence to show either that the Administrative Citation was sent by certified mail, or that it was timely served.

(4) Due to the apparent failure of service within the required time frame, Illinois EPA intended to withdraw this Administrative Citation.

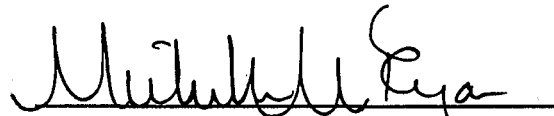
(5) On May 15, 2003, the Pollution Control Board ("Board") issued a final order, ordering Respondent to pay a penalty of \$1,500 by June 14, 2003.

(6) Because the undersigned failed to file the intended motion to withdraw prior to the Board's May 15, 2003 order, the Board did not have evidence regarding the service issue when it made its decision.

WHEREFORE, Illinois EPA requests that the Board reconsider its May 15, 2003 order based on the new evidence herein contained, and dismiss this Administrative Citation against Respondent Arrowhead Tree Removal, Inc.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

DATED: May 20, 2003



Michelle M. Ryan
Special Assistant Attorney General

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