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CLERK'S OFFICE

SEP 17 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

DENNY D. RICHEY,

Respondent.

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AC 03-35

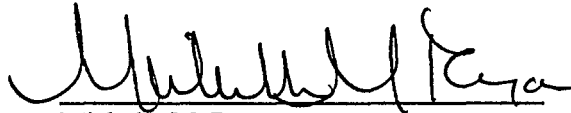
(IEPA No. 343-03-AC)

NOTICE OF FILING

To: Denny D. Richey
321 Mockingbird Lane
West Terre Haute, Indiana 47885

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
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: September 12, 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

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SEP 17 2003

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
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v.

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AC 03-35

(IEPA No. 343-03-AC)

MOTION TO DISMISS
ADMINISTRATIVE CITATION

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

(1) On June 23, 2003, Illinois EPA issued an Administrative Citation to Respondent Denny Richey, based on an inspection conducted on April 29, 2003.

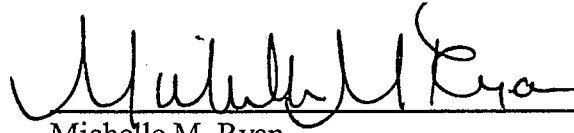
(2) On June 23, 2003, Illinois EPA sent a copy of the Administrative Citation to Police Chief Meeks of the West Terre Haute Police Department for hand delivery. Personal service was not achieved within the 60 day time frame.

(3) Because Denny Richey was not timely served within 60 days as required by 415 ILCS 5/31.1(b), this Administrative Citation should be dismissed.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Respondent Denny Richey.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: September 12, 2003

A handwritten signature in black ink, appearing to read "Michelle M. Ryan", written over a horizontal line.

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

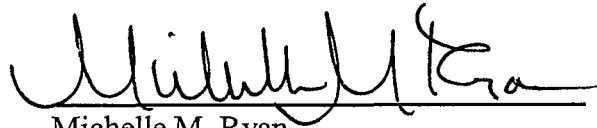
PROOF OF SERVICE

I hereby certify that I did on the 12th day of June, 2003 send by U.S. Mail with postage fully prepaid a true and correct copy of the following instrument(s) entitled MOTION TO DISMISS

To: Denny D. Richey
321 Mockingbird Lane
West Terre Haute, Indiana 47885

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



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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P.O. Box 19276
Springfield, Illinois 62794-9276
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