

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

MAR 15 2007

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
HAROLD TOMLINSON, LARRY)
TOMLINSON and JERRY TOMLINSON.,)
))
Respondents.)

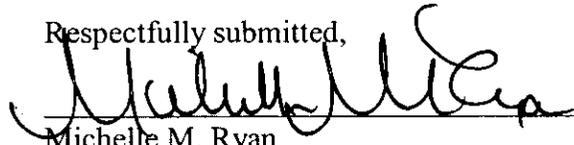
AC 07-44
(IEPA No. 51-07-AC)

NOTICE OF FILING

To: Jerry Tomlinson
109 North Adams
Washburn, IL 61570

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: March 13, 2007

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ADMINISTRATIVE CITATION

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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 February 15, 2007, the Illinois EPA issued an Administrative Citation to Respondents Harold Tomlinson, Larry Tomlinson and Jerry Tomlinson, based on an inspection conducted on December 28, 2006.

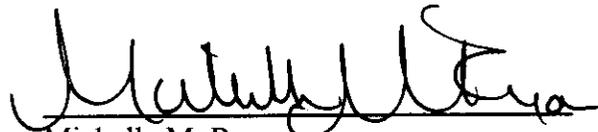
- (2) On March 8, 2007, the Administrative Citation for Jerry Tomlinson was sent back to the Illinois EPA from the United States Postal Service, as unclaimed. Harold Tomlinson and Larry Tomlinson were timely served on February 16, 2007, which was filed with the Board on March 5, 2007.

- (3) Because Jerry Tomlinson 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 Jerry Tomlinson.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: March 13, 2007



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
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PROOF OF SERVICE

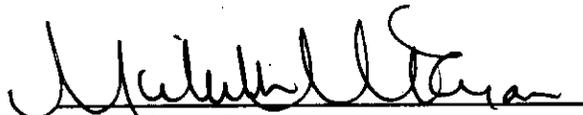
I hereby certify that I did on the 13th day of March 2007, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION TO DISMISS

To: Jerry Tomlinson
109 North Adams
Washburn, IL 61570
Carol Webb

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, 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
(217) 782-5544