

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

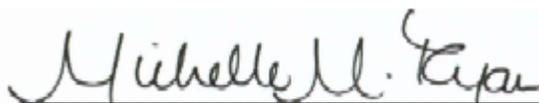
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 07-48
)	
v.)	(IEPA No. 54-07-AC)
)	
BEN and DESTINY WYANT,)	
)	
Respondents.)	

NOTICE OF FILING

To: Ben & Destiny Wyant
111 W. 5th Street
West Frankfort, IL 62896

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

Respectfully Submitted,



e-signature valid for IPCB e-filings ONLY

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 28, 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 07-48
)	
v.)	(IEPA No. 54-07-AC)
)	
BEN and DESTINY WYANT,)	
)	
Respondents.)	

MOTION TO DISMISS
ADMINISTRATIVE CITATION

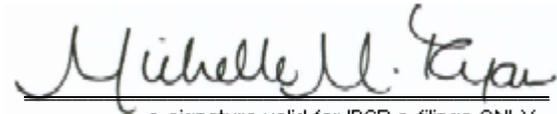
NOW COMES the Complainant, the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, Special Assistant Attorney General Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

1. On March 14, 2007, the Illinois EPA issued an Administrative Citation to Respondents Ben and Destiny Wyant, based on an inspection conducted on January 18, 2007.
2. On March 16, 2007 and March 19, 2007, Illinois EPA attempted to hand-deliver the Administrative Citation for personal service on Ben and Destiny Wyant. However, service was not successful.
3. Because Ben and Destiny Wyant were 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 Ben and Destiny Wyant.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: March 28, 2007

A handwritten signature in black ink that reads "Michelle M. Ryan". The signature is written in a cursive style and is positioned above a horizontal line.

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Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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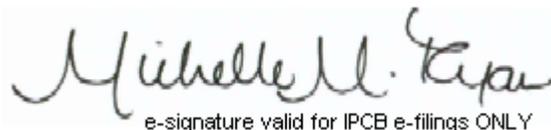
PROOF OF SERVICE

I hereby certify that I did on the 28th day of March, 2007, 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 ADMINISTRATIVE CITATION

To: Ben & Destiny Wyant
111 W. 5th Street
West Frankfort, IL 62896

and an electronic copy of the same foregoing instrument on the same date via electronic filing

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



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Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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