

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

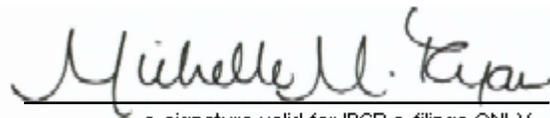
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 07-68
)	
v.)	(IEPA No. 163-07-AC)
)	
TODD MCKINNEY,)	
)	
Respondent.)	

NOTICE OF FILING

To: Todd McKinney
301 South 15th Street
East St. Louis, Illinois 62207

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: July 18, 2007

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 07-68
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v.)	(IEPA No. 163-07-AC)
)	
TODD MCKINNEY,)	
)	
Respondent.)	

**MOTION TO DISMISS
ADMINISTRATIVE CITATION**

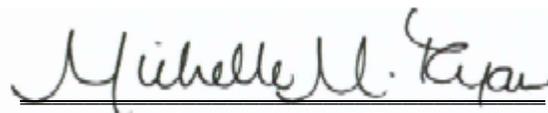
NOW COMES the Complainant, the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, Special Assistant Attorney General Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

1. On June 7, 2007, the Illinois EPA issued an Administrative Citation to Respondent Todd McKinney, based on an inspection conducted on April 19, 2007.
2. Illinois EPA attempted to serve the Administrative Citation via certified mail, but it was returned unclaimed.
3. Because Todd McKinnery 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 Todd McKinney.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: July 18, 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.

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

PROOF OF SERVICE

I hereby certify that I did on the 18th day of July, 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: Todd McKinney
301 South 15th Street
East St. Louis, Illinois 62207

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

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



e-signature valid for IPCB e-filings ONLY

Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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