

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

SEP 22 2008

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
MID-AMERICA MACHINERY CO.,)
)
)
Respondent.)

AC 09-07

(IEPA No. 138-08-AC)

NOTICE OF FILING

To: Mid-America Machinery Company
Attn: Larry Jabusch
2500 Wrightsman Road
Virden, IL 62690

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
Assistant Counsel

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

Dated: September 19, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

SEP 22 2008

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
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MID-AMERICA MACHINERY CO.,)
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MOTION TO DISMISS
ADMINISTRATIVE CITATION

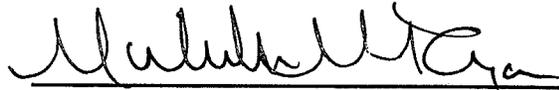
NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Assistant Counsel Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

- (1) On July 25, 2008, the Illinois EPA issued an Administrative Citation to Respondent Mid-America Machinery Co., based on an inspection conducted on June 18, 2008.
- (2) On August 13, 2008, the Administrative Citation was sent back to the Illinois EPA from the United States Postal Service, as unclaimed.
- (3) Because Mid-America Machinery Co. 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 Mid-America Machinery Co.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: September 18, 2008

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

Michelle M. Ryan
Assistant Counsel

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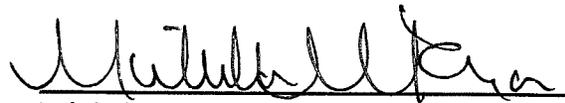
PROOF OF SERVICE

I hereby certify that I did on the 19th day of September, 2008, 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

To: Mid-America Machinery Company
Attn: Larry Jabusch
2500 Wrightsman Road
Virden, IL 62690

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



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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