

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
CHARLES NORMAN BARTLETT,)
)
Respondent.)

AC 07-28

(IEPA No. 310-06-AC)

MOTION TO DISMISS

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 101.500, and respectfully states as follows:

(1) On December 18, 2006, Illinois EPA filed an Administrative Citation against Respondent CHARLES NORMAN BARTLETT ("Respondent"), based on an inspection conducted on October 17, 2006.

(2) On January 24, 2007, Respondent filed a petition for review.

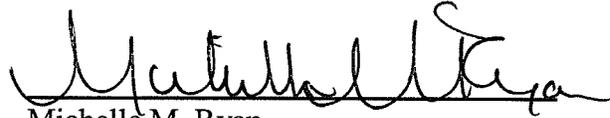
(3) Based on newly-discovered circumstances surrounding this case, Illinois EPA believes that it is now appropriate to dismiss this Administrative Citation against Respondent.

(4) Respondent reported during status calls with the Hearing Officer in this case that his property was foreclosed upon. The correspondence from the Pollution Control Board to Respondent in this case have been returned as "unable to forward" since early July 2008. Illinois EPA is attempting to obtain an address for Respondent, and will serve him with this motion as soon as it is obtained.

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

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant

DATED: September 23, 2008

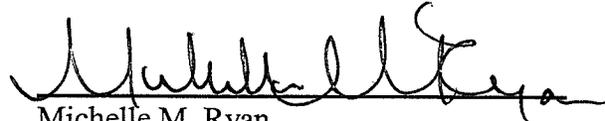


Michelle M. Ryan
Assistant Counsel

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

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument entitled MOTION TO DISMISS are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Michelle M. Ryan
Assistant Counsel

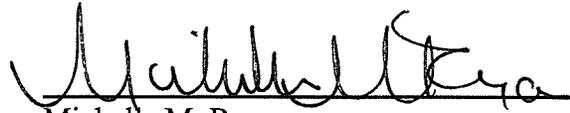
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(217) 782-5544

Dated: September 23, 2008

PROOF OF SERVICE

I hereby certify that I did on the 23rd day of September, 2008, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box the original and nine (9) true and correct copies of the following instrument(s) entitled MOTION TO DISMISS

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



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Assistant Counsel

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