

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

SEP 25 2008

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
RUBY ACKLIN and JOSEPH FLICK, )  
 )  
Respondents. )

AC 09-11

(IEPA No. 156-08-AC)

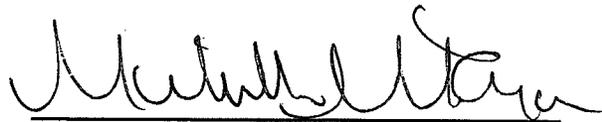
**NOTICE OF FILING**

To: Joseph Flick  
315 Vine Street  
Cobden, IL 62920

Ruby Acklin  
211 Cobden School Road  
Cobden, IL 62920

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

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 23, 2008

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MOTION TO DISMISS  
RESPONDENT RUBY ACKLIN

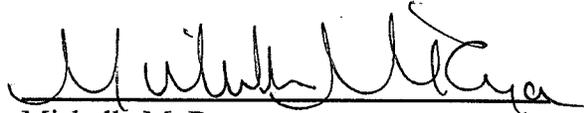
NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Assistant Counsel Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

- (1) On August 25, 2008, the Illinois EPA issued an Administrative Citation to Respondent Ruby Acklin, based on an inspection conducted on July 17, 2008.
- (2) On August 29, 2008, the Administrative Citation was sent back to the Illinois EPA from the United States Postal Service, as unclaimed.
- (3) Because Respondent Ruby Acklin was not timely served within 60 days as required by 415 ILCS 5/31.1(b), this Administrative Citation should be dismissed as to her.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action as to Ruby Acklin.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant,

DATED: September 23, 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  
(217) 782-5544

**PROOF OF SERVICE**

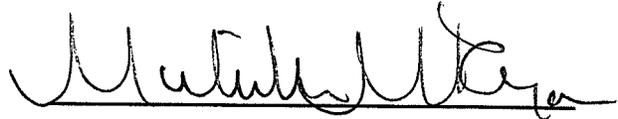
I hereby certify that I did on the 23<sup>rd</sup> day of September, 2008, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled MOTION TO DISMISS RESPONDENT RUBY ACKLIN

To: Joseph Flick  
315 Vine Street  
Cobden, IL 62920

Ruby Acklin  
211 Cobden School Road  
Cobden, IL 62920

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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