

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant

v.

COLLEEN KELLY,

Respondent.

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AC 2017-017

(IEPA No. 63-17-AC)

NOTICE OF FILING

To: Colleen Kelly
8507 South 82nd Court
Hickory Hills, IL 60457

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board a MOTION TO VOLUNTARILY DISMISS ADMINISTRATIVE CITATION, a copy of which is herewith served upon you.

Respectfully submitted,



Michael S. Roubitchek
Assistant Counsel

DATED: June 8, 2017

Michael S. Roubitchek
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2017-017
)	
v.)	(IEPA No. 63-17-AC)
)	
COLLEEN KELLY,)	
)	
)	
Respondent.)	

MOTION TO VOLUNTARILY DISMISS ADMINISTRATIVE CITATION

NOW COMES the Complainant, the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorney, Assistant Counsel Michael S. Roubitchek, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

1. On May 11, 2017, the Illinois EPA issued an Administrative Citation to Respondent Colleen Kelly, based on a Records Review Memorandum conducted on May 5, 2017.
2. On May 11, 2017, the Administrative Citation that was issued to the Respondent was concurrently filed electronically with the Illinois Pollution Control Board.
3. Although the Illinois EPA has reason to believe that the Administrative Citation was received by the Respondent, due to an error by the United States Post Office, delivery confirmation was never received, and accordingly, proof of service is unavailable.
4. Because the Respondent was not timely served as required by 415 ILCS 45/23.1(b), 35 Ill. Adm. Code 101.300(c), 101.304(d) and 108.201, the Illinois EPA voluntarily moves that this Administrative Citation should be dismissed without prejudice. The Illinois EPA may decide to re-

file a new Administrative Citation against the Respondent.

WHEREFORE, the Illinois EPA requests that the Board dismiss the pending action without prejudice.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant



Michael S. Roubitchek
Assistant Counsel

DATED: June 8, 2017

Michael S. Roubitchek, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that I have served on the date of June 8, 2017, the attached MOTION TO VOLUNTARILY DISMISS ADMINISTRATIVE CITATION upon the following person by causing to be mailed a true copy thereof in an envelope duly addressed, bearing proper first class postage, and deposited in the United States mail, at Springfield, Illinois:

Colleen Kelly
8507 South 82nd Court
Hickory Hills, IL 60457



Michael S. Roubitchek
Assistant Counsel

DATED: June 8, 2017

Michael S. Roubitchek
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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