

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

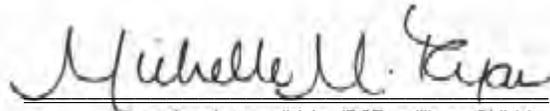
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2019-013
	)	
v.	)	(IEPA No. 174-18-AC)
	)	
BRIAN O'NEIL and TAMMY O'NEIL	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

To: Brian O'Neil and Tammy O'Neil  
1196 CR 2400 E  
St. Joseph, IL 61873

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 RESPONDENTS BRIAN O'NEIL AND TAMMY O'NEIL.

Respectfully submitted,



e-signature valid for IPCB e-filings ONLY

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: January 7, 2019

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2019-013
	)	
v.	)	(IEPA No. 174-18-AC)
	)	
BRIAN O'NEIL and TAMMY O'NEIL	)	
	)	
Respondents.	)	

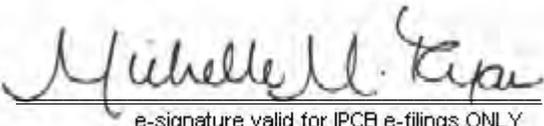
MOTION TO DISMISS RESPONDENTS  
BRIAN O'NEIL AND TAMMY O'NEIL

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

- (1) On November 28, 2018, Illinois EPA issued an Administrative Citation to Respondents Brian O'Neil and Tammy O'Neil based on an inspection conducted on October 31, 2018.
- (2) Proof of service is not available for Respondents Brian and Tammy O'Neil.
- (4) Because Illinois EPA cannot demonstrate that Respondents Brian and Tammy O'Neil were 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 as to Respondents Brian and Tammy O'Neil.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant,



e-signature valid for IPCB e-filings ONLY

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: January 7, 2016

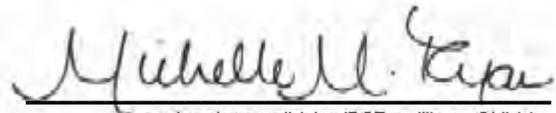
**PROOF OF SERVICE**

I hereby certify that I did on the 7<sup>th</sup> day of January 2019, 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 RESPONDENTS BRIAN O'NEIL AND TAMMY O'NEIL.

To: Brian O'Neil and Tammy O'Neil  
1196 CR 2400 E  
St. Joseph, IL 61873

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

To: Don Brown, 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  
Assistant Counsel

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