

## Electronic Filing: Received, Clerk's Office 09/08/2023

**From:** [Long, Natalie](#)  
**To:** "[Dylan P. Grady](#)"; [Mims, Barbara](#)  
**Cc:** [Webb, Carol](#); [PCB.Clerks](#)  
**Subject:** [External] RE: Official Service: PCB 2024-017, People of the State of Illinois v. Crystal Cold, LLC, 09/07/23 Board Order  
**Date:** Friday, September 8, 2023 2:20:02 PM

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Good afternoon,

As stated in a separate email this afternoon to Mr. Grady and Hearing Officer Webb, please be advised that our Office has requested that Mr. Grady inform us as to whether he may receive service in the underlying matter. In the meantime, our Office is effectuating service pursuant to 35 Ill. Adm. Code 103.204(a). Upon completing service, we will file a notice of service with the Board.

Given that status hearings in matters before the Board are routinely set even before service is effectuated, Complainant does not perceive there to be a procedural issue with proceeding with the September 28, 2023 setting.

Thank you,

Natalie A. Long  
Assistant Attorney General  
Environmental Bureau/Springfield  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62701  
mobile: 217-843-0572  
fax: 217-524-7740  
[Natalie.Long@ilag.gov](mailto:Natalie.Long@ilag.gov)

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**From:** Dylan P. Grady <dgrady@bhslaw.com>  
**Sent:** Friday, September 8, 2023 10:52 AM  
**To:** Mims, Barbara <Barbara.Mims@illinois.gov>; Long, Natalie <Natalie.Long@ilag.gov>  
**Cc:** Webb, Carol <Carol.Webb@illinois.gov>; pcb.clerks@illinois.gov  
**Subject:** [EXTERNAL] RE: Official Service: PCB 2024-017, People of the State of Illinois v. Crystal Cold, LLC, 09/07/23 Board Order

All,

I again must object to this Order and the jurisdiction of the Pollution Control Board. This matter DOES NOT meet the procedural rules of the Pollution Control Board and the Attorney General's Office has not properly served or obtained jurisdiction over Crystal Cold.

Both 35 Ill. Adm. Code 101.304(c)(2) and 35 Ill. Adm. Code 103.204(a) require that in order to commence an enforcement proceeding service of a notice and the complaint must occur by either 1) personal service; 2) U.S. Mail with recipient's signature recorded; or 3) a third-party commercial

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carrier with recipient's signature recorded. Nor has the Attorney General's Office complied with 35 Ill. Adm. Code 101.304(d).

Because no service has occurred Crystal Cold does not have any duty to answer the Complaint nor can the Pollution Control Board take any action against it. In addition, although I may represent Crystal Cold in this matter, I have not filed an appearance on their behalf and have not consented to any service.

Thanks,

Dylan

Dylan P. Grady  
**Brown, Hay + Stephens, LLP**  
217.544.8491 (o) |



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**From:** Mims, Barbara <[Barbara.Mims@illinois.gov](mailto:Barbara.Mims@illinois.gov)>

**Sent:** Friday, September 8, 2023 8:48 AM

**To:** Claire A. Manning <[cmanning@bhslaw.com](mailto:cmanning@bhslaw.com)>; Dylan P. Grady <[dgrady@bhslaw.com](mailto:dgrady@bhslaw.com)>

**Subject:** Official Service: PCB 2024-017, People of the State of Illinois v. Crystal Cold, LLC, 09/07/23 Board Order

By this e-mail, the Illinois Pollution Control Board serves you with the attached Board Order of September 7, 2023.

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