

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,)

Complainant,)

v.)

ANTHONY FUNARO, Jr.)

Respondent.)

AC 04-15

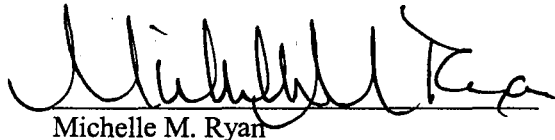
(IEPA No. 506-03-AC)

NOTICE OF FILING

To: Anthony Funaro, Jr.
313 W. McHanev Street
Harrisburg, Illinois 62946

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.

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

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

Dated: November 10, 2003

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MOTION TO DISMISS
ADMINISTRATIVE CITATION

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

- (1) On September 23, 2003, the Illinois EPA issued an Administrative Citation to Respondent Anthony Funaro, Jr., based on an inspection conducted on August 22, 2003.
- (2) On October 9, 2003, the Administrative Citation was sent back to the Illinois EPA from the United States Postal Service, as unclaimed.
- (3) On October 10, 2003 Kent Johnson, Illinois EPA Inspector hand-delivered the Administrative Citation package to the Saline County Sheriff's Department for personal service on Mr. Funaro. Service was unsuccessful.

(4) Because Anthony Funaro, Jr. was not 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 against Anthony Funaro, Jr.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: November 10, 2003



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
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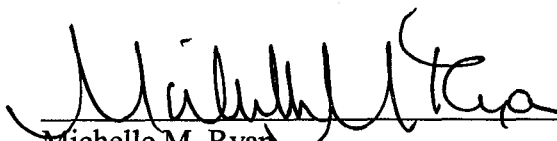
PROOF OF SERVICE

I hereby certify that I did on the 10th day of November, 2003, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box the following instrument(s) entitled MOTION TO DISMISS

To: Anthony Funaro , Jr.
313 W. McHaney Street
Harrisburg, Illinois 62946

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail with postage thereon fully prepaid.

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


Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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