

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 18 2005

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Complainant,)

v.)

LANDERS' CHILDREN FAMILY, LLC,)
and RAY LANDERS,)

Respondents.)

AC 05-49

(IEPA No. 685-04-AC)

NOTICE OF FILING

To: Landers' Children Family, LLC
Jennifer R. Chance, Reg. Agent and Manager
200 North Street
Auburn, Illinois 62615

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,


James M. Kropid
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: February 16, 2005

FEB 18 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
LANDERS' CHILDREN FAMILY, LLC,)
and RAY LANDERS,)
))
Respondents.)

AC 0549
(IEPA No. 685-04-AC)

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 James M. Kropid, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

(1) On January 26, 2005, the Illinois EPA issued an Administrative Citation to Respondent, Landers' Children Family, LLC, based on an inspection conducted on December 1, 2004.

(2) On January 27, 2005, Steve Townsend, Illinois EPA Inspector tried to hand-deliver the Administrative Citation for personal service on Respondent, Landers' Children Family, LLC. Service was unsuccessful.

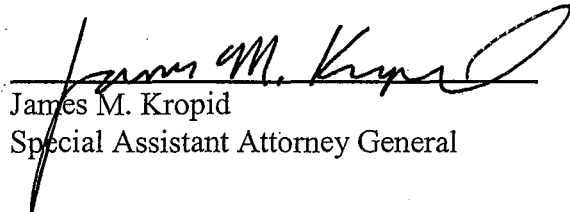
(3) On February 15, 2005, the Administrative Citation that was mailed to Respondent by Certified Mail, was sent back to the Illinois EPA from the United States Postal Service, as unclaimed.

(4) Because Landers' Children Family, LLC was not timely served within 60 days as required by 415 ILCS 5/31.1(b), this Administrative Citation against Respondent, Landers' Children Family, LLC should be dismissed.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Landers Children Family, LLC.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: February 16, 2005


James M. Kropid
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
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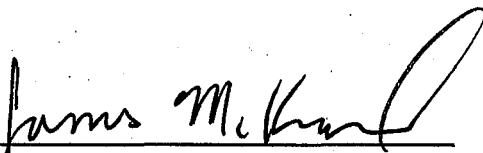
PROOF OF SERVICE

I hereby certify that I did on the 16th day of February, 2005, 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

To: Landers' Children Family, LLC
Jennifer R. Chance, Reg. Agent and Manager
200 North Street
Auburn, Illinois 62615

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



James M. Kropid
Special Assistant Attorney General

Illinois Environmental Protection Agency
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