

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 23 2005

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
RAY LOGSDON ESTATE, LOGSDON )  
SAND and GRAVEL, and M.K. O'HARA )  
CONSTRUCTION, INC., )  
 )  
Respondents. )

AC 05-54

(IEPA No. 33-05-AC)

NOTICE OF FILING

To: Ray Logsdon Estate  
c/o John Logsdon  
617 W. Main Street  
Beardstown, Illinois 62618

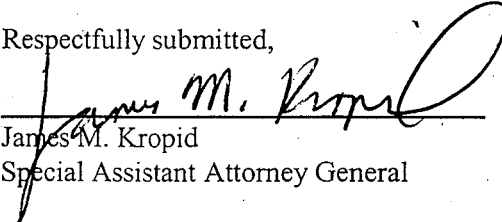
Logsdon Sand and Gravel  
300 W. Main Street  
P.O. Box 319  
Beardstown, Illinois 62618

M.K. O'Hara Construction, Inc.  
c/o Madalyn O'Hara, President  
U.S. Highway 67 South  
R.R. #2, Box 104  
Beardstown, Illinois 62618

Craig Myers, Registered Agent  
M.K. O'Hara Construction, Inc.  
900 E. 15<sup>th</sup> Street, P.O. Box 139  
Beardstown, Illinois 62618

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 RESPONDENT RAY LOGSDON ESTATE.

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: March 14, 2005

ADMINISTRATIVE CITATION

MAR 23 2005

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )

Complainant, )

AC 05-54

v. )

(IEPA No. 33-05-AC)

RAY LOGSDON ESTATE, LOGSDON )  
SAND and GRAVEL, and M.K. O'HARA )  
CONSTRUCTION, INC., )

Respondents. )

MOTION TO DISMISS RESPONDENT RAY LOGSDON ESTATE

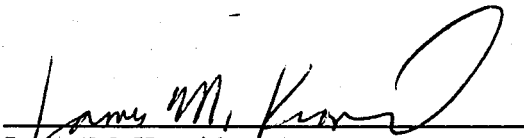
NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Special Assistant Attorney General James M. Kropid, pursuant to 35 Ill. Adm. Code 101.500, and respectfully states as follows:

- (1) On February 8, 2005, the Illinois EPA issued an Administrative Citation to the above named Respondents, based on an inspection conducted on December 15, 2004.
- (2) On February 9, 2005, service was made on Respondent Ray Logsdon Estate.
- (3) At the time the Administrative Citation was issued, the Illinois EPA believed that the Ray Logsdon Estate was involved with the ownership of the site that is the subject of this Citation.
- (4) The Illinois EPA has since learned that the Ray Logsdon Estate was closed on December 29, 1978, and that all estate property and assets have been transferred to Logsdon Sand and Gravel.
- (5) It is the belief of the Illinois EPA that the Ray Logsdon Estate is no longer involved with this matter.

WHEREFORE, the Illinois Environmental Protection Agency requests that the Board dismiss the pending action against Respondent Ray Logsdon Estate.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant,

DATED: March 14, 2005

  
\_\_\_\_\_  
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

**PROOF OF SERVICE**

I hereby certify that I did on the 14th day of March, 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 RESPONDENT RAY LOGSDON ESTATE

To: Ray Logsdon Estate  
c/o John Logsdon  
617 W. Main Street  
Beardstown, Illinois 62618

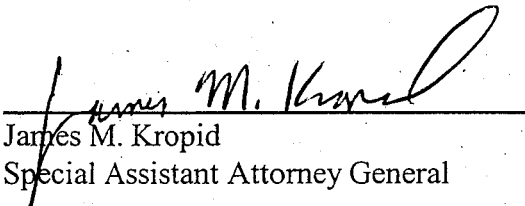
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900 E. 15<sup>th</sup> Street, P.O. Box 139  
Beardstown, Illinois 62618

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