

APR 11 2005

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 KEN EDWARDS, )  
 )  
 )  
 )  
 )  
 )  
 Respondent. )

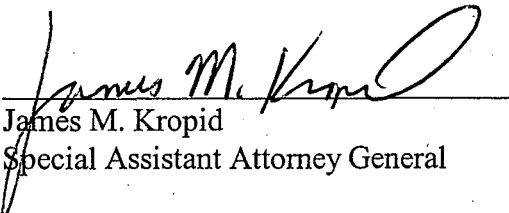
AC 05-60  
 (IEPA No. 52-05-AC)

**NOTICE OF FILING**

To: Ken Edwards  
 3655 Edwardsville Road  
 Edwardsville, IL 62025

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: April 7, 2005

**APR 11 2005**

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
)   
Complainant, )  
)   
v. )  
)   
KEN EDWARDS, )  
)   
Respondent. )

AC 05-60

(IEPA No. 52-05-AC)

MOTION TO DISMISS  
ADMINISTRATIVE CITATION

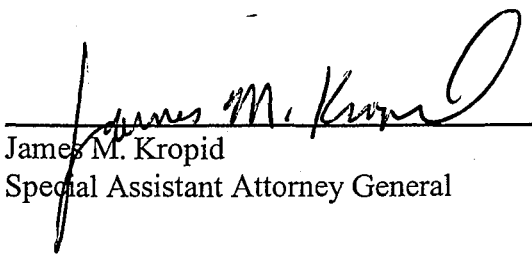
NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Special Assistant Attorney General James M. Kropid, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

- (1) On March 14, 2005, the Illinois EPA issued an Administrative Citation to Respondent Ken Edwards, based on an inspection conducted on January 24, 2005.
- (2) On April 7, 2005, the Administrative Citation was sent back to the Illinois EPA from the United States Postal Service, as unclaimed.
- (3) Because Ken Edwards 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 Ken Edwards.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,  
Complainant,

DATED: April 7, 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

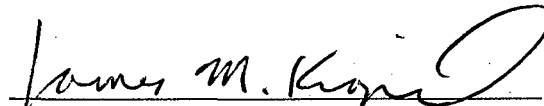
## PROOF OF SERVICE

I hereby certify that I did on the 7th day of April, 2005, send by U.S. Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box the following instrument(s) entitled  
MOTION TO DISMISS

To: Ken Edwards  
3655 Edwardsville Road  
Edwardsville, IL 62025

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