

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
ALLEN NOLTENSMEIER,)
)
Respondent.)

AC *06-15*
(IEPA No. 411-05-AC)

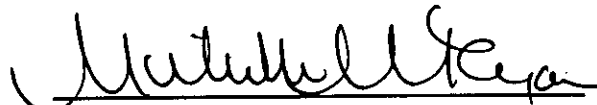
RECEIVED
CLERK'S OFFICE
DEC 12 2005
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: Allen Noltensmeier
1027 County Road 200N
Chandlerville, Illinois 62627

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: December 9, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

DEC 12 2005

STATE OF ILLINOIS
Pollution Control Board

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AC 06-15
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MOTION TO DISMISS
ADMINISTRATIVE CITATION

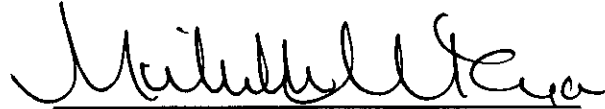
NOW COMES the Complainant, the Illinois Environmental Protection Agency ("Illinois EPA"), by and through its attorney, Special Assistant Attorney General Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.402, and respectfully states as follows:

- (1) On October 25, 2005, the Illinois EPA issued an Administrative Citation to Respondent Allen Noltensmeier, based on an inspection conducted on September 29, 2005.
- (2) On November 29, 2005, the Illinois EPA received the Administrative Citation back from the United States Postal Service, as unclaimed.
- (3) Because Allen Noltensmeier 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 Allen Noltensmeier.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant,

DATED: December 9, 2005



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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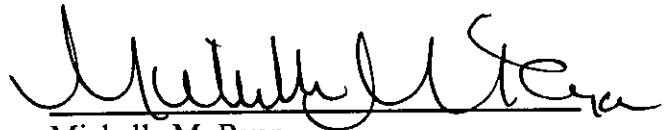
PROOF OF SERVICE

I hereby certify that I did on the 9th day of December, 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: Allen Noltensmeier
1027 County Road 200N
Chandlerville, Illinois 62627

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



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
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